

Administrative Policy in Combating Organized Crime in Algeria

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Abstract:

Algeria stands out as a state to endorse agreements on transnational organized crime. Showing genuine commitment and resolute determination to execute its mission to prevent and fight such criminal activity eyeball-to-eyeball. This dedicated endeavor is complemented by collaborating with countries and international institutions; showcasing Algeria's contribution, in the global fight, against organized

crime.

This commitment is further illustrated through its incorporation of rules of such treaties into its legislation which includes establishing administrative structures in addition to security institutions at a national level.

Hence, in the current study, the aim is to analyze such groups. Whether they are being structured to meet counter operations in favor of combating organized crime and are primarily aligned in combating forms of organized crime activities

Keywords: Cooperation; Organized crime; Prevention; Security agencies

Introduction:

Organized crime, with all its ramified and diversified activities, seeks to control societies, undermine state sovereignty, and affect national and global economic and political institutions. Its growing danger has prompted the international community to further focus efforts on organized crime through strengthening international cooperation and harmonizing action against it. The primary reason for such efforts is to minimize the detrimental effects of organized crime to the lowest possible level.

Because of the transnational nature and serious threats of organized crime, most states have established administrative agencies that are tasked with combating various forms of criminal activity. These states have pursued a strategy that integrates administrative agencies into the combat against various forms of criminal activity, in accordance with international conventions that emphasize the need for administrative

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measures in addition to legislative and other regulatory mechanisms in order to combat effectively certain forms of criminal activity.

Algeria, one of the earliest signatory nations to international conventions on transnational organized crime, has declared its actual commitment and strong will to participate in the prevention and repression of these crimes with other countries and international bodies. Its expression is found in its national legal system with the incorporation of the provisions of these conventions, particularly on the creation of administrative bodies dealing with this mission, complementing national security bodies' mission.

This study aims to analyze the legal and institutional framework for combating transnational organized crime in Algeria, with a particular focus on the role of newly established administrative bodies in this field. It seeks to assess the effectiveness of these institutions in addressing the threats posed by organized crime, while also identifying structural deficiencies and proposing practical solutions to strengthen the national response to this phenomenon.

The significance of this study lies in its focus on a timely and sensitive issue that threatens national security as well as the social and economic stability of states. It also underscores the importance of evaluating the extent to which Algerian domestic legislation aligns with international obligations, and assessing the performance of administrative bodies tasked with combating organized crime. Furthermore, the study contributes by offering practical recommendations to policymakers aimed at developing public policies and enhancing international cooperation in this crucial area.

Accordingly, the study raises the following research question:

What administrative policy has the Algerian legislator adopted in the fight against organized crime? and to what extent are these administrative bodies effective within the framework of the state's overall strategy to combat organized crime?

To address this issue, an inferential method has been employed, involving an analytical and descriptive examination of the legal texts governing the administrative bodies responsible for combating organized crime. This study categorizes these administrative entities into two groups: the first comprises bodies tasked with countering activities that facilitate organized crime (First Section), while the second includes agencies directly involved in addressing criminal acts

committed within the context of organized crime (Second Section).

Chapter One: Administrative Bodies Combating Activities Facilitating Organized Crime

Various administrative authorities have their role to play in the fight against organized crime, utilizing the powers and competencies assigned to them by the legislator. This is evident from the corpus of relevant legal and regulatory measures, which are primarily aimed at safeguarding society against criminal activity that constitutes a foundation for organized criminal organizations, including money laundering, corruption, and the misuse of modern technology.

Section One: The Administrative Body Responsible for Combating Money Laundering

The United Nations Convention against Transnational Organized Crime urges State Parties to establish an effective domestic system for monitoring and supervision of banks, non-bank financial institutions, and other entities that are particularly susceptible to money laundering. It aims at discouraging and detecting all forms of financial transactions of this illicit activity and enhancing the capability of administrative authorities dedicated to money laundering combating. To this end, the Convention also requires the setting up of Financial Intelligence Units (FIUs) as national centers for the collection, analysis, and dissemination of information on suspected money laundering activities⁽¹⁾.

Subsection one: The Financial Intelligence Processing Unit

First: Establishment

Algeria established the Financial Intelligence Processing Unit (CTRF) in 2002, prior to Law No. 05-01 for prevention and fight against money laundering and financing of terrorism coming into force, which was enacted pursuant to Executive Decree No. 02-127.

