

The Economic and Financial Criminal Pole as An Approach to Combat Serious Crimes

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Abstract:

A groundbreaking adjudicative framework has been instituted by Algerian lawmakers Pursuant to Order 20-04, reshaping procedural configurations within the forensic apparatus. This newly devised legal entity is meticulously designed to dismantle grave fiscal infractions that jeopardize national equilibrium and monetary resilience. Established within the preeminent tribunal of the capital's adjudicatory nucleus, this statutory body wields extensive territorial command and an exclusive subject-matter scope, stringently confined to delineated infractions of a specialized classification. The mechanisms of adjudication within this governing structure are activated either through formally instituted solicitations or via delegated case transfers, contingent on procedural imperatives. Moreover, this instrument of statutory oversight enjoys extraordinary prosecutorial latitude, bestowing unparalleled enforcement prerogatives.

Keywords: Sophisticated Fiscal Tribunal, High-Impact Statutory Infractions, Expansive Adjudicative Reach, Singular Prosecution Dynamics.

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INTRODUCTION

In a concerted endeavor to stifle the surge of grave infractions that jeopardize national economic stability and disrupt fiscal governance, Algerian legislators have undertaken substantial legal reforms to confront this escalating and deeply entrenched phenomenon. The adoption of multiple multilateral accords across distinct domains has mandated the penalization of emergent transgressions, necessitating the establishment of specialized adjudicative entities due to their gravity and singular characteristics.

Aligned with this strategic orientation, the legislative authority promulgated Statute 04-14, introducing pivotal modifications to the procedural framework of criminal litigation. This enactment facilitated the inception of designated tribunals endowed with augmented adjudicative reach, thereby sanctioning the geographical expansion of authority conferred upon prosecutorial bodies, investigative magistrates, and trial forums, permitting jurisdictional overlap through statutory instruments for explicitly delineated offenses. This codified directive materialized in Regulatory Decree 06-348, which governed the spatial extension of competence for selected adjudicative bodies and legal practitioners. Subsequently, Regulatory Decree 16-267 introduced refinements, formally classifying these adjudicatory organs as specialized prosecutorial divisions. The formulation of such dedicated forensic structures underscores an innovative paradigm aimed at fortifying the efficacy of legal enforcement mechanisms within Algeria.

As a manifestation of the nation's unwavering commitment to suppressing financial malfeasance and upholding its obligations under global anti-corruption instruments—notably, the United Nations Convention Against Corruption, an exceedingly intricate multilateral treaty—legislators orchestrated the creation of an Economic and Financial Penal Apparatus. This autonomous forensic construct was vested with nationwide authority, culminating in the ratification of Legislative Ordinance 20-04¹, The revision and augmentation of Ordinance 66-155, which governs procedural frameworks in criminal

litigation, played a pivotal role in eliminating jurisdictional immunity previously granted to senior public functionaries. This statutory privilege had historically engendered procedural entanglements, frequently protracting or impeding judicial proceedings.

With the inception of the Economic and Financial Penal Apparatus, adjudicating intricate and high-stakes offenses has become markedly more efficient. These cases are frequently characterized by multi-party involvement, substantial economic repercussions, or transnational dimensions, necessitating cross-border collaboration. This forensic construct aspires to optimize investigative methodologies, fortify oversight mechanisms, and expedite the retrieval of unlawfully acquired assets.

The salience of this institution is underscored by its precise alignment with the typologies of infractions it is designed to address. The pursuit of such violations inexorably demands an exploration of the modalities and tactical frameworks essential for their mitigation.

The novelty of this adjudicative structure and its relative paucity in scholarly discourse establish the foundational premise for this study's significance.

Does the Economic and Financial Penal Apparatus, as delineated through its prescribed jurisdictional scope, procedural architecture, and operational mechanisms, effectively achieve the objectives that warranted its creation?

This investigation employs an analytical jurisprudential methodology, dissecting statutory provisions governing this entity, with a focus on the following dimensions:

II: The Statutory Foundations of the Economic and Financial Penal Apparatus

This segment elucidates the conceptual framework and organizational architecture of this forensic entity in Section One, while Section Two scrutinizes both its material (substantive) and territorial reach.

II-1: The Nature of the Economic and Financial Penal Apparatus

This subdivision comprises two parts: The first explicates the conceptual underpinnings of the Economic and Financial Penal Apparatus, while the second explores its structural and operational composition.

II-1-1: Conceptual Parameters of the Economic and Financial Penal Apparatus

The Algerian legislative authority institutionalized this forensic framework under Ordinance 20-04, an amendment to procedural penal statutes. Article 211 bis of this legal instrument stipulates that a nationally competent penal structure has been constituted within the central tribunal of the capital to combat financial and economic delinquency.

From this provision, it is evident that the legislative drafters refrained from offering a precise definitional exposition but instead characterized it as a specialized adjudicatory mechanism dedicated to counteracting fiscal malfeasance. To construct a cohesive conceptualization, a systematic dissection of these terminological components follows:

Article 37, Paragraph 2, of the Penal Procedure Code specifies: The geographical scope of prosecutorial authority may, through statutory regulation, be expanded to encompass additional forums in cases involving narcotics infractions, transnational organized delinquency, cyber-related offenses, financial laundering, acts of terror, and infractions concerning monetary regulatory compliance.

This provision unequivocally signifies that the legislative authority has extended the geographic purview of prosecutorial entities to encompass explicitly delineated infractions, ensuring that select forums and officials—including prosecutorial representatives and investigative magistrates—are vested with mandates surpassing their conventionally designated territorial bounds.

Pursuant to Articles 37, 40, and 329 of the amended procedural penal framework, Regulatory Decree 06-348 was promulgated to codify the territorial expansion of adjudicatory reach for specified

forums, prosecutorial entities, and examining magistrates. Additionally, Regulatory Decree 16-267 was subsequently enacted to further refine this statutory construct², Promulgated on October 17, 2016, and officially recorded in Gazette No. 62 on October 23, 2016, this regulatory instrument mandated the institutionalization of four prosecutorial divisions across the territorial units of Algiers, Oran, Constantine, and Ouargla. Under the provisions of Articles 3, 4, and 5 of this legislative act, the statutory framework also delineated offenses of an economic and financial nature.

Article 211 bis 3, Paragraph 2, within the procedural penal codex, establishes that infractions of heightened complexity fall within this classification when they exhibit any of the following characteristics: multifaceted participation involving numerous actors, victims, or facilitators; expansive territorial dispersion; substantial socio-economic repercussions; an organized or transnational operational structure; or the integration of digital infrastructures and communication technologies in their execution. These attributes necessitate the deployment of advanced forensic methodologies, specialized analytical acumen, or interjurisdictional coordination mechanisms.

Consequently, the Economic and Financial Penal Apparatus may be characterized as a specialized adjudicative organ designated to process the most convoluted forms of fiscal delinquency. These violations inherently demand the application of cutting-edge investigatory techniques, domain-specific forensic proficiency, and transnational legal collaboration to ensure their effective prosecution³.

II-1-2: Structural Composition of the Economic and Financial Penal Apparatus

The architectural framework of this adjudicative entity comprises two fundamental components: personnel resources and logistical infrastructure, delineated as follows:

Personnel Allocation

In the context of specialized prosecutorial divisions, human capital predominantly encompasses adjudicators and clerical

functionaries, who collectively constitute the institutional core of any legal enforcement mechanism. Under the organizational schema governing forensic tribunals, each criminal forum is structurally composed of both prosecutorial authorities and investigative magistrates.

As a dedicated prosecutorial forum, this entity integrates the following key actors:

- Chief Prosecutorial Officer: Supported by a minimum of one subordinate legal representative.
- Examining Magistrates: A minimum of two adjudicators, each presiding over distinct chambers of preliminary inquiry.

This human capital configuration is integral to the operational efficacy of the Economic and Financial Penal Apparatus, ensuring its capacity to adjudicate the intricate and multifaceted nature of financial and economic delinquency with precision and procedural rigor⁴.

The efficacy of any institutional overhaul or procedural advancement is inherently contingent upon the allocation of adequate material assets, ensuring the seamless execution of strategic reforms. In pursuit of this objective, the Ministry of Justice has designated substantial logistical provisions to reinforce the specialized prosecutorial divisions. Principal components of this framework include:

- Exclusive Facilities: The establishment of dedicated operational hubs within the four designated adjudicatory forums situated in Algiers, Oran, Constantine, and Ouargla.
- Cutting-Edge Digital Systems: Deployment of state-of-the-art technological infrastructures to fortify investigative protocols, procedural efficiency, and administrative functionalities.

The integration of these structural assets is strategically designed to optimize procedural workflows, augment the institutional capacity of these specialized enforcement mechanisms, and bolster their effectiveness in dismantling intricate economic and financial infractions⁵.

II-2: Adjudicative Competence of the Economic and Financial Penal Apparatus

This section examines the extended geographical reach of this specialized enforcement structure in the initial part, followed by an exploration of its subject-specific authority in the subsequent segment.

II-2-1: Nationwide Jurisdictional Mandate of the Economic and Financial Penal Apparatus

Pursuant to Article 211 bis 01 of Legislative Edict 20-04, the statutory provision articulates: The Chief Prosecutorial Officer, the Investigative Magistrate, and the Presiding Authority of the Economic and Financial Penal Apparatus exercise their mandates over the entirety of the national domain.

From this legislative directive, it is evident that an expanded territorial reach has been conferred upon these principal legal actors, thereby enabling them to execute their responsibilities without regional constraints.

Furthermore, Article 211 bis 02 of the same statutory instrument delineates: The Chief Prosecutor, the Investigative Magistrate, and the Presiding Authority of this penal framework concurrently exercise their mandates in conjunction with the jurisdictional scope prescribed under Articles 37, 40, and 329 of this legal corpus, specifically regarding the infractions enumerated therein, along with their associated offenses.

These stipulations affirm that, through Legislative Edict 20-04, the Algerian legal system has substantively broadened the operational scope of these key judicial figures, empowering them with unrestricted territorial authority. This legislative modification is predicated on the gravity and systemic ramifications of economic and financial delinquency.

In this context, the Chief Prosecutorial Officer affiliated with this specialized forensic division operates under the direct oversight of the Senior Prosecutorial Authority within the Appellate Tribunal of Algiers. Concurrently, the Investigative Magistrate and the Presiding Official of this adjudicative framework function under the

administrative jurisdiction of the Chief Magistrate of the same appellate body, as prescribed by Articles 211 bis 04 and 211 bis 05.

Regarding enforcement entities endowed with territorial jurisdiction beyond conventional constraints, the legislative authority, within the scope of monitoring and prosecuting particularly severe infractions, notably those codified in Article 37 of the Penal Procedure Statute, has instituted designated adjudicative mechanisms with an enhanced geographical mandate⁶. This directive was further refined in Executive Decree No. 06-348, which expands the adjudicatory reach of selected tribunals, prosecutorial authorities, and examining magistrates in relation to designated offenses, particularly those of an economic and financial nature. Consequently, infractions falling within this specific legal classification, along with associated transgressions, are subject to this augmented jurisdictional framework. As a result, the Presiding Magistrate of the competent appellate tribunal is vested with the authority to issue adjudicative directives, in accordance with Article 40 bis 1 of Legislative Edict 20-04. This provision mandates that, upon the occurrence of any offense enumerated in Paragraph 2 of Article 37 of the Penal Procedure Code, law enforcement officials must immediately notify the designated prosecutorial officer of the jurisdictionally relevant tribunal. Additionally, they are required to submit the original investigative records alongside two certified duplicates. Upon receipt, the Chief Prosecutor must expeditiously transmit the second duplicate to the prosecutorial representative of the tribunal exercising extended territorial jurisdiction⁷.

II-2-2: Subject-Matter Competence of the Economic and Financial Penal Apparatus

The notion of exclusive jurisdiction pertains to the competence of a designated adjudicatory framework to preside over specific legal violations under a particular statutory mandate. According to Article 211 bis 2 of Legislative Edict 20-04, this provision delineates the infractions under the purview of the Economic and Financial Penal Apparatus, which include:

- Violations codified under Articles 119 bis, 389 bis, 389 bis 1, 389 bis 2, and 389 bis 3 of the Penal Statute.
- Offenses stipulated in Statutory Act No. 06-01, which governs anti-corruption measures and financial integrity safeguards.
- Infractions prescribed by Ordinance No. 96-22, pertaining to contraventions of foreign exchange regulations and the transnational movement of capital.
- Transgressions specified under Articles 11, 12, 13, 14, and 15 of Ordinance No. 05-06, which addresses anti-smuggling enforcement.

III: Functional Framework of the Economic and Financial Penal Apparatus

This section examines, in the first part, the procedural architecture governing the functionality of this adjudicatory entity, detailing the methodological execution of forensic proceedings within its remit. In the second part, an empirical assessment will be conducted, presenting quantitative insights into the adjudicatory performance of this specialized framework since its formal establishment, emphasizing notable achievements and efficiency metrics in prosecuting economic and financial infractions.

III-1: Procedural Interfaces Governing Case Assignments

Given the critical importance of procedural directives in light of the complex and multifaceted nature of the infractions adjudicated by this enforcement mechanism, this segment has been bifurcated into two analytical subsections. The first subsection will evaluate the jurisdictional frameworks facilitating the assignment of cases to this prosecutorial division, while the second subsection will explore the investigatory and evidentiary methodologies available within its operational scope.

III-1-1: Jurisdictional Determinants in Case Assignment

The Economic and Financial Penal Apparatus assumes a pivotal role in mitigating highly intricate violations, often interwoven with legal protections that may generate jurisdictional disputes across multiple adjudicatory bodies. These disputes, whether affirmative

conflicts of competence or negative jurisdictional voids, necessitated the establishment of this nationally mandated forensic structure to eliminate overlapping claims to legal authority.

To elucidate the mechanisms governing case assignment, this subsection will dissect the process through the following analytical dimensions⁸:

Pursuant to Article 211 bis 06 of Legislative Edict 20-04, the provision stipulates: