



Akademik Eğitim ve Sosyal Bilimler Dergisi (AJESS Journal)

Legal and Institutional Mechanisms for Preventing and Combating Corruption in the Financial Sector: A Case Study of the Public Procurement Sector in Algerian Legislation

Dr. Imane Berrichi, Comparative Law Research Laboratory, Faculty of Law and Political Science, University of Tlemcen, Algeria. berrichi.imane@yahoo.com

Article History

Received: 31/07/2026; Accepted : 01/10/2026; Published : 13/10/2026

Abstract

This study examines the mechanisms established by the Algerian legislature to prevent and combat corruption affecting public funds. It uses public procurement as a case study. The analysis focuses on Law No. 06-01 on the Prevention and Fight Against Corruption, Law No. 23-12 on the General Rules of Public Procurement, and Law No. 22-08 governing the High Authority for Transparency. It also examines relevant regulations published up to 8 October 2026. The study addresses the scope of procurement law, conflicts of interest, and the integrity duties of economic operators. It considers the role of oversight committees and the National Council for Public Procurement. Special attention is given to electronic asset declarations and the public procurement portal. The study uses a descriptive and analytical method. It distinguishes binding rules from transitional provisions and measures that still require implementing regulations. The findings show that legal safeguards alone cannot ensure the protection of public funds. Effective protection also requires reliable digital records, specialized oversight, verifiable information, and independent assessment of the impact of procurement rules on competition and the quality of public spending.

Keywords: corruption; protection of public funds; public procurement; Law No. 23-12; conflicts of interest; National Council for Public Procurement; digitalization; financial oversight.

Introduction

The protection of public funds can no longer be judged by criminal penalties alone. A modern legal system must also identify risks before they result in the misuse of public resources. This approach is especially important in public procurement. Contracting authorities assess needs, select contractors, set prices, modify obligations during performance, and authorize payments. Without effective institutional safeguards, any of these stages may create opportunities for favoritism, bribery, collusion, or inflated expenditure.

Algeria's procurement framework has changed significantly. Public contracts were long governed by successive presidential decrees, notably Decree No. 10-236 and Decree No. 15-247. Law No. 23-12 of 5 August 2023 now establishes the general rules of public procurement. This change places the core principles on a statutory footing. Detailed procedural and technical matters remain subject to regulations, which allow greater flexibility. Yet the new law did not immediately displace every earlier rule. Articles 110 and 112 contain transitional provisions. They preserve earlier regulations that do not conflict with the new law until the replacement instruments are adopted¹

The constitutional and institutional framework for combating corruption has also evolved. The High Authority for Transparency and the Prevention and Fight Against Corruption acquired constitutional status. Law No. 22-08 redefined its powers. Measures adopted in 2024, 2025, and 2026 expanded the scope for electronic declarations. They also addressed

¹ Law No. 23-12 of 5 August 2023, Arts. 110 and 112, Official Gazette No. 51 (2023), pp. 17–18.

internal procedures and the tracking of procurement and financial offences. These changes call for a review based on the law currently in force, rather than repealed historical provisions¹

The study addresses two questions. To what extent have Algeria's legislative and regulatory reforms established an integrated system for preventing and combating corruption in public procurement? Particular attention is given to Law No. 23-12 and the digital measures introduced up to October 2026. What practical limits continue to affect the system's effectiveness?

The study proceeds from the premise that sound legal rules are necessary but insufficient to protect public funds. Their effectiveness depends on coordination between procurement procedures, oversight, and accountability. It also depends on the availability of data that permit assessment. The research uses a descriptive and analytical method. It makes a focused comparison between earlier regulations and Law No. 23-12. It also examines implementing measures published up to 8 October 2026. Four sections follow. They address the legislative framework, procedural and digital safeguards, oversight and judicial institutions, and the evaluation of effectiveness with proposals for improvement.

Section One: The Legislative Framework for Preventing Corruption and Protecting Public Funds

1.1 Constitutional Foundations and the Relationship Between Procurement and Anti-Corruption Laws

The United Nations Convention against Corruption provides an important basis for Algeria's prevention policy. Algeria ratified the Convention by Presidential Decree No. 04-128 of 19 April 2004. The Convention promotes transparent public purchasing systems, competition, and objective selection criteria. It also stresses the role of prevention bodies, sound public financial management, and the disclosure of interests. At the domestic level, Law No. 06-01 of 20 February 2006 gives effect to these principles. It was amended by Order No. 10-05 of 26 August 2010 and Law No. 11-15 of 2 August 2011. The partial repeal of provisions concerning the former national anti-corruption body under Law No. 22-08 of 2022 must also be taken into account²

Article 9 of Law No. 06-01, as amended, requires public procurement procedures to rest on transparency, integrity, fair competition, and objective criteria. These safeguards include public access to information, prior disclosure of participation requirements, declarations of integrity, and access to remedies. They are more than a general statement of ethical conduct. They require contracting authorities to make decisions that are lawful, explainable, and open to review³

Article 5 of Law No. 23-12 identifies three governing principles: freedom of access to public procurement, equal treatment of candidates, and transparency of procedures. Article 7 adds the public interest, environmental protection, and sustainable development goals to the assessment of needs. Article 8 addresses specialized training for staff involved in procurement. Read together, these provisions show why value for money cannot be reduced to the lowest price. Sound procurement also depends on fair opportunities, service quality, and control of performance risks⁴

The Constitution supplies a further foundation. Article 199 of the 2020 Constitution recognizes the Court of Accounts as the supreme body for auditing public funds and property. Articles 204 and 205 establish the High Authority for Transparency as an independent institution with strategic and supervisory functions. Law No. 26-04 of 26 March 2026 amended the Constitution. Its list of amended provisions did not include Articles 199, 204, or 205. References should therefore be made to the Constitution as amended, without wrongly attributing substantive changes to those articles⁵

The application of procurement rules also requires a temporal distinction. Three groups of provisions must be considered. First are the general statutory rules of Law No. 23-12. Second are the compatible earlier regulations that remain in force under Article 112. Third are the transitional contracts and procedures governed by Article 110. This distinction rules out the assumption that Presidential Decree No. 15-247 was repealed in its entirety at once. It also prevents confusion between Law No. 23-12 of 2023 and Presidential Decree No. 12-23 of 2012, which amended an older procurement regulation.

The personal and financial scope of Law No. 23-12 must be defined before its preventive rules are examined. Article 9 identifies the authorities and operations covered by the law. Article 12 concerns public institutions governed by commercial rules when their operations are not financed directly by the state or local authority budgets. These institutions must adopt internal procedures based on the general procurement principles. Article 13 excludes public economic enterprises from the law's procurement award rules. These enterprises must nevertheless adopt procedures suited to their activities, based on Article 5 and approved by their competent corporate bodies. Under Article 14, entities that use public funds but fall outside both this law and public accounting rules must also adopt procurement procedures grounded in those principles. The duty to maintain integrity therefore does not always imply that identical award procedures apply to every institution.

¹ Constitution of 2020, Arts. 199, 204 and 205; Law No. 22-08, Official Gazette No. 32 (2022); Law No. 26-04, Official Gazette No. 22 (2026).

² Presidential Decree No. 04-128 of 19 April 2004; Law No. 06-01, as amended by Order No. 10-05 and Law No. 11-15; Law No. 22-08, Art. 39.

³ Law No. 06-01 on the Prevention and Fight Against Corruption, Art. 9, as amended by Order No. 10-05.

⁴ Law No. 23-12 on the General Rules of Public Procurement, Arts. 5, 7 and 8, Official Gazette No. 51 (2023).

⁵ Law No. 26-04 of 26 March 2026 amending the Constitution, Official Gazette No. 22 (2026); Constitution of 2020, Arts. 199, 204 and 205.

A published administrative example illustrates the need for this transitional reading. On 28 June 2026, Algeria's Ministry of Justice issued an official notice of provisional award for Contract No. 02/2026. The notice cited Articles 46 and 56 of Law No. 23-12 alongside Articles 65 and 82 of Presidential Decree No. 15-247. This joint reference shows that certain contracting authorities apply the new statutory provisions together with earlier compatible regulations in a single procedure. It is evidence of administrative practice, not conclusive proof that every stage of the contract was lawful or that the regulatory reform is complete.

1.2 Public Officials' Integrity and Asset Declarations

Corruption prevention begins before a contract is advertised. It starts with the selection of officials who identify needs, prepare tender documents, receive bids, and evaluate offers. Article 3 of Law No. 06-01 sets out standards of efficiency, transparency, competence, and fairness in recruitment and career management. It also calls for training for persons appointed to positions exposed to greater corruption risks. Article 8 of Law No. 23-12 adds the requirement of regular specialized training. Professional qualifications alone, however, cannot ensure integrity. Decisions must be recorded and reviewed. Several powers should not be concentrated in the hands of one official.

Asset declarations help detect unexplained wealth and reduce conflicts of interest. Articles 4 to 6 of Law No. 06-01 define the duty to declare, the content of declarations, and the persons and bodies concerned. The inventory includes movable and immovable property held by the declarant and their minor children, subject to statutory conditions. A new declaration is required after a substantial increase in assets. Declarations are also required at the end of service or an electoral term, where the law so provides. The general duty must be distinguished from the different procedures and receiving bodies that apply to particular categories of officials.

Two presidential decrees issued on 27 June 2024 introduced an important update. Decrees No. 24-215 and No. 24-216 appeared in Official Gazette No. 46 of 8 July 2024. The first supplemented Presidential Decree No. 06-414 on the asset declaration form. It allowed declarations to be submitted electronically through the High Authority's digital platform, using an approved form. The second amended Presidential Decree No. 06-415 and extended the option of electronic filing to the categories covered by that decree. The texts provide for the possibility of electronic filing. They should not be described as abolishing paper declarations in every circumstance¹

Article 67 of Law No. 23-12 provides a more precise safeguard against conflicts of interest than some earlier regulations. It covers officials and staff involved in preparing, awarding, monitoring, negotiating, or performing a public contract. When their direct or indirect private interests conflict with the public interest in a way that affects their duties, they must notify their superior in writing and withdraw from the assignment. The written requirement makes the disclosure easier to prove. It also records when the conflict became known. Authorities must still verify that the person has actually withdrawn²

Article 68 reinforces this rule by prohibiting incompatible roles in the same procurement file. In particular, a member or rapporteur of a procurement committee may not also sit on the tender opening and bid evaluation committee for that file. Article 69 places restrictions on the award of contracts to former officials during a five-year period, subject to the exceptions in applicable law and regulations. These provisions recognize the risk that former public influence may carry over into private contractual relationships.

Article 65 of Law No. 23-12 provides for the approval of a code of professional ethics and conduct for public officials involved in preparing, awarding, supervising, negotiating, or performing contracts. Approval is to take the form of an executive decree proposed by the minister responsible for finance. The statutory requirement to adopt this code must be distinguished from the actual publication of the implementing decree. A legal instruction to issue a decree does not establish that all implementation steps have been completed. Once adopted and enforced, the code could regulate gifts, hospitality, confidentiality, professional connections, and reporting channels.

1.3 Integrity of Economic Operators and the Private Sector

The protection of public funds cannot focus on officials alone. Corruption may arise from collusion between suppliers, misleading qualification statements, sham bids, or unlawful benefits offered in return for a contractual advantage. Articles 13 and 14 of Law No. 06-01 therefore introduce measures to improve private-sector integrity. They support stronger accounting and auditing standards. They prohibit off-book accounts, fictitious expenditure, false documents, and unlawful destruction of accounting records³

Integrity is a shared responsibility under Articles 66, 70, and 71 of Law No. 23-12. Article 66 allows a contracting authority to take legally authorized measures when evidence of bias or corruption is found. Such evidence may emerge before, during, or after the conclusion of a public contract or amendment. Measures may include termination or cancellation of the contract or its amendment. The contracting economic operator must also submit a declaration of integrity. Article 70 requires bidders to report a conflict of interest connected with the contract. Article 71 restricts an operator's participation in a later procurement

¹ Presidential Decrees No. 24-215 and No. 24-216 of 27 June 2024, Official Gazette No. 46, 8 July 2024, pp. 4–5.

² Law No. 23-12, Arts. 67–69. Article 67 expressly requires written notification and withdrawal from the relevant duties.

³ Law No. 06-01, Arts. 13 and 14, on private-sector integrity and accounting and auditing standards.

if information obtained under an earlier contract gives it a competitive advantage. The operator may show that competition has not been harmed. The contracting authority must also document equal treatment in the tender documents. These administrative and contractual measures must be distinguished from criminal liability, which has its own legal elements and procedures¹

Effective prevention also calls for checks on beneficial ownership, family and professional links, unusually priced bids, and repeated awards of related contracts. These are proposed governance tools for administrative and supervisory use. They should not all be presented as independent statutory obligations unless an applicable legal or regulatory provision expressly creates them.

Section Two: Procedural and Digital Safeguards Throughout the Procurement Cycle

2.1 Needs Assessment and Tender Specifications as the First Line of Defence

Many corruption risks arise before the bids are received. Needs may be overstated or divided without justification. Technical specifications may be tailored to one supplier. Selection conditions may even exclude other qualified competitors. Preparing a procurement request is therefore an important control stage in its own right, not merely a preliminary formality. Articles 16 and 17 of Law No. 23-12 require the contracting authority to assess its needs in advance. They also govern tender specifications so that competition and objectivity are respected²

To prevent abuse when tender documents are drafted, cost estimates should reflect actual market research and available funding. Technical specifications must be justified by the project's requirements. Participation conditions and selection criteria should be disclosed before competition begins. They must not be changed in favour of a bidder after offers have been examined. These are not new legal obligations invented by this study. They are supervisory applications of the statutory principles of equality, transparency, and proper use of public funds.

Economic efficiency and corruption prevention are closely connected at this stage. A contract can comply with formal rules yet deliver poor value. This may result from unrealistic needs assessments, inadequate planning, or failure to consider the total cost of operation and maintenance. Procurement planning should therefore be tied to measurable indicators. These should cover the identified need, expected completion dates, and planned outputs before the competition begins.

Article 16 of Law No. 23-12 sets a clear test for needs assessment. It prohibits splitting requirements to avoid competition or the jurisdictional thresholds of prior external oversight bodies. It also prohibits specifications designed around a particular product or economic operator. The rule must be applied in light of genuine project needs. Artificially splitting orders or tailoring specifications to make competition merely nominal may create a risk. Yet dividing a contract into lots, or using specialized technical requirements, is not automatically unlawful.

2.2 Competition, Contractor Selection, and Oversight of Exceptions

Under Law No. 23-12, calls for tenders are the general method of contractor selection. Negotiated procedures are exceptional and are permitted only in the cases set out in Articles 36 to 42. The exceptions cannot be enlarged merely to accelerate purchasing. Article 18 also provides for consultations concerning purchases that do not exceed the thresholds for formal public procurement contracts. Relevant special provisions in the following articles must be considered. Distinguishing calls for tenders, negotiations, and consultations is essential. The procedure must first be classified correctly before any irregularity or allegation of corruption can be assessed³

Public notices and the publication of competition information give practical effect to freedom of access. Candidates should receive the same information at the same time. Bid preparation periods should suit the nature of the requirement. Evaluations must follow criteria disclosed in advance. Article 38 links the award decision to the most economically advantageous tender, assessed against established criteria. This concept is wider than the lowest price. A low initial offer may result in substantial additional costs during performance.

Article 56 of Law No. 23-12 provides remedies through which competitors may challenge procurement procedures, subject to the applicable conditions and time limits. This mechanism also helps prevent abuse. The prospect of a challenge encourages authorities to explain their decisions and keep proper records. Its effectiveness depends on clear notices and access to relevant documents, decisions, and reasons for selection. Administrative challenges must also be distinguished from judicial review when the legal requirements for that review are met.

Urgency and technical complexity do not, by themselves, justify an exception to competition. The legal conditions of each exception must be satisfied. Urgency caused by poor planning should not automatically become a reason to bypass a competitive procedure. Risk-based oversight can examine the reasons for negotiation, records of consultation, reference prices, and the date on which the need was first identified.

2.3 Procurement Committees and Oversight of Contract Award and Performance

Article 94 of Law No. 23-12 establishes three connected forms of oversight: internal oversight, external oversight, and supervision by the relevant higher authority. The purpose is not to multiply formal approvals. It is to review contractual

¹ Law No. 23-12, Arts. 65–71, particularly Art. 66 on measures taken when evidence of bias or corruption is found.

² Law No. 23-12, Arts. 16 and 17, on needs assessment and tender specifications.