On this point, Article 2 of the decree characterizes the CTRF as a public institution vested with legal personality and financial independence⁽²⁾. In addition, Law No. 05-01 characterizes it as an "independent administrative authority with legal personality and financial autonomy, subject to the Minister of Finance."⁽³⁾

Moreover, Article 3 of Executive Decree No. 08-275, which amends Decree No. 02-127, states that the CTRF consists of a council, a general secretariat, and administrative departments⁽⁴⁾. The council consists of seven members: the president, four members selected based on their



expertise in the banking, financial, and security sectors, and two judges appointed by the Minister of Justice on the recommendation of the High Council of the Judiciary⁽⁵⁾. The president and members hold office for a term of four years, renewable once. Apart from this, for effective enforcement of its mandate, the CTRF can hire the services of specialists and experts in fields related to the enforcement of its regulatory decree. It can also exchange information with foreign institutions on a reciprocal basis, thereby promoting global cooperation in the prevention of financial crimes⁽⁶⁾.

Second: Competences

Through Executive Decree No. 02-127, specifically Article 4, the CTRF is tasked with the responsibility of fighting money laundering and terrorist financing. As such, it has the following primary functions:

- Receipt of suspicious transaction reports regarding any transactions related to money laundering or terrorism financing by legally authorized persons and institutions.*
- Screening and analyzing suspicious transaction reports using appropriate methods and investigative processes.*
- Forwarding the relevant case files to the territorially competent Public Prosecutor whenever the facts found constitute criminal offenses subject to prosecution.*
- Proposing legislative or regulatory measures aimed at strengthening the fighting of money laundering and terrorist financing.*

Instituting preventive and detection measures to avoid all forms of money laundering and terrorism financing.

Further, the decree states that specifically the information the CTRF obtains is not to be used for purposes of money laundering and financing of terrorism beyond its mandate. What information it collects must be only as necessary in sharing it with the relevant authorities in order to achieve its mandate.

Similarly, Article 15 of Law No. 05-01 implements this principle by punishing the nonuse of revealed information for purposes outside the framework set down by law. Further, the decree also sets down an obligation of absolute professional secrecy upon CTRF members and any outside experts who might be assisting them, and they are required to keep things confidential even in relation to their initial administrative structures.

To ensure proper discharge of their duties, Article 13 of the decree



mandates the intervention of the state to provide protection to CTRF personnel against any form of threat, insult, or attack of whatever character that they may suffer by reason of the performance of their duties.

Third: International Cooperation

To recognize the transnational nature of organized crime, more particularly money laundering and terrorism financing, the Algerian legislator has granted the CTRF extensive powers in the field of international cooperation. This can be seen from Article 8 of Executive Decree No. 02-127, amended by Decree No. 08-275, which authorizes the CTRF to become a member of regional or international organizations that comprise financial intelligence units.

This legislative structure confirms Algeria's commitment to international collaboration against organized economic crime. This is also seen through Algeria's ratification and enforcement of other international conventions on the combat of money laundering and terrorist financing.

In this context, the CTRF is a cooperating body in global efforts by exchanging information with foreign institutions, monitoring international financial transactions, reporting to foreign governments, and analyzing data related to suspicious transactions that might be connected with money laundering and terrorism financing. Given that these crimes have no borders—most particularly in light of advancements in digital finance as well as technology developments—the role of the CTRF has become increasingly important.

Furthermore, Article 2 of Decree No. 08-275 strictly authorizes the CTRF to become a member of regional or international institutions specialized in financial intelligence exchange. In addition, Article 10 bis of the same decree mandates the CTRF Council to examine, within its agenda, the establishment of exchange and cooperation relations with all national and foreign institutions involved in the same area of activity.

As part of its international commitment to combat organized crime and corruption, Algeria is also a founding member of the Middle East and North Africa Financial Action Task Force, established on November 30, 2004, to coordinate efforts in combating money laundering and terrorist financing.

Article 7 of Decree No. 08-275, which amends Article 15 of the



original decree, provides that an office for specialized cooperation within the CTRF is established to address bilateral and multilateral relationships between foreign institutions engaged in financial intelligence activities.

The Egmont Group of Financial Intelligence Units is a global organization of the Central Ego Group. The main objective of this group is to enhance international liaison in the fight against money laundering and terrorist financing. The formalization of Algeria's membership took place during the General Assembly of the Egmont Group held in Johannesburg, South Africa from July 1 to July 5, 2013. The organization who had earlier accepted the Algeria's membership in a meeting were in Belgium in 2013⁽⁷⁾.

Subsection two: The Administrative Authority Responsible for Combating Corruption

To cut the links between corruption and other forms of crime, in particular transnational organized crime, the United Nations Convention against Corruption (UNCAC), in Article 6(1), stresses the need to have one or more anti-corruption bodies. The anti-corruption bodies are given the task to perform a number of functions in order to prevent corruption⁽⁸⁾.

Furthermore, the Convention stipulates that each State Party shall provide these bodies with the degree of independence, subject to the general principles of its domestic legal system, that is necessary to enable them to perform their functions effectively and free from undue influence. It also calls for these bodies to be provided with sufficient material resources, specialized personnel, and the training needed to discharge their responsibilities competently.

As Algeria is a State Party to this Convention, it has established the High Authority for Transparency, Prevention, and Combating of Corruption to fulfill these international obligations.

First: The Legal Framework of the High Authority for Transparency, Prevention, and Combating of Corruption

1. Legal Basis:

Algeria's legal and institutional framework for combating corruption is shaped in large extent by its commitments under the different international and regional conventions. Preeminent among these are the United Nations Convention against Corruption (UNCAC), the African Union Convention on Preventing and Combating

Corruption, and the Arab Convention against Corruption⁽⁹⁾. These conventions have had a significant influence on the legislative anti-corruption response in the country at the national level.

Algeria has enacted Law No. 06-01 on the prevention and repression of corruption and Ordinance No. 07-01 on regulating conflicts of interest in the exercise of certain functions. Presidential Decrees No. 06-414 and 06-415, making the declaration of assets by public agents obligatory, complete this framework as essential legal instruments in the country's anti-corruption effort⁽¹⁰⁾.

Anti-money laundering (AML) Terrorist financing (TF) are the two primary targets of this educational tool. The bank of Algeria's regulations are also in complete compliance with the set standards which are a great positive. We cannot deny that the degree of the procedures will be noticed in the system of corruption control more than ever before. The Central Bank of Algeria, which is not only reliable but also highly efficient in executing monetary policy and supervision, has lately improved its reputation thanks to the reform efforts of Bank of Algeria No. 12-03., let us remind the authorities that they need to take some theatrical measures first. Confirmed by all the aforementioned steps taken by the Algerian government- this policy totally demonstrates its will to integrate the financial sector prudent policies with the general international space. This will be a powerful means of stopping financial crimes and promoting financial soundness.

2. Establishment:

In its fight against corruption, particularly in the public administration, Algeria established cardinal oversight institutions by way of legislative reforms. Law No. 06-01 of 2006, as amended, initially tasked the National Body for the Prevention and Combating of Corruption (ONPLC) with this role. Anti-corruption oversight in Algeria, however, predated this institution, with the National Observatory for Monitoring and Preventing Bribery, which was created by Presidential Decree No. 96-233 of 1996⁽¹¹⁾.

In order to fight corruption, especially in public administration, Algeria has adopted certain oversight bodies that come through legislative reforms. The Law No. 06-01 of 2006, as amended, at the beginning placed the National Body for the Prevention and Combating of Corruption (ONPLC) in charge of this task. However, anti-corruption control in Algeria can trace its roots further back than that



- the National Observatory for Monitoring and Preventing Bribery, established by Presidential Decree No. 96-233 in 1996 was the first of its kind anywhere in this country to function.

A major change was made in 2022 by enacting Law No. 22-08, which introduced the High

Authority for Transparency Prevention, and Combating of Corruption, so as to replace ONPLC as agreed with the 2022 Constitution. The establishment of this new institution and the determination of the future of this institution are the main features of this law in practice⁽¹²⁾.

Following the French legal system, Algeria borrowed the idea of independent administrative authorities to ensure the impartial oversight of economic operators, public officials, and elected representatives, especially with regard to political transparency and public management. Nevertheless, the High Authority, which is directly under the control of the President of the Republic, is still embroiled in a debate over its full independence⁽¹³⁾.

The High Authority consists of two main components: the president of the high authority, and the council of the high authority

Besides, it has a specialized administrative and financial investigation unit to probe instances of illegal enrichment of public officials. Other specialized bodies can be established through regulatory decrees⁽¹⁴⁾.

