

Institutional Mechanisms for Combating Corruption in Public Procurement in Algeria

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Abstract:

Corruption in the field of public procurement is considered one of the most significant challenges facing contracting authorities, as it leads, on the one hand, to the selection of contractors with poor qualifications and inadequate competence compared to other bidders, and, on the other hand, to the depletion of public funds. To prevent the consequences arising from corruption in public procurement, the Algerian legislator, through the Law on the Prevention and Combating of Corruption, has established a set of institutional mechanisms to combat corruption in this field. These include the High Authority for Transparency, Prevention and Combating of Corruption, and the Central Office for the Suppression of Corruption.

Keywords: Corruption; Public Procurement; Mechanisms; Contracting Authority.

Introduction

Corruption in the field of public procurement in Algeria is considered one of the most significant challenges facing contracting authorities. On the one hand, it leads to the selection of contractors with poor qualifications and inadequate competence compared to other bidders, which negatively affects the implementation process and, consequently, the regular and uninterrupted functioning of public services. On the other hand, it results in the depletion of public funds, as public procurement contracts are financed by the public treasury. Accordingly, the improper selection of a contractor due to corruption causes the contracting authority to fail in achieving the intended objectives of the public procurement contract, compelling it either to conclude another public procurement contract to achieve the same objective or to complete the objectives that the previous contract failed to accomplish.

Corruption may affect the preparation of the terms of reference by including discriminatory conditions that are met only by one bidder, thereby leading to that bidder's selection, even though such conditions do not serve the public interest in any way. Corruption may also taint the award of the public procurement contract,¹ either through the disclosure to one bidder of the minimum proposed contract amount, which is supposed to remain confidential, or through the award of the contract without complying with the rules and provisions stipulated in the Public Procurement Law or without adhering to the criteria specified in the terms of reference. Finally, corruption may occur during the conclusion of an amendment to the public procurement

¹ Law No. 23-12 of 5 August 2023 establishing the general rules governing public procurement, Official Gazette (O.G.), No. 51, issued on 6 August 2023.

contract, either by including requests that are unrelated to the original contract or by circumventing competition on the grounds that the amendment is not subject to publication, since it is a contractual document ancillary to the original contract.

This study is of considerable importance, particularly because public procurement contracts consume a substantial portion of public treasury funds. This prompts an examination of the effectiveness of the institutional mechanisms introduced by the Algerian legislator through Law No. 06-01 on the Prevention and Combating of Corruption.¹

From a practical perspective, this study aims to identify the institutional mechanisms established by the Algerian legislator to combat corruption in the field of public procurement. From a scientific perspective, it seeks to shed light on the legal provisions governing these mechanisms and to analyze them in order to highlight their strengths, identify their shortcomings, and propose appropriate solutions.

To achieve the objectives of this study, the following main research question was formulated: To what extent are the institutional mechanisms established by the Algerian legislator effective in combating corruption in the field of public procurement so as to ensure the protection of public funds?

This main question gives rise to the following sub-questions:

1. To what extent is the High Authority for Transparency, Prevention and Combating of Corruption effective in combating corruption in the field of public procurement?
2. To what extent is the Central Office for the Suppression of Corruption effective in combating corruption in the field of public procurement?

To answer these questions, both the descriptive and analytical methods were adopted. The descriptive method was used to identify the various institutional mechanisms established by the Algerian legislator to combat corruption in the field of public procurement, while the analytical method was employed to analyze the legal provisions governing these mechanisms in order to highlight their strengths, evaluate their positive aspects, identify their shortcomings, and, at the same time, propose appropriate solutions.

Accordingly, the first section examines the High Authority for Transparency, Prevention and Combating of Corruption, while the second section is devoted to the study of the Central Office for the Suppression of Corruption.

Section One: The High Authority for Transparency, Prevention and Combating of Corruption

The High Authority was established pursuant to the 2020² Constitutional Amendment. It replaced the National Authority for the Prevention and Combating of Corruption, which had been established under the 2016³ Constitutional Amendment. Article 204 of the 2020 Constitutional Amendment designates it as an independent institution. Consequently, it is no longer an administrative authority subordinate to the executive branch, as was the case with the

¹ Law No. 06-01 of 20 February 2006 on the Prevention and Combating of Corruption, as amended and supplemented, Official Gazette (O.G.), No. 14, issued on 8 March 2006

² Presidential Decree No. 20-442 of 30 December 2020 concerning the promulgation of the Constitutional Amendment approved by the referendum of 1 November 2020, Official Gazette (O.G.), No. 82, issued on 30 December 2020.

³ Law No. 16-01 of 6 March 2016 concerning the Constitutional Amendment, Official Gazette (O.G.), No. 14, issued on 7 March 2016.

National Authority for the Prevention and Combating of Corruption, which merely functioned as an administrative body placed under the authority of the President of the Republic.¹

The High Authority for Transparency, Prevention and Combating of Corruption may be defined as an independent constitutional oversight institution entrusted with promoting transparency in public life and preventing and combating corruption.²

From the foregoing, it may be observed that the constitutional framers sought to strengthen and grant full independence to the High Authority for Transparency, Prevention and Combating of Corruption. On the one hand, they abandoned the approach of considering the High Authority merely as an administrative body placed under the authority of the President of the Republic. On the other hand, they entrusted the regulation of its organization, composition, and powers to legislation, whereas these matters relating to the National Authority for the Prevention and Combating of Corruption had previously been governed by regulations.³ In this regard, the author considers that it would have been more appropriate for the constitutional framers to have referred the organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption to an organic law, as they did with the Court of Accounts.⁴ Accordingly, this study will first examine the composition and organization of the High Authority under Law No. 22-08⁵, which determines the organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption, before addressing its powers.

First Requirement: The Composition of the High Authority for Transparency, Prevention and Combating of Corruption

Prior to the establishment of the High Authority for Transparency, Prevention and Combating of Corruption, the National Authority for the Prevention and Combating of Corruption consisted of a president and six (06) members appointed by the President of the Republic through a presidential decree for a renewable term of five (05) years, renewable once, in accordance with Article 5 of Presidential Decree No. 06-413, which determines the composition, organization, and operating procedures of the National Authority for the Prevention and Combating of Corruption.⁶ The method of appointing the members of the National Authority for the Prevention and Combating of Corruption was fully consistent with its nature, given that it was placed under the authority of the President of the Republic. This arrangement affected its independence and hindered the performance of its functions. Under this appointment system, the President of the Republic could exert pressure on its members, influence and direct their activities against political opponents, while overlooking the actions of his allies and associates, particularly in light of the possibility of renewing their terms of

¹ See Article 202 of the 2016 Constitutional Amendment.

² Gharbi, Ahsen. The High Authority for Transparency, Prevention and Combating of Corruption under the 2020 Constitutional Amendment. *Abhath Journal*, Vol. 6, No. 1, 2021, p. 692.

³ See the last paragraph of Article 205 of the 2020 Constitutional Amendment.

⁴ See the last paragraph of Article 199 of the 2020 Constitutional Amendment.

⁵ Law No. 22-08 of 5 May 2022 determining the organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption, *Official Gazette (O.G.)*, No. 32, issued on 14 May 2022.

⁶ Presidential Decree No. 06-413 of 22 November 2006 determining the composition, organization, and operating procedures of the National Authority for the Prevention and Combating of Corruption, *Official Gazette (O.G.)*, No. 74, issued on 22 November 2006.

office.¹ By contrast, the High Authority for Transparency, Prevention and Combating of Corruption consists of the President of the High Authority and the High Authority Council, which is chaired by the President of the High Authority. The Council is composed of the following members:²

1. Three members selected by the President of the Republic from among independent national figures.
2. Three judges: one from the Supreme Court, one from the Council of State, and one from the Court of Accounts, selected respectively by the High Council of the Judiciary, the Council of Judges of the Council of State, and the Council of Judges of the Court of Accounts.
3. Three independent personalities selected, on the basis of their competence in financial and/or legal matters, as well as their integrity and expertise in the field of corruption prevention and combating, respectively, by the President of the Council of the Nation, the President of the People's National Assembly, and the Prime Minister or the Head of Government, as the case may be.
4. Three representatives of civil society, selected from among persons known for their interest in issues relating to the prevention and combating of corruption, by the President of the National Observatory for Civil Society.

From the foregoing, it is evident that the composition of the High Authority for Transparency, Prevention and Combating of Corruption is characterized by diversity, which is consistent with its legal nature as an independent institution. It is also apparent that the influence of the President of the Republic over this institution has been reduced by limiting the number of members selected by him to three, in addition to the President of the High Authority, out of a total of twelve members. This reflects the legislator's commitment to reinforcing the independence of this institution. The author considers that the method most consistent with the legal nature of this Authority would be the election of its members, as well as the election of its President by the members themselves, in order to ensure the Authority's complete independence.³ In order to ensure the competence of the High Authority for Transparency, Prevention and Combating of Corruption, the law requires that six of its members possess expertise in the field of corruption prevention and combating. However, it would have been preferable for this specialization requirement to apply to all members, particularly the President of the High Authority and the judicial members. It would also have been preferable to stipulate that membership in the High Authority is incompatible with any elective mandate, public office,

¹ Bouchareb, Ahmed. Legal and Institutional Mechanisms for the Prevention and Combating of Corruption in the Field of Public Procurement. *Professor-Researcher Journal of Legal and Political Studies*, Vol. 1, No. 7, September 2017, p. 363.

² See Article 23 of Law No. 22-08 determining the organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption.

³ Amiri, Ahmed. Promoting Integrity in Public Life and Strengthening the Principles of Transparency under the 2020 Constitutional Amendment: The High Authority for Transparency, Prevention and Combating of Corruption as a Model. *Journal of Research in Law and Political Science*, Vol. 7, No. 1, 2021, p. 67.

or other professional activity, as is the case for the President of the High Authority, so that all members may perform their duties free from any external pressure.¹

To safeguard the independence of the members of the High Authority for Transparency, Prevention and Combating of Corruption, the law provides that any decision to terminate a member's status must be adopted by an absolute majority of the members of the Council.² It also limits membership to a single five-year term that is not renewable, thereby ensuring that members perform their functions without being subjected to pressure from the authorities that appointed or elected them and remain fully independent in the exercise of their duties.³

The independence of the members of the High Authority for Transparency, Prevention and Combating of Corruption also requires the legal regulation of cases of incompatibility with membership, as well as guarantees of their impartiality, in the same manner as those applicable to the President of the High Authority. Such cases of incompatibility should include all administrative and governmental positions, liberal professions, and any economic activity. They should also extend to membership in elected bodies, whether at the national or local level. Furthermore, the rules on incompatibility should apply to the member's ascendants and descendants up to the fourth degree of kinship. This would ensure that members are fully dedicated to their new responsibilities and are able to perform their duties in the field of combating corruption with complete impartiality and independence.⁴

Second Requirement: The Functions and Powers of the High Authority for Transparency, Prevention and Combating of Corruption

Pursuant to Article 205 of the 2020 Constitutional Amendment and Law No. 22-08, which determines the organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption, the functions and powers of the High Authority may be classified into three categories. The first relates to its supervisory functions, the second concerns its advisory powers, and the third pertains to its awareness-raising functions.

First Branch: The Supervisory Functions of the High Authority for Transparency, Prevention and Combating of Corruption: These functions include the following:

1. Direct communication with the judicial authorities and the Court of Accounts: This is achieved by referring matters to the judicial authorities and the Court of Accounts whenever the High Authority detects facts that may constitute criminal offences.⁵
2. Investigating indications of illicit enrichment of public officials: The High Authority is entrusted with conducting administrative and financial investigations into indications of

¹ Mazighi, Nawal. The Legal Framework of the High Authority for Transparency, Prevention and Combating of Corruption under Law No. 22-08. Research and Legal and Political Studies Circle, Vol. 7, No. 2, Algeria, 2023, p. 517.

² See the last paragraph of Article 26 of Law No. 22-08 determining the organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption.

³ See Article 24 of Law No. 22-08 determining the organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption.

⁴ Gharbi, Ahsen. Op. cit., p. 697.

⁵ See the third paragraph of Article 205 of the 2020 Constitutional Amendment, and Article 12 of Law No. 22-08 determining the organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption.

illicit enrichment involving any public official who is unable to justify a substantial increase in his or her assets.¹

In this regard, it should be noted that the High Authority may seek the assistance of the Public Prosecution Service in gathering evidence and investigating acts related to corruption.² It should also be emphasized that the members of the High Authority for Transparency, Prevention and Combating of Corruption do not possess the status of judicial police officers. Consequently, they must rely on the Public Prosecution Service to conduct the investigations and inquiries necessary to uncover acts of corruption. In the author's view, it would have been more appropriate for the constitutional framers to confer judicial police powers upon the members of the High Authority.³

3. The power to issue recommendations and orders: The High Authority may issue recommendations to assist public bodies, public institutions, and local authorities in adopting appropriate measures and procedures to ensure compliance with transparency regulations and the prevention and combating of corruption.⁴

The High Authority also issues recommendations whenever it identifies violations affecting the quality and effectiveness of the procedures implemented within public bodies, public administrations, associations, and institutions concerning the prevention and detection of acts of corruption. These recommendations are intended to ensure that the necessary measures are taken to put an end to such violations within the time limit specified by the High Authority.⁵

With regard to orders, the High Authority may, where it finds that a person concerned has delayed submitting declarations, or where such declarations are incomplete, inaccurate, or where the person has failed to respond to a request for clarification, issue orders requiring that person to remedy the identified shortcomings.⁶

Furthermore, in cases of urgency, the President of the High Authority may issue the same orders to the body or institution concerned, in accordance with the procedures outlined above.⁷

Second Branch: The Advisory Powers of the High Authority for Transparency, Prevention and Combating of Corruption: These powers consist of a number of advisory functions, including the following:

¹ See Articles 05 and 11 of Law No. 22-08 determining the organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption.

² See the seventh paragraph of Article 20 of Law No. 06-01 on the Prevention and Combating of Corruption.

³ Heltali, Ahmed. Law No. 22-08 Establishing the High Authority for Transparency, Prevention and Combating of Corruption: What Change and What Value? *Journal of Legal Studies and Research*, Vol. 8, No. 1, Algeria, 2023, p. 352.

⁴ See Articles 07 and 08 of Law No. 22-08 determining the organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption. See also Article 28 of the Rules of Procedure of the High Authority for Transparency, Prevention and Combating of Corruption, approved by the Council of the High Authority during its third ordinary session held on 21 October 2025, *Official Gazette (O.G.)*, No. 01, issued on 8 January 2026.

⁵ See Article 09 of Law No. 22-08 determining the organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption.

⁶ See the first paragraph of Article 10 of Law No. 22-08 determining the organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption.

⁷ Derraji, Salah, & Khalifa, Mohamed. An Analytical and Critical Reading of the Law Organizing the High Authority for Transparency, Prevention and Combating of Corruption. *Critical Journal of Law and Political Science*, Vol. 18, No. 1, Algeria, 2023, p. 382.

1. Providing opinions on legal texts related to its field of competence¹. It is evident from the wording of the relevant provision that such opinions are merely advisory and are therefore not legally binding.

However, it should be noted that the constitutional framers did not specify the authority to which these opinions should be addressed, particularly in light of the complete independence granted to the High Authority for Transparency, Prevention and Combating of Corruption from the executive branch. Previously, the National Authority for the Prevention and Combating of Corruption submitted its recommendations and opinions to the President of the Republic.² Therefore, the author believes that the opinions of the High Authority should be submitted to the Constitutional Court for examination and for the assessment of the constitutionality of legal provisions relating to the fight against corruption, given that it is the institution vested with the power to review the constitutionality of legislation.

2. Periodically evaluating the legal instruments relating to transparency and the prevention and combating of corruption, as well as the administrative measures adopted in this field and their effectiveness, and proposing appropriate mechanisms for their improvement.³
3. Collecting, centralizing, processing, and disseminating any information and recommendations that may assist public administrations and any natural or legal person in preventing and detecting acts of corruption.

Third Branch: The Awareness-Raising Functions of the High Authority for Transparency, Prevention and Combating of Corruption

1. Developing a national strategy for transparency and the prevention and combating of corruption,⁴ and overseeing its implementation and follow-up. It should be noted that the 2016 Constitutional Amendment did not confer upon the National Authority for the Prevention and Combating of Corruption the power to formulate such a strategy; rather, it merely entrusted it with the task of proposing the strategy to the President of the Republic.
2. Establishing an interactive network aimed at involving civil society and coordinating and promoting its activities in the field of transparency and the prevention and combating of corruption.⁵
3. Monitoring, implementing, and promoting a culture of transparency and the prevention and combating of corruption.
4. Participating in the training of personnel serving in bodies responsible for transparency and the prevention and combating of corruption.⁶

¹ See the sixth paragraph of Article 205 of the 2020 Constitutional Amendment.

² See paragraph 07 of Article 29 of Law No. 22-08 determining the organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption.

³ See paragraph 02 of Article 04 of Law No. 22-08 determining the organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption.

⁴ See the first paragraph of Article 205 of the 2020 Constitutional Amendment.

⁵ See paragraph 05 of Article 04 of Law No. 22-08 determining the organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption.

⁶ See the seventh paragraph of Article 205 of the 2020 Constitutional Amendment.

5. Contributing to the promotion of integrity in public life and strengthening the principles of transparency, good governance, and the prevention and combating of corruption.¹

In conclusion, it may be observed from the foregoing that the constitutional framers did not elevate the High Authority for Transparency, Prevention and Combating of Corruption to the level required to enable it to perform its functions effectively. Although it was granted full independence from the executive branch and was incorporated into the chapter relating to oversight institutions, after the National Authority for the Prevention and Combating of Corruption had previously been placed within the chapter on advisory institutions, it was not provided with the necessary mechanisms to effectively carry out its functions.

Section Two: The Central Office for the Suppression of Corruption: The Central Office for the Suppression of Corruption was established pursuant to Article 24 bis ²of Law No. 06-01 on the Prevention and Combating of Corruption, which delegated the regulation of its composition, organization, and operating procedures to subordinate legislation. In implementation of this provision, Presidential Decree No. 11-426 of 8 December 2011, as amended and supplemented, was issued to determine the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption.³

The Central Office for the Suppression of Corruption is defined as a central operational judicial police service entrusted with investigating and establishing offences within the framework of combating corruption⁴. It is placed under the authority of the Minister of Justice⁵ and enjoys independence in the conduct and management of its activities. For a more detailed examination of the Central Office for the Suppression of Corruption, this study will first address its composition and organizational structure, then examine its powers, and finally discuss its operating procedures.

First Requirement: The Composition and Organization of the Central Office for the Suppression of Corruption

This section first examines the composition of the Office, followed by its organizational structure.

First Branch: The Composition of the Central Office for the Suppression of Corruption

¹ See the eighth paragraph of Article 205 of the 2020 Constitutional Amendment.

² This article was introduced pursuant to Order No. 10-05 of 26 August 2010 supplementing Law No. 06-01 on the Prevention and Combating of Corruption, Official Gazette (O.G.), No. 50, issued on 1 September 2010.

³ Presidential Decree No. 11-426 of 8 December 2011 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption, as amended and supplemented, Official Gazette (O.G.), No. 68, issued on 14 December 2011.

⁴ See Article 02 of Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption, as amended and supplemented.

⁵ See Article 03 of Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption, as amended by Presidential Decree No. 14-209 of 23 July 2014 amending Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption, Official Gazette (O.G.), No. 46, issued on 31 July 2014.

The Central Office for the Suppression of Corruption is headed by a Director General appointed by presidential decree upon the proposal of the Minister of Justice¹. In addition to the Director General, the Office is composed of the following five categories:

1. The Office's personnel.
2. Judicial police officers and agents affiliated with the Ministry of National Defence. This category includes officers of the National Gendarmerie, non-commissioned officers and gendarmes who have served in the National Gendarmerie for at least three (03) years and who are appointed by a joint decision of the Minister of Justice and the Minister of National Defence, following the approval of a special committee. It also includes officers and non-commissioned officers of the military security services who are specifically appointed by a joint decision of the Minister of National Defence and the Minister of Justice.²
3. Judicial police officers and agents affiliated with the ministry responsible for the interior.

This category includes police commissioners and police officers of the National Security, as well as personnel belonging to the special corps of inspectors, police inspectors, and police officers of the National Security who have served in that capacity for at least three (03) years and who are appointed by a joint decision of the Minister of Justice and the Minister of the Interior and Local Authorities, following the approval of a special committee.³

4. Public officials with recognized expertise in the field of combating corruption. However, the regulatory framework does not specify the institutions to which these officials belong or the nature of the qualifications they are required to possess. Therefore, it would have been preferable for the Algerian regulatory authority to establish specific eligibility requirements and defined experience criteria, rather than leaving the matter unspecified.
5. Support staff made available to the Office by public administrations, public institutions, and public bodies. These are ordinary public employees whose services are required to manage the Office's administrative and financial affairs.⁴
6. Experts, consultancy firms, or institutions with recognized expertise in the field of combating corruption. The Office may seek the assistance of any expert, consultancy firm, or institution possessing established expertise in combating corruption.

It should be noted that, with respect to the first three categories, their number is determined by a joint decision of the Minister of Justice and the minister concerned.⁵ It should also be noted

¹ See Article 10 of Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption, as amended by Presidential Decree No. 14-209 amending Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption.

² See paragraphs two, four, and six of Article 23 of Law No. 25-14 of 3 August 2025 promulgating the Code of Criminal Procedure, Official Gazette (O.G.), No. 54, issued on 13 August 2025.

³ See paragraphs three and five of Article 23 of Law No. 25-14 promulgating the Code of Criminal Procedure.

⁴ See Article 09 of Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption.

⁵ See Article 08 of Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption, as amended by Presidential Decree No. 14-

that these personnel remain subject to the legislative and regulatory provisions, as well as the statutory rules, applicable to their respective positions.¹ A careful examination of the composition of the Central Office for the Suppression of Corruption reveals that it does not enjoy genuine independence in the performance of its functions, despite the fact that such independence is expressly provided for in Article 3 of Presidential Decree No. 11-426, as amended and supplemented, which determines the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption. This is because the Director General of the Office is appointed by the Minister of Justice and may be removed through the same procedure. Consequently, the Director General performs his duties under the pressure of preserving his position and may therefore be unable to make decisions that could displease the Minister of Justice and, by extension, the executive branch.² Moreover, the Office is composed of personnel who remain affiliated with their original administrations with respect to their career progression and remuneration, since the Office does not possess legal personality.³ As a result, these personnel continue to be subordinate to the executive branch. Furthermore, in the exercise of their duties, they are subject to the supervision and oversight of the judiciary, represented by the Public Prosecution Service. All of these factors undermine their independence in the performance of their functions.

Second Branch: The Organizational Structure of the Central Office for the Suppression of Corruption

The organizational structure of the Central Office for the Suppression of Corruption consists of the following:

1. The Director General: The position of Director General is provided for under Article 10 of Presidential Decree No. 11-426, as amended and supplemented, which determines the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption. The Director General is appointed by presidential decree upon the proposal of the Minister of Justice, and his or her term is terminated in the same manner, namely by presidential decree upon the proposal of the Minister of Justice.

The Director General is entrusted with the following functions:⁴

1. Preparing and implementing the Office's work program.
2. Preparing the draft internal organizational structure and internal rules of procedure of the Office.

209 amending Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption.

¹ See Article 07 of Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption.

² Othmani, Fatima, & Bourmani, Nabil. The Central Office for the Suppression of Corruption: A New Building Block for Strengthening the Fight Against Corruption. *Journal of the Research and Legal and Political Studies Circle*, No. 5, June 2018, p. 292.

³ Laouidji, Abdallah, & Ben Aissa, Nassira. The Central Office for the Suppression of Corruption. *Researcher Journal of Academic Studies*, Vol. 8, No. 2, 2021, p. 596.

⁴ See Article 14 of Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption, as amended by Presidential Decree No. 14-209 amending Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption.

3. Ensuring the proper functioning of the Office and coordinating the activities of its organizational units.
4. Developing cooperation and the exchange of information at both the national and international levels.
5. Exercising hierarchical authority over all Office personnel.
6. Preparing the Office's annual activity report and submitting it to the Minister of Justice.

2. The Office Secretariat: The Office Secretariat is headed by a Chief of Staff, assisted by five Directors of Studies. Its functions consist of coordinating and monitoring the activities of the various organizational units of the Office, under the authority of the Director General.¹

3. Directorates of Investigation: These directorates are responsible for conducting inquiries and investigations into corruption offences². They consist of the following three sub-directorates:³

1. The Sub-Directorate for Studies and Research, which comprises three offices: The Technical Expertise Office; The Documentation and Studies Office; The Statistics Office.

2. The Sub-Directorate for Judicial Investigations, which comprises three offices: The Judicial Identification Office; The Judicial Commissions Office; The Procedures and Referrals Office.

3. The Sub-Directorate for Cooperation and Coordination, which comprises three offices: The Judicial Cooperation Office; The Information Database Office; The Seized Assets Office.

4. Directorate of General Administration: This Directorate is responsible for the management of the Office's personnel and its financial and material resources. It consists of the following two sub-directorates:

4.1. The Sub-Directorate for Human Resources, which comprises three offices: The Office for the Management and Monitoring of the Office's Personnel and Staff Assigned to It; The Training, Examinations, and Competitions Office; The Organization, Legal Disputes, and Social Affairs Office.

4.2. The Sub-Directorate for Budget, Accounting, and Logistics, which comprises three offices: The Budget Estimates and Public Procurement Office; The Accounting and Budget Operations Office; The Logistics and Archives Office.

Second Requirement: The Functions and Operating Procedures of the Central Office for the Suppression of Corruption: This section first examines the powers of the Office, followed by its operating procedures.

First Branch: The Functions of the Central Office for the Suppression of Corruption

The functions of the Office are as follows:⁴

¹ See Articles 11, 12, and 15 of Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption, as amended and supplemented.

² See Article 16 of Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption, as amended and supplemented.

³ Order of the Minister of Finance of 10 February 2013 determining the internal organization of the Central Office for the Suppression of Corruption, Official Gazette (O.G.), No. 32, issued on 23 June 2013.

⁴ See Article 05 of Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption, as amended by Presidential Decree No. 23-69 of 7 February 2023 amending and supplementing Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption, Official Gazette (O.G.), No. 09, issued on 12 February 2023.

- Collecting, centralizing, and processing all information that may facilitate the detection and combating of acts of corruption.
- Collecting evidence, conducting investigations into acts of corruption, and referring the perpetrators to the competent judicial authorities.
- Tracing and identifying the location of the proceeds of corruption for the purpose of their seizure and freezing.
- Coordinating with national bodies responsible for combating corruption, money laundering, and fraud.
- Promoting cooperation, the exchange of information, and joint action with counterpart bodies at the international level within bilateral or multilateral frameworks.
- Enhancing the professional capacities and technical expertise of public officials serving within the Office.
- Proposing to the competent authorities any measures that may ensure the proper conduct of the investigations carried out by the Office.
- Submitting proposals and/or recommendations aimed at improving the performance of the national system for combating corruption and money laundering.
- After prior notification of the competent Public Prosecutor, the Office may recommend that the hierarchical authority adopt any precautionary administrative measure where a public official is suspected of involvement in acts related to corruption.¹

Second Branch: The Operating Procedures of the Central Office for the Suppression of Corruption

The judicial police officers and agents assigned to the Central Office for the Suppression of Corruption perform their duties in accordance with the Code of Criminal Procedure and the Law on the Prevention and Combating of Corruption.² Accordingly, they are required to comply with all the procedures, rules, and provisions laid down in these two laws, particularly those relating to judicial police functions. In this regard, the first paragraph of Article 24 bis 1 of Law No. 06-01 on the Prevention and Combating of Corruption provides that the offences stipulated under this law, commonly referred to as corruption offences, fall within the jurisdiction of courts with extended territorial jurisdiction, in accordance with the provisions of the Code of Criminal Procedure.

In this context, it should be noted that the second paragraph of Article 317 of the Code of Criminal Procedure expressly extends the territorial jurisdiction of the Public Prosecutor, the Investigating Judge, and the President of the National Economic and Financial Criminal Division with respect to the corruption offences provided for in Law No. 06-01 on the Prevention and Combating of Corruption, as well as offences related thereto.

Similarly, the last paragraph of Article 24 bis 1 of Law No. 06-01 on the Prevention and Combating of Corruption extends the territorial jurisdiction of the judicial police officers

¹ See Article 22 of Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption, as amended and supplemented.

² See Article 19 of Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption, as amended and supplemented, and paragraph two of Article 24 bis 1 of Law No. 06-01 on the Prevention and Combating of Corruption, as amended and supplemented.

assigned to the Central Office for the Suppression of Corruption to the entire national territory when conducting investigations and inquiries into corruption offences and related offences.

For the purpose of carrying out their functions and collecting information relating to corruption offences, the judicial police officers and agents assigned to the Central Office for the Suppression of Corruption may make use of all investigative measures provided for in the Code of Criminal Procedure. Furthermore, where necessary, the Office is authorized to seek the assistance of judicial police officers and agents belonging to other judicial police services.¹

The judicial police officers and agents assigned to the Office, as well as those belonging to other judicial police services, are required, whenever they participate in the same investigation, to cooperate continuously in the interest of justice. They must also share the common resources placed at their disposal and indicate in their procedural documents and official reports the contribution made by each of them to the conduct of the investigation.²

Conclusion

This paper demonstrates the importance of the institutional mechanisms established by the 2020 Constitutional Amendment and Law No. 06-01 on the Prevention and Combating of Corruption in safeguarding public funds, particularly in the field of public procurement, which accounts for the largest share of public expenditure.

The significance of these mechanisms is reflected in the findings of this study, which may be summarized as follows:

1. The High Authority for Transparency, Prevention and Combating of Corruption was established pursuant to the 2020 Constitutional Amendment, replacing the National Authority for the Prevention and Combating of Corruption established under the 2016 Constitutional Amendment. Article 204 of the 2020 Constitutional Amendment recognizes the High Authority as an independent institution. Consequently, it is no longer an administrative authority subordinate to the executive branch, as was the case with the National Authority for the Prevention and Combating of Corruption, which merely functioned as an administrative body placed under the authority of the President of the Republic.
2. It may be concluded that the constitutional framers sought to strengthen the status and ensure the full independence of the High Authority for Transparency, Prevention and Combating of Corruption. On the one hand, they abandoned the approach of treating the High Authority as a mere administrative body subordinate to the President of the Republic. On the other hand, they entrusted the regulation of its organization, composition, and powers to legislation, whereas these matters concerning the National Authority for the Prevention and Combating of Corruption had previously been governed by regulations.
3. An examination of the composition of the Central Office for the Suppression of Corruption indicates that it does not enjoy genuine independence in the performance of its functions, despite the express provision of such independence in Article 3 of

¹ See Article 20 of Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption, as amended and supplemented.

² See Article 21 of Presidential Decree No. 11-426 determining the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption, as amended and supplemented.

Presidential Decree No. 11-426, as amended and supplemented, which governs the composition, organization, and operating procedures of the Central Office for the Suppression of Corruption. This is because the Director General is appointed by the Minister of Justice and his or her term is terminated in the same manner. Consequently, the Director General performs his or her duties under the pressure of preserving the position and may therefore be unable to make decisions that could displease the Minister of Justice and, by extension, the executive branch.

Although the efforts of the Algerian legislator to combat corruption in the field of public procurement are commendable, a fundamental issue remains. The constitutional framers granted the High Authority for Transparency, Prevention and Combating of Corruption the power to provide opinions on legal texts related to its field of competence without specifying the authority to which such opinions should be addressed. This issue is particularly significant in light of the High Authority's complete independence from the executive branch, especially since the former National Authority for the Prevention and Combating of Corruption submitted its recommendations and opinions directly to the President of the Republic.

In order to contribute to strengthening the High Authority for Transparency, Prevention and Combating of Corruption, the author proposes the following recommendations to the constitutional framers:

1. The organization, composition, and powers of the High Authority for Transparency, Prevention and Combating of Corruption should be governed by an organic law rather than an ordinary law, as is the case with the Constitutional Court and the Court of Accounts.
2. The members of the High Authority for Transparency, Prevention and Combating of Corruption should be elected, as this method is more consistent with the legal nature of the Authority and would ensure its full independence.
3. The composition of the High Authority for Transparency, Prevention and Combating of Corruption, together with the conditions for membership, should be expressly provided for in the Constitution, following the model adopted for the Constitutional Court, given that both are independent institutions separate from the executive branch.
4. The author considers that the opinions issued by the High Authority for Transparency, Prevention and Combating of Corruption should be referred to the Constitutional Court for examination and for the assessment of the constitutionality of legal provisions relating to the fight against corruption, since the Constitutional Court is the institution vested with the authority to review the constitutionality of legislation.

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