³ Law No. 23-12, Arts. 36–42, on calls for tenders, negotiated procedures, and their permitted cases.

decisions at different stages. Administrative, technical, and financial checks should reinforce one another without causing unjustified delays to projects.¹

An important correction is needed in studies based on Presidential Decree No. 10-236. Article 96 of Law No. 23-12 provides for a Tender Opening and Bid Evaluation Committee within the contracting authority. The text permits one or more standing committees. It is therefore inaccurate to suggest that the new legal system necessarily requires two separate committees, one for opening bids and another for evaluating them. Scrutiny of committee membership, competence, minutes, and conflicts of interest remains essential to procedural integrity²

Prior external oversight examines the legality of award procedures before their contractual effects are finalized. It operates through the public procurement committees within their assigned jurisdiction. Articles 97 to 102 regulate this oversight and the relevant committees. Article 103 concerns supervisory oversight. Article 104 establishes the National Council for Public Procurement under the minister responsible for finance. A distinction is needed between the statutory creation of the Council and its actual exercise of powers. Its composition, operating rules, and activation depend on further measures. It should not be assumed that the Council has been constituted and is fully operational solely because the law provides for its creation.

Corruption risks continue after the award. They may arise through contract amendments, price changes, subcontracting, work orders, delivery, and payment. Protecting public funds thus requires more than choosing the contractor lawfully. Performance must be checked against the agreed needs, prices, deadlines, and guarantees. Article 72 and the following provisions govern essential contractual and performance conditions. Amendments need proper reasons. Acceptance must be documented, and disputes settled under the applicable rules. Otherwise, later changes may undermine the original competition.

Ex post oversight is more useful when actual expenditure is compared with real outputs. Complete accounting documents alone do not demonstrate successful performance. A formally correct invoice cannot prove that services were satisfactory or that expected results were achieved. Inspection records, quantity checks, and quality measures should therefore be strengthened. Accountability should cover the whole decision chain, from needs assessment to final acceptance.

Article 95 of Law No. 23-12 is also important at this stage. It connects internal oversight with the later publication of procurement information. Subject to the relevant scope and exceptions, contracting authorities must publish their list of contracts concluded during the previous financial year and the projects they intend to launch. Such information supports comparisons of spending between sectors. It may reveal unusually concentrated awards or repeated use of exceptions. A statistical indicator alone, however, is not criminal evidence of corruption.

2.4 Digital Public Procurement and the Ministerial Order of 4 February 2026

Digitalization is one of the most verifiable elements of the reform. Articles 105 to 107 of Law No. 23-12 concern the electronic procurement portal and information exchange. They also address document retention and a database that supports later use and analysis. Article 95 requires contracting authorities to publish contracts concluded in the preceding year, including the successful companies, and the indicative project programme for the new year. Publication is required on the authority's website and on the procurement portal, subject to statutory exceptions.³

The Minister of Finance issued an order on 4 February 2026 defining the content and management of the public procurement electronic portal. It was published in Official Gazette No. 17 on 2 March 2026. The order implements Article 105 of Law No. 23-12. It makes the portal a channel for publishing documents and exchanging information. Article 2 permits competition documents to be downloaded free of charge. Article 3 provides for the publication of indicative project programmes, contracts awarded during the preceding budget year, and lists of operators excluded or barred from participation, among other data. Article 4 addresses registration, searches, alerts, information exchange, electronic submission, electronic signatures, and time-stamping, in accordance with applicable legislation. Article 8 requires that the portal's technical features neither discriminate against operators nor obstruct access. Article 9 repeals the order of 17 November 2013 on the portal's content and management⁴

The preventive value of these measures goes beyond easier submission. Electronic records can establish when bids were received and whether information was made equally available. They can reduce unnecessary contact between officials and bidders. They also make later audits easier. When data on awards, deadlines, and complaints are linked, early-warning indicators may become possible. This must be done with due regard for personal data, professional confidentiality, and competition requirements.

The 2026 order should not be taken to mean that electronic submission immediately became compulsory for every public contract. Under Article 107 of Law No. 23-12, mandatory electronic access to documents and electronic responses are subject to a timetable set by an order of the minister responsible for finance. A portal may have the technical capacity to receive bids

¹ Law No. 23-12, Art. 94, and the oversight provisions in Arts. 94–103.

² Law No. 23-12, Arts. 68 and 96. See also Slimani, A. (2025), *Journal of Law, Society and Authority*, <https://doi.org/10.52919/jlsa.v14i2.303>.

³ Law No. 23-12, Arts. 95 and 105–107, Official Gazette No. 51 (2023).

⁴ Ministerial Order of 4 February 2026, Arts. 1–5 and 9, Official Gazette No. 17, 2 March 2026.

without that capacity being legally compulsory for all procedures. The distinction between technical availability and a legally binding transition date is essential when assessing the reform's implementation¹

This interpretation accords with recent Algerian scholarship. The statutory framework provides a stronger basis for digital contracting. Yet its full benefits depend on implementing rules, technical readiness, training, and links between administrative and financial systems. Success should therefore be measured through the share of notices published online, the rate of electronic submissions, the publication of award outcomes, and the reliability of time-stamping and audit trails. The mere existence of a portal is not a sufficient indicator.²

The 2026 ministerial order adds a technical dimension to transparency. It requires the portal to operate without discrimination and without creating barriers for economic operators. This provision supports checks on document accessibility, file-format compatibility, secure signatures, and electronic time-stamping. Article 107 nevertheless ties mandatory electronic access and responses to a timetable set by ministerial order. The existence of a regulated electronic submission function must therefore be distinguished from a general obligation to use it. The former does not, by itself, establish the latter.

Section Three: Oversight and Judicial Institutions in Combating Procurement Corruption

3.1 The High Authority for Transparency and the Prevention and Fight Against Corruption

The High Authority for Transparency and the Prevention and Fight Against Corruption is an independent constitutional institution under Article 204 of the Constitution. Article 205 sets out its general functions. Law No. 22-08 of 5 May 2022 regulates its composition and powers. In institutional terms, it replaced the previous framework for the National Body for the Prevention and Fight Against Corruption. Articles 17 to 24 of Law No. 06-01 were repealed. It is therefore inaccurate to present the former National Body as the principal institution currently in office.³

The High Authority develops a national transparency strategy and monitors its implementation. It collects and analyses information, comments on draft legislation, and helps public bodies improve integrity systems. Within statutory limits, it may also undertake administrative and financial inquiries into indications of illicit enrichment. It can receive reports and refer potentially criminal conduct to the competent authorities. These tasks are distinct from the power to convict and punish, which belongs to the courts. Maintaining that distinction protects legality, individual rights, and the admissibility of evidence obtained through investigations.

A notable regulatory development was the publication of the High Authority's internal rules in Official Gazette No. 1 of 8 January 2026. Its Council had approved them on 21 October 2025. These rules address standards of conduct for members and staff, as well as the procedures followed before the Authority. They help turn statutory powers into clearer processes for reporting, inquiries, and follow-up. Official Gazette No. 15 of 24 February 2026 also published a joint ministerial order concerning the Authority's sub-directorates, pursuant to Presidential Decree No. 23-234⁴

For public procurement, the main challenge is to turn the Authority's findings into better administrative decisions. This requires recommendations that can be monitored and evaluated, comparable indicators across sectors, and lawful information sharing with oversight bodies and judicial authorities. Effectiveness cannot be judged by the number of files or reports alone. It also depends on the proportion of irregularities addressed, the implementation of recommendations, and the correction of systemic risks.

3.2 The National Council for Public Procurement: Statutory Powers and Practical Implementation

Article 104 of Law No. 23-12 establishes the National Council for Public Procurement under the minister responsible for finance. Its role extends beyond individual files to the development of public procurement policy. The Council provides advice and assistance and studies matters referred to it. It may propose or comment on draft legislation, model procedures, general administrative terms, common technical instructions, and standard contracts. Within the specified jurisdiction and thresholds, it also rules on major national files and challenges concerning the legality of award and allocation procedures. It contributes to annual economic statistics, analyses procurement data, and submits recommendations to the government.

These powers combine two deliberate functions. One is to promote consistent legal interpretation and guide administrative practice. The other is to support oversight and economic analysis. Article 104 nevertheless leaves the Council's composition, organization, and operation to regulations. Its creation by statute does not prove that it has been fully constituted or that every function is being performed. Any evaluation of its effectiveness should therefore consult the applicable implementing rules, published minutes or reports, and information on disputes, appeals, and recommendations. The Council must not be confused with the Tender Opening and Bid Evaluation Committee under Article 96 or the procurement committees governed by Articles 101 and 102.

¹ Law No. 23-12, Art. 107. The portal's statutory functions should be distinguished from the timetable for mandatory transition.

² Istabouli, F., and Touati, N. (2025), "Recent Developments in the Digitalization of Public Procurement," *Journal of Legal and Political Research and Studies*, 9(2), pp. 293–315

³ Constitution of 2020, Arts. 204–205; Law No. 22-08 of 5 May 2022, particularly Art. 39.

⁴ Internal Rules of the High Authority, Official Gazette No. 1, 8 January 2026; joint ministerial order on internal organization published in Gazette No. 15 (2026).

The Council's preventive role becomes clearer when annual statistics are connected with prior and subsequent oversight. In its statutory design, the Council can identify recurring award patterns, review model criteria, and propose ways to close implementation gaps. A comparable national database, however, needs common data standards. It must also distinguish administrative risk classifications from judicial proof of an offence. Probabilistic findings should not become prejudgments against bidders.

3.3 The Court of Accounts and the General Inspectorate of Finance

The Court of Accounts is Algeria's supreme ex post oversight institution for public funds and property. Its constitutional standing derives from Article 199. Its legal framework is provided by Order No. 95-20 of 17 July 1995, as amended, particularly by Order No. 10-02 of 2010. Its tasks go beyond checking account compliance. Within its jurisdiction, it assesses management quality and the use of public resources. It exercises both administrative and judicial oversight powers under its governing law. It would therefore be incorrect to treat it as a purely administrative body or to confuse its financial decisions with criminal penalties imposed by the competent ordinary courts¹

The Court's procurement audits may examine the legality and supporting documents of expenditure, as well as the quality of budget management. They may also uncover conflicts of interest, procedural breaches, or problems during performance. Its reports can identify recurrent risks. These include weak preliminary studies, late completion, costly contract amendments, and acceptance of work that does not meet agreed requirements. Since such risks often arise after the award, coordinated prior and subsequent oversight is more useful than reliance on formal approvals alone.

The General Inspectorate of Finance is an inspection and oversight service under the ministry responsible for finance. It was established in 1980. Its powers are governed by regulations, notably Executive Decree No. 08-272 of 6 September 2008. The Inspectorate reviews financial and accounting management and checks compliance with applicable procedures and rules. Within its legal remit, it records findings and proposes improvements to efficiency and control. It therefore differs from the Court of Accounts in its institutional status, powers, and the legal effects of its work²

Law No. 23-07 of 21 June 2023 on Public Accounting and Financial Management strengthens the wider framework of accountability for public expenditure. Its interaction with procurement law can help trace the financial effects of contracts. It also links expenditure to justification, audit, and accounting requirements. Each oversight body, however, retains a distinct legal remit. One form of oversight does not replace another³

3.4 The Economic and Financial Criminal Pole and the Central Office for the Repression of Corruption

Combating corruption extends from prevention and administrative oversight to criminal accountability. Law No. 06-01 criminalizes several practices linked to public procurement. These include the grant of unjustified advantages in procurement and related bribery, alongside other offences defined by their statutory elements. Judicial assessment must distinguish breaches of procurement rules from conduct that meets the legal elements of a specific offence. An irregular award does not automatically amount to a crime. Equally, administrative correction does not bar criminal proceedings when the legal conditions are present⁴

The new Code of Criminal Procedure, enacted by Law No. 25-14 of 3 August 2025, revised the rules governing prosecution and investigation. Articles 315 and following regulate the National Economic and Financial Criminal Pole. Article 317 identifies the offences within the concurrent jurisdiction described in that provision. These include offences under Law No. 06-01. Judicial specialization enables complex economic and financial cases to be handled under dedicated procedural rules. Such cases may involve multiple participants or transactions⁵

The Central Office for the Repression of Corruption is governed by Presidential Decree No. 11-426 of 8 December 2011. That decree was amended by Presidential Decree No. 14-209 of 2014 and Decree No. 23-69 of 7 February 2023. Under Article 2 of its governing regulations, the Office is a central operational judicial police service. It investigates and records corruption offences. It is attached to the Minister of Justice but has the operational and managerial autonomy provided by law. The 2023 amendment to Article 5 expanded its stated responsibilities. These include collecting information and evidence, conducting investigations, tracing proceeds for possible seizure or freezing, and exchanging information with counterpart bodies. These judicial-police tasks must not be confused with the High Authority's preventive and administrative role. Nor should investigative powers be equated with the power to determine guilt. That power remains with the competent courts.

Recovering unlawfully obtained proceeds is as important as imposing penalties on individual offenders. Procurement corruption may inflate contract values, divert assets, or produce undeserved profits. Recovery requires coordination between

¹ Order No. 95-20 of 17 July 1995 concerning the Court of Accounts, as amended; Constitution of 2020, Art. 199.

² Executive Decree No. 08-272 of 6 September 2008 defining the powers of the General Inspectorate of Finance, Official Gazette No. 50 (2008).

³ Law No. 23-07 of 21 June 2023 on Public Accounting and Financial Management, Official Gazette No. 42 (2023).

⁴ Law No. 06-01, especially Arts. 26 and 27 concerning public procurement offences.

⁵ Law No. 25-14 of 3 August 2025 containing the Code of Criminal Procedure, Official Gazette No. 54 (2025), Arts. 315–318.

the competent judicial and oversight authorities. The financial loss and its budgetary effects must be documented under the applicable procedures. A provisional freezing measure or administrative seizure must not be treated as equivalent to a final court order of confiscation.

Section Four: Assessing the Effectiveness of Recent Measures and Prospects for Improvement

4.1 Legislative Achievements and the Limits of Implementation

Law No. 23-12 marks progress in several areas. It codifies general principles, specifies integrity duties, identifies levels of oversight, and supports digital tools and economic data collection. Article 104 also establishes the National Council for Public Procurement. The Council is designed to provide advice, expertise, and oversight of specified files. Its statistical function may move evaluation beyond the review of individual contracts. Yet these advances must be assessed against practical criteria. These include data consistency, effective remedies, uniform legal interpretation, and the correction of recurrent problems.

Article 112 keeps certain earlier regulatory provisions in force. This transitional period requires clear administrative guidance and regular training. Otherwise, the use of overlapping legal sources may lead to inconsistent practice between contracting authorities. Some matters, including the professional code of ethics and the timetable for digital procedures, also depend on implementing instruments. Their status raises legitimate questions about regulatory completeness and uneven implementation. Legal scholarship must therefore distinguish an operative statutory principle from an implementing measure known to have been issued. It must also identify proposals and measures whose completion has not been established.¹

Comparative experience in anti-corruption work shows that extensive formal oversight does not necessarily produce good governance. A procurement file may pass through several reviews while the initial needs assessment or quality control remains weak. Some committee records may also be unsuitable for later analysis. A shift is therefore proposed from document-focused compliance checks to oversight based on risk analysis and spending outcomes. This shift must respect the presumption of innocence and the procedural rights of economic operators.

Peer-reviewed studies published in 2026 show that the challenge goes beyond establishing transparency and competition principles. It now involves balancing integrity with timely awards and satisfactory performance. Siham Driss examines the relationship between procurement integrity and procedural flexibility. Cheikh Bennoua discusses the gap between legal rules and practical implementation. Soumia Belhamri studies reform through economic efficiency and digitalization. Mohamed Ali Sedbira and Abdelhamid Ben Alia focus on equality, transparency, and free access to public procurement. Although these studies have different emphases, they share a concern with evaluating what legal safeguards achieve in practice. A June 2026 study of the professional code of ethics reinforces that concern.²

These publications do not, by themselves, establish actual reductions in corruption or increases in competition after Law No. 23-12. Such conclusions require comparable administrative data, samples of procurement files, or documented audit findings. This study therefore separates legal interpretation from explanatory propositions that can be tested empirically. Digital tracking, disclosure, and conflict-of-interest controls are treated as possible measurement tools, not as proof that implementation has succeeded.

4.2 A Practical Risk Matrix for the Procurement Cycle

An analytical matrix can link each risk to a preventive safeguard and a monitoring indicator. During needs assessment, risks include artificial splitting, inflated requirements, and tailored specifications. Documentation of preliminary studies and the reasons for selection criteria can address them. During competition, risks include withholding information and collusion. Common notices, published criteria, and records of submission periods provide corresponding safeguards. During evaluation, bias and conflicts of interest can be addressed through written disclosures, withdrawal from the process, and committee minutes. During performance, unjustified amendments and inaccurate invoicing call for technical and accounting audits and subsequent oversight. At the accountability stage, documents may be lost or reports delayed. Digital archives and a clear referral process can reduce those risks.

This matrix can also support field research. It may be converted into interview questions for procurement staff or a documentary review checklist for a sample of files. Such methods are preferable to broad judgments that a system is either effective or ineffective without supporting data. Academic assessment must distinguish the existence of a safeguard, how often it is used, and its measurable effect.

4.3 Feasible Legislative and Administrative Recommendations

Protecting public funds in procurement requires clear operational priorities. At the regulatory level, the necessary implementing instruments should be issued and uniform procedural guidance updated. Authorities should clarify how compatible earlier regulations continue to apply. At the institutional level, contracting authorities should introduce a

¹ Law No. 23-12, Arts. 65, 107 and 112, on the code of ethics, digital implementation, and transitional regulatory provisions.

² See Driss, S., "Integrity in Public Procurement and Procedural Flexibility" (2026); Bennoua, C., "Public Procurement between Legislative Rules and Implementation Difficulties" (2026); Belhamri, S., "Reforming Public Procurement Law" (2026); and the other 2026 studies listed in References [21]–[25].

mandatory internal record of written conflict-of-interest disclosures and related withdrawal decisions. They should also maintain risk registers. These registers should support real oversight, rather than becoming another formal requirement. On the technical side, monitoring dashboards should bring together information on notices, competition, award results, amendments, and performance. They should operate within statutory limits and allow comparisons across time and sectors without disclosing protected information. Professional training could also include digital integrity, market data analysis, verification of conflicts of interest, information security, and electronic records management.

Annual evaluation could use indicators such as the average number of qualified bids per procedure, and the proportion of consultations and negotiated procedures, with their legal grounds stated. Other indicators could measure substantial amendments, compliance with completion deadlines, publication of data under Articles 95 and 108, and decisions corrected after challenges. Annual statistics prepared with the involvement of the finance ministry and the National Council for Public Procurement could be connected to service-quality outcomes. These are proposed research and management indicators. They should not be presented as numerical duties expressly imposed by the statute.

In light of the functions assigned to the Council and the electronic portal, an annual public report is recommended. It should distinguish contracts directly governed by Law No. 23-12 from internal procedures adopted by the institutions covered by Articles 12 to 14. It should address publication, competition, challenges, digitalization, costs, and deadlines. Independent research methods could be used to interpret the indicators. Any report should disclose limits caused by missing information or different classification practices across institutions.

Conclusion

This study shows that the Algerian legislature has sought to establish a multi-level system for protecting public funds in public procurement. Law No. 06-01 governs integrity duties, asset declarations, conflicts of interest, and criminal offences. Law No. 23-12 reinforces competition, transparency, and proper resource management. It also introduces more specific provisions on integrity, committees, oversight, and digitalization. The High Authority for Transparency, the Court of Accounts, the General Inspectorate of Finance, and the competent judicial bodies each contribute to identifying and addressing misconduct within their respective powers.

Six main findings emerge. First, statutory reform does not repeal earlier regulations beyond the extent of any conflict. The transition under Articles 110 and 112 must be respected. Second, the law's application varies with the institution and the source of financing, especially under Articles 9 and 12 to 14. Third, written conflict-of-interest disclosures and bidders' integrity duties strengthen safeguards before award. Fourth, the Tender Opening and Bid Evaluation Committee and the National Council for Public Procurement perform different functions and should not be confused. Fifth, the 2024 asset-declaration decrees and the 2026 ministerial order on the electronic procurement portal expand tracking tools without proving that a comprehensive digital transition has been completed. Sixth, prevention must be judged through evidence on competition, performance, and judicial referrals, not the adoption of legal texts alone.

The priority is therefore not simply to increase the number of laws or oversight bodies. It is to ensure practical consistency between legislation, transitional provisions, implementing rules, and institutional capacity. Auditable information systems, close review of exceptions, proper records of conflicts of interest, and annual statistical analysis can support a move from formal ex post checks to risk-based prevention. The rights of economic operators and the guarantees of the defence must remain protected throughout this process.

References and Sources

I. Constitution, International Conventions, and Legislation

- [1] Constitution of the People's Democratic Republic of Algeria, promulgated by Presidential Decree No. 20-442 of 30 December 2020, as amended by Law No. 26-04 of 26 March 2026, Official Gazette No. 22 (2026), particularly Articles 199, 204, and 205.
- [2] United Nations Convention against Corruption, adopted by the United Nations General Assembly on 31 October 2003; ratified by Algeria under Presidential Decree No. 04-128 of 19 April 2004.
- [3] Law No. 06-01 of 20 February 2006 on the Prevention and Fight Against Corruption, Official Gazette No. 14 (2006), as amended, particularly by Order No. 10-05 of 26 August 2010 and Law No. 11-15 of 2 August 2011, subject to Law No. 22-08.
- [4] Law No. 22-08 of 5 May 2022 defining the organization, composition, and powers of the High Authority for Transparency and the Prevention and Fight Against Corruption, Official Gazette No. 32 (2022).
- [5] Law No. 23-12 of 5 August 2023 laying down the general rules of public procurement, Official Gazette No. 51, 6 August 2023.
- [6] Law No. 23-07 of 21 June 2023 on Public Accounting and Financial Management, Official Gazette No. 42 (2023).
- [7] Law No. 25-14 of 3 August 2025 containing the Code of Criminal Procedure, Official Gazette No. 54 (2025), particularly Article 315 and following.
- [8] Order No. 95-20 of 17 July 1995 concerning the Court of Accounts, as amended, particularly by Order No. 10-02 (2010).

II. Decrees, Ministerial Orders, Decisions, and Regulations

- [9] Presidential Decree No. 15-247 of 16 September 2015 regulating public procurement and public service delegations. It must be read in light of the regulatory provisions preserved by Articles 110 and 112 of Law No. 23-12.

- [10] Presidential Decrees No. 24-215 and No. 24-216 of 27 June 2024 amending the asset declaration form and filing procedures, including the possibility of electronic declaration, Official Gazette No. 46, 8 July 2024.
- [11] Executive Decree No. 08-272 of 6 September 2008 defining the powers of the General Inspectorate of Finance, Official Gazette No. 50 (2008).
- [12] Presidential Decree No. 23-234 of 27 June 2023 concerning the structures of the High Authority for Transparency and the Prevention and Fight Against Corruption.
- [13] Internal Rules of the High Authority for Transparency and the Prevention and Fight Against Corruption, approved on 21 October 2025 and published in Official Gazette No. 1, 8 January 2026.
- [14] Joint Ministerial Order of 23 October 2025 concerning the internal organization of the High Authority's sub-directorates into offices, Official Gazette No. 15 (2026).
- [15] Ministerial Order of 4 February 2026 defining the content and management of the public procurement electronic portal, Official Gazette No. 17, 2 March 2026.
- [16] Presidential Decree No. 11-426 of 8 December 2011 concerning the composition, organization, and operation of the Central Office for the Repression of Corruption, as amended by Presidential Decree No. 14-209 of 23 July 2014 and Presidential Decree No. 23-69 of 7 February 2023; Official Gazette Nos. 68 (2011), 46 (2014), and 9 (2023).

III. Recent Peer-Reviewed Studies

- [17] Saihi, Kamal, and Madjoub, Khaira. "New Mechanisms for Preventing Corruption in the Award of Public Contracts in Algeria under Law No. 23-12." *Journal of Legal and Economic Research*, 7(2), 2024, pp. 614–634.
- [18] Istambouli, Firdaws, and Touati, Nassira. "Recent Developments in the Digitalization of Public Procurement under Law No. 23-12 on the General Rules of Public Procurement." *Journal of Legal and Political Research and Studies*, 9(2), 2025, pp. 293–315.
- [19] Mehdah, Djelloul. "Mechanisms for Strengthening Integrity in Public Procurement under the New Provisions of Law No. 23-12." *African Journal of Legal and Political Studies*, 8(2), 2025, pp. 136–156.
- [20] Slimani, Abdelghani. "The Legal Framework of the Tender Opening and Technical Evaluation Committee in Light of Public Procurement Law 23-12." *Journal of Law, Society and Authority*, 14(2), 2025. <https://doi.org/10.52919/jlsa.v14i2.303>
- [21] Driss, Siham. "Integrity in Public Procurement and Procedural Flexibility: A Difficult Balance." *Academic Journal of Legal Research*, 17(1), 30 June 2026, pp. 318–341. <https://asjp.cerist.dz/en/article/298531>
- [22] Bennoua, Cheikh. "Public Procurement in Algeria between Legislative Rules and Implementation Difficulties: An Analytical Study of Law No. 23-12." *Journal of Ijtihad for Legal and Economic Studies*, 15(2), 1 June 2026, pp. 468–490. <https://asjp.cerist.dz/en/article/292586>
- [23] Belhamri, Soumia. "Reforming Algeria's Public Procurement Law under Law No. 23-12: Towards Greater Transparency and Economic Efficiency." *Journal of Economics and Finance*, 12(2), 1 June 2026, pp. 142–157. <https://asjp.cerist.dz/en/article/294271>
- [24] Sedbira, Mohamed Ali, and Ben Alia, Abdelhamid. "General Principles of Public Procurement under Law No. 23-12 on the General Rules of Public Procurement." *Journal of Legal and Economic Research*, 9(3), 12 September 2026, pp. 1106–1122. <https://asjp.cerist.dz/en/article/302297>
- [25] Ben Derrah, Ali Ibrahim. "The Professional Code of Ethics in Public Procurement." *Journal of Legal and Political Studies*, 12(2), 5 June 2026, pp. 297–305. <https://asjp.cerist.dz/en/article/297339>

IV. Official Legal Texts and Research Databases

Algerian Official Gazette: <https://www.joradp.dz/>
 Law No. 23-12 (official text, Gazette No. 51 of 2023): <https://www.joradp.dz/FTP/JO-arabe/2023/A2023051.pdf>
 Official Gazette No. 46 of 2024 (Decrees No. 24-215 and No. 24-216): <https://www.joradp.dz/FTP/jo-arabe/2024/A2024046.pdf>
 Official Gazette No. 1 of 2026 (High Authority's Internal Rules): <https://www.joradp.dz/FTP/jo-arabe/2026/A2026001.pdf>
 Official Gazette No. 17 of 2026 (Electronic Procurement Portal Ministerial Order): <https://www.joradp.dz/FTP/jo-arabe/2026/A2026017.pdf>
 Official Gazette No. 22 of 2026 (Constitutional Amendment): <https://www.joradp.dz/FTP/jo-arabe/2026/A2026022.pdf>
 Official website of the Central Office for the Repression of Corruption (legal and regulatory texts): <https://www.ocrc.gov.dz/ar/>
 Code of Criminal Procedure, Law No. 25-14 (Ministry of Justice): https://droit.mjustice.gov.dz/sites/default/files/loi_25-14_code_proc_penale_ar.pdf
 Ministry of Justice notice of provisional award for Contract No. 02/2026, 28 June 2026 (joint reference to Law No. 23-12 and Decree No. 15-247): <https://www.mjustice.gov.dz/ar/-02-2026/>
 Algerian Scientific Journal Platform (ASJP): <https://asjp.cerist.dz/>