Second: Jurisdiction and Powers of the High Authority for Transparency, Prevention, and Combating of Corruption

As provided by the Law No. 22-08, The High Authority for Transparency, Prevention, and Combating of Corruption is the institution charged with explaining and implementing the national anti-corruption strategy, preparing and analysing relevant data and informing the judicial authorities of violations. As a result, it issues directives, offers legal advice and allows the civil society to be engaged in decision-making processes for their right to information.

The authority keeps track of asset declarations, evaluates the measures taken by the respective sectors, consolidates efforts across sectors, as well as cooperates on an international level. Furthermore, it conducts investigations focusing mostly on the suspicious enrichment of public servants, and those with unexplained gains are closely scrutinized, asked for explanations where necessary. The President is

informed about its conclusions, and the findings are made public.⁽¹⁵⁾

Third: The High Authority in Practice

As part of the interim assessment of the National Strategy for Transparency, Prevention, and the Fight against Corruption, the High Authority recorded, during the second half of 2023, an implementation rate of 51.37% of the measures scheduled for that period. This ratio is comparative progress in taking corresponding public policy and reflects the need for constant monitoring to examine the quality of measures taken and to form the guidelines of accountability.

The Algerian Network "Narakekom" of Transparency also underwent extensive spread, with 320 associations having joined by December 2024 and backed by 24 research centers and 8 media outlets. The massive participation testifies to the growing interest of the civil society and scholarly circles in the matters of transparency and corroborates the stance of civic engagement in combating corruption.

In preventive actions, the High Authority employed the "Nazaha" performance index as a tool for gauging institutional integrity in 10 ministerial departments and 6 public institutions, which gave a satisfactory response to its adoption. In asset disclosures, there was a unique electronic platform to facilitate it, and also an incredible boost in disclosure rates among elected representatives and high-ranking public officials⁽¹⁶⁾.

At the university level, there was a unique Master's degree in fighting and preventing corruption for the academic year 2024/2025, together with a list of premier universities and colleges. This initiative reflects a strategic orientation toward building a qualified national cadre. Furthermore, a joint research laboratory was established between the High Authority and a number of academic and research institutions to support applied studies in transparency and anti-corruption efforts.

These statistical indicators reveal qualitative progress in the performance of the High Authority and highlight the crucial role of digital empowerment and the synergy between institutional and societal actors in implementing an effective national anti-corruption strategy⁽¹⁷⁾.

Subsection three: The Central Bureau for the Repression of Corruption

First: Establishment

The Central Bureau for the Repression of Corruption (CBRC) was



established by Presidential Instruction No. 03 (2009) with a view to strengthening anti-corruption institutions. Institutionalized through Ordinance No. 10-05 amending Law No. 06-01, its structure and mandate were defined through Presidential Decrees No. 11-426 and No. 14-209.

Reporting to the Minister of Justice but being administratively independent, the CBRC consists of judicial police officers from the Ministries of Defense and Interior, anti-corruption experts, and technical staff. It is invested with investigative and enforcement powers, as strengthened by Article 24 bis, and its officers have countrywide jurisdiction. For the sake of strengthening prosecution, corruption cases are referred to specialized courts with greater powers⁽¹⁸⁾.

Second: Powers of the Central Bureau for the Repression of Corruption

Article 5 of Presidential Decree No. 11-426 provides explicitly the mandate of the CBRC, which is to include:

Collecting, combining, and processing data on prevention and detection of corruption.

Collecting evidence, carrying out investigations, and referring the perpetrators to the relevant judicial authorities⁽¹⁹⁾.

Proposing measures to ensure the proper conduct of investigations to the authorities concerned.

Assessment of the Function of the CBRC and the Need for Legal Reform

Its fundamentally repressive goals can be located, as all the activities performed by CBRC are aimed at detecting, investigating, and prosecuting corruption crime.

However, there is overlapping of functions between National Authority for Transparency, Prevention, and Combating of Corruption and the CBRC. This calls for a change in the Anti-Corruption Law to clearly define the preventive function of the National Authority and the repressive function of the CBRC.

By establishing these roles, the legislator will be in a position to merge the institution for combating corruption in a coordinated and effective manner that prevents as well as punishes corruption.⁽²⁰⁾

Third: Assessment of the Central Office for the Repression of Corruption

Despite its operational and specialized nature, and its significant

role in the fight against significant cases of corruption and in assisting the implementation of the national anti-corruption strategy, the Central Office for Repressing Corruption in Algeria is under various structural and functional limitations which dilute its overall effectiveness.

At the forefront of these frailties is the absence of legal personality and institutional autonomy, which subjects the Office to the executive sphere. Such subordination contaminates its ability to file cases of corruption that have a high likelihood of implicating state institutions. Secondly, its centralized structure, devoid of effective regional bureaus, limits its territorial reach and excludes it from dealing with local or less prominent cases.

In addition, the Office's powers remain restricted, to the extent that it cannot order precautionary measures such as asset freezes and seizures without prior judicial permission—a point that decelerates its activities. Its subordination to the Minister of Justice also calls into question its autonomy of decision-making. Moreover, there is no legislative requirement for publishing its reports of findings or activities that reduces transparency and limits scrutiny by the public⁽²¹⁾.

Section Two: The National Authority for the Prevention and Combatting of Information and Communication Technology Crimes

Organized crime groups exploit information and communication technologies to expand scope, speed tempo, and reduce costs. Cybercrime has evolved from modest disruption to sophisticated, distant attacks that are beyond the reach of law enforcers.

In turn to ICT crime, Algeria established the National Authority for the Prevention and Combatting of ICT Crimes in 2009. Initially, it was an autonomous body under the Minister of Justice but was later transferred to the Ministry of National Defense.

Offenses against computer-assisted processing systems and cyber-facilitated crimes are ICT offenses under Law No. 09-04. The Authority also operates under the control of courts, exercising some of its fundamental functions including:

- Setting national strategies for combating cybercrime.*
- Providing judiciary and law enforcement with intelligence and forensic services.*
- Conducting electronic surveillance for tracing serious crimes.*
- Seizing and examining evidence in the digital format for trial purposes.*

- Ensuring improved national and international cooperation for enforcement of cybercrimes.

- Creating expert investigators of digital forensics.

Presidential Decree Number 19-172 delegates the Authority preventive and repressive roles, dealing with cyber terrorism and security crimes, and assisting judicial bodies in prosecuting ICT crimes.

Subsection one: The Preventive Role

The Authority is authorized under Law No. 09-04 to monitor electronic communications if that is deemed necessary for public order, security investigations, or court investigations. Article 4 of the said law provides four specific circumstances upon which electronic monitoring can be resorted to. The first one of those is the prevention of acts constituting terrorism-related offenses or state security crimes, as discussed earlier. This type of surveillance requires prior written authorization by the Public Prosecutor General at the Algiers Court of Appeal.

Authorized to conduct such monitoring are professional officers under the umbrella of the National Authority for the Prevention and Combatting of ICT Crimes. Their authorization is valid for six months and can be extended⁽²²⁾.

With respect to preventive search and seizure of computer equipment upon which crimes of terrorism or offenses in respect of state security are being carried out, Presidential Decree No. 19-172 does not specify search procedures in express terms. Law No. 09-04 Article 5 simply refers to Law No. 09-04 Article 4, stating that search of such type has to be under written authorization. Electronic surveillance measures could lead to digital evidence seizure.

Subsection two: The Authority's Role in Supporting Judicial Investigations

The legislator the legislator has granted the National Authority exclusive jurisdiction for preventive surveillance and monitoring of crimes threatening state security. Among the authority's fundamental missions, as stated in Article 14 of Law No. 09-04, is to assist judicial authorities and law enforcement agencies in ICT crime investigations through the collection of intelligence and conducting digital forensic analysis at the request of competent authorities.

Furthermore, international mutual legal assistance can be requested



in two manners:

- Exchange of information, as provided for in Article 17 of Law No. 09-04, concerning documents and information requested by Algerian judicial bodies or foreign judicial bodies that request the assistance of Algeria.

- Provisional measures, which represent a juridical act in criminal proceedings.

Article 9 of Presidential Decree No. 19-172 stipulates that one of the responsibilities of the Directorate General of the National Authority is to exchange information with its foreign counterparts for the purposes of recognising and tracking ICT-based criminals. The same provision is repeated in Articles 16 and 17 of Law No. 09-04, which emphasize that the assistance is provided only under the ambit of judicial co-operation on certain conditions, such as:

- Satisfaction of the formalities of transmission.

- Adherence to the principle of reciprocity.

- The obligation that the said act is a criminal offense in both countries.

- Complying with national sovereignty and public order.

Thus, the National Authority for the Prevention and Combatting of ICT Crimes remains at the center of enhancing cybersecurity, preventing digital offenses, and providing support to judicial authorities in Algeria and other nations⁽²³⁾.

Chapter Two: Administrative Authorities Combating Organized Crime

Organized criminal groups continue to expand their criminal operations on a daily basis, exploiting socio-economic conditions brought about by developments in science and technology. As a result of the increasing sophistication of organized crime, the majority of countries have included proactive policies that focus on prevention and enforcement. In so doing, administrative authorities have been established to address the most pressing threats of organized crime, to complement the efforts of law enforcement agencies.

Algeria has gone in this direction by creating several specialized administrative organs, including the National Office for the Fight Against Drugs and Drug Addiction, and other bodies responsible for combating smuggling and illicit trafficking.



Section One: The National Office for the Fight Against Drugs and Drug Addiction

After recognizing the alarming extent of drug addiction amongst various segments of society—after inquiries and statistical reports by security organs, together with the recommendation of international organizations handling drug control—the Algerian state initially established a National Committee for the Fight Against Drugs and Drug Addiction, subject to the Ministry of Health. This was created by Executive Decree No. 92-151 of April 14, 1992. The committee was composed of representatives from various ministries charged with developing and coordinating national programs to combat drug addiction in Algeria.

However, since there was no definite legislative system in place dictating the role of the participating ministries under the committee, it was severely impeded. Accordingly, the government became more official by establishing the National Office for the Fight Against Drugs and Drug Addiction in 1997⁽²⁴⁾, under Executive Decree No. 97-212. This office was also mandated to be a public administrative body with legal personality and economic autonomy, thus enabling it to play an active role in the prevention and enforcement of drugs⁽²⁵⁾.

National Office for the Fight Against Drugs and Drug Addiction plays the core part of Algeria's anti-drugs war in planning, overseeing, and coordinating national drug prevention, treatment, rehabilitation, and enforcement policy. It is closely coordinated with relevant departments, and its principal responsibilities are:

Centralizing data for analysis in a view to identify and neutralize drug trafficking.

Enforcement activity coordination to produce synergetic effect among agencies.

Trend watching and recommending policies for effective policymaking.

Instituting preventive measures by means of public awareness campaigns and enhanced medical care.

Strengthening intersectoral coordination and law enforcement capacities.

Encouraging research and assessing anti-drug efforts.

Encouraging international cooperation in drug control.

Suggesting legislative reform to enhance drug policies.



Despite all these efforts, the Office reports reveal that drug abuse is presently one of the leading public health crises in Algeria. Gone from being a transit nation, Algeria has become a significant drug consumer market, evidencing the failure of current countermeasures and the pressing necessity for reexamining an overall strategy.

With structured criminal syndicates spreading across the world, enhancing legal and institutional structures becomes critical to ensure an effective campaign against the accelerating drug trade and enforcing a zero-tolerance regime on drug peddling⁽²⁶⁾.

Section Two: Administrative Authorities for Combating Smuggling:

As an indication of Algeria's implementation of the United Nations Convention against Transnational Organized Crime, the country put in place the National Office for Combating Smuggling as a specialized agency in charge of facing smuggling-related crimes⁽²⁷⁾.

In Executive Decree No. 06-286, the office is a public administrative entity of legal personality and economic independence that is subject to the power of the Minister of Justice. It plays a central function in Algeria's anti-smuggling system in aid of law enforcement efforts⁽²⁸⁾.

Moreover, the Ordinance No. 05-06 on Combating

Smuggling lays out a comprehensive method of building up the harnessing of the anti-smuggling capacity via:

- Precautionary policies to counter the smuggling menace.*
- The coordination among the different agencies to increase the productivity of the enforcement.*
- The specific enforcement methods that can be applied to bring about an effective result.*
- The international collaboration that will strengthen the control of border crossing through various strategic initiatives is also regarded as a key requirement.*

"Smuggling" according to the ordinance is defined as any act that is classified as such under national laws and regulations.

Under the National Office for Combating Smuggling, the office is authorized to build up a national strategy that will supersede smuggling.

The institution is responsible for the essential decentralized functions like intelligence, interagency coordination, risk assessments, legal reform proposals, and data analysis. It also conducts public

awareness activities and publishes yearly reports at the discretion of the Ministry of Justice.

It is such a pity that the struggle against smuggling—crime groups' main and most significant financial sources---its efficiency is determined by its strict enforcement, adaptability to the emerging threats and the progression in the global collaboration on the issue.⁽²⁹⁾

In addition to the National Office for Combating Smuggling, there are local anti-smuggling committees established in every wilaya, under the direct authority of the Wali (Governor). Their duty is to organize the work of all the agencies engaged in the fight against smuggling. Establishing them is subject to necessity, mainly in risk zones such as border areas where smuggling operations are more active.

Provincial anti-smuggling committees are operated parallel to the National Office for Combating Smuggling pursuant to Executive Decree No. 06-287. Under Ordinance No. 05-06, an individual provincial committee is established by the initiative of the Wali to guide and coordinate the activities of concerned agencies against smuggling.

Subsection one: Duties and Responsibilities

The committees play a critical function in provincial anti-smuggling efforts by:

- *Collecting intelligence and submitting on smuggling to the National Office.*
- *Provincial monitoring and assessment of anti-smuggling efforts.*
- *Enhancing communication networks among agencies involved in combating smuggling and enforcement.*
- *Educating concerned parties on actions taken to counteract smuggling.*
- *Determining disposal and distribution of seized or confiscated merchandise.*

Subsection two: Impact and Effectiveness

Because of their closeness to the ground, local anti-smuggling committees are an irreplaceable link in Algeria's general combat against smuggling. Their triumph has been valued at the highest levels of authority. To this end, the Minister of Interior and Local Authorities, Nouredine Bedoui, indicated the concrete progress in Algeria's battle against smuggling. He particularly commended law enforcement agencies for working tirelessly, especially along borders, while noting that Algeria loses some three million dollars every year as a result of



smuggling⁽³⁰⁾.

Conclusion:

Despite the serious threat posed by transnational organized crime—considered among the most dangerous forms of modern criminality—and the fact that it has evolved from a purely domestic concern into a global phenomenon, the Algerian legislator has not enacted a specific legal text dedicated to combating organized crime. Instead, the legislation criminalizes a number of related acts and imposes aggravated penalties when such acts are committed in an organized manner, with prior planning, and by a group of individuals.

Nevertheless, the State has taken proactive institutional measures by establishing and organizing several administrative bodies aimed at combating this category of crime. These include the Financial Intelligence Processing Unit, the National Office for the Combat Against Drugs and Drug Addiction, and the National Authority for the Prevention and Combat of Corruption.

*These notwithstanding, there are some shortfalls that compromise the effectiveness of these institutions in addressing organized crime in a holistic way. These limitations necessitate the formulation of the following **recommendations**:*

- Enact a dedicated law to combat transnational organized crime, which provides a precise definition of the phenomenon, outlines its essential elements, forms, and methods of combat, and explicitly criminalizes associated acts in alignment with relevant international conventions.

- Strengthen the independence and effectiveness of the agencies tasked with combating these crimes by granting competent bodies—primarily the Central Office for the Fight Against Corruption—legal personality and financial and administrative autonomy, ensuring their neutrality and effectiveness free from executive interference.

- Establish a high-level national agency with legal, security, economic, and technological expertise to examine and follow up on transnational organized crime.

- Enhance cooperation with regional and international organizations, and facilitate the creation of common information networks for sharing data and experience on organized crime.

- Create a robust coordination body among national agencies (High Authority for Transparency, National Office for the Fight Against



Drugs, Financial Intelligence Processing Unit) to ease integration and timely sharing of information.

- Offer assistance for specialized anti-crime and corruption fighting training to judges, judicial police, and administrators.

- Encourage academic research and collaborative laboratories to study the development of organized crime and propose new strategies for fighting it.

- Oblige the agencies responsible for the fight against corruption and organized crime to publish detailed annual reports on their activities and results, for the purpose of enabling greater public trust and social control.

- Promote investigative journalism in the media on corruption and organized crime cases.

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⁽¹⁰⁾- Law No. 06-01 of February 20, 2006, on the Prevention and Combating of Corruption, as amended and supplemented, *Official Gazette* No. 14 of 2006.

⁽¹¹⁾- Presidential Decree No. 96-233, dated July 2, 1996, establishing the National Office for Monitoring and Preventing Bribery, *Official Gazette* No. 41 of 1996.



⁽¹²⁾- In response to persistent shortcomings in the effectiveness of its previous anti-corruption framework, Algeria initiated a significant overhaul of its institutional approach to combating corruption. The inadequacy of the former national commission, which had been established pursuant to Law No. 06-01, highlighted the necessity for more robust and transparent oversight mechanisms. This led to a major constitutional revision in 2020, which elevated the commission to the status of a High Authority. The transition was further consolidated by the enactment of Law No. 22-08 in 2022, which endowed the new Authority with enhanced independence and clearly delineated responsibilities. As a result, the High Authority now plays a central role in the realization of Algeria's anti-corruption strategy, reflecting the country's ongoing commitment to upholding transparency, integrity, and the principles of the rule of law at both the national and international levels.

⁽¹³⁾- Dated May 5, 2022, Official Gazette No. 6 of 2022.

⁽¹⁴⁾- Articles 17 and 18 of Article 2 of Law No. 22-08, which governs the organization, composition, and powers of the High Authority for Transparency, Prevention, and Combating of Corruption. These provisions outline its legal framework, competencies, and operational mechanisms.

⁽¹⁵⁾- For further details, refer to Articles 4 to 15 of Law No. 22-08, which regulate the organization, composition, and powers of the High Authority for Transparency, Prevention, and Combating of Corruption. These provisions define its mandate, functions, and operational framework.

⁽¹⁶⁾- The High Authority for Transparency, the Prevention and the Fight against Corruption has achieved numerous accomplishments over the past two years, Algerian Press Service (APS), Available at: <https://www.aps.dz/ar/algerie/172322-2024-12-09-12-06-59> Accessed 19 May 2025, at 17: 14.

⁽¹⁷⁾- Website of the High Authority for Transparency, the Prevention and the Fight against Corruption. Available at <https://hatplc.dz/annual-report>. Accessed 19 May 2025, at 17: 20.

⁽¹⁸⁾- Ordinance No. 10-05 of August 26, 2010, supplementing Law No. 06-01 of February 20, 2006, on the Prevention and Combating of Corruption, Official Gazette No. 50 of 2006.

Presidential Decree No. 11-426 of 2011 defining the composition, organization, and functioning of the Central Bureau for the Repression of Corruption, Official Gazette No. 68 of 2011.

Presidential Decree No. 14-209 of July 23, 2014, amending Presidential Decree No. 11-426, which defines the composition, organization, and functioning of the Central Bureau for the Repression of Corruption, Official Gazette No. 46 of 2014.

⁽¹⁹⁾- Article 5 of Decree No. 11-426, which defines the composition, organization, and functioning of the Central Bureau for the Repression of Corruption.

⁽²⁰⁾- Abbassi Mohamed El-Habib, *Op. Cit.*, pp. 462.

⁽²¹⁾- Djamal karnash, *The Central Office for the Repression of Corruption... A Repressive Tool with Restricted Powers*, *Sawt Al-Qanun Journal*, Vol. 9, No. 1, 2022, pp. 1163 et seq.

⁽²²⁾- Presidential Decree No. 15-261 of October 8, 2015, defining the composition, organization, and operational procedures of the National Authority for the Prevention



and Combating of Crimes Related to Information and Communication Technologies, Official Gazette of the People's Democratic Republic of Algeria, No. 53, issued on October 8, 2015.

⁽²³⁾- *Abassi Mohamed Habib, Op. cit., p. 470.*

⁽²⁴⁾- *Although the decree establishing this bureau was issued in 1997, it was not officially installed until October 2, 2002.*

⁽²⁵⁾- *Article 02 of Executive Decree No. 97-212, dated June 9, 1997, establishing the National Office for Combating Drugs and Addiction, as published in the Official Gazette No. 41 on June 15, 1997, as amended and supplemented.*

⁽²⁶⁾- *Ben Saïd Bekhtha, Smuggling and Organized Crime: A Comparative Analytical Study, PhD Thesis, Faculty of Law and Political Science, Sidi Bel Abbès University, 2017–2018, pp. 160 and 165.*

⁽²⁷⁾- *Murad Zaid, The Role of Customs in a Market Economy, PhD Thesis in Economic Sciences, Faculty of Economic Sciences and Management Sciences, University of Algiers 1 (Youssef Ben Khedda), 2006, p. 373.*

⁽²⁸⁾- *Article 2 of Executive Decree No. 06-286, dated August 26, 2006, defines the organization and functioning of the National Office for Combating Smuggling, Official Gazette No. 53, issued on August 30, 2006.*

⁽²⁹⁾- *Nadia Abdelrahim, The National Strategy for Combating Smuggling in Algeria, Journal of Economic and Financial Studies, University of El Oued, Issue No. 08, Volume 2, p. 62.*

⁽³⁰⁾- *Abbassi Mohamed El-Habib, Op. Cit., pp. 474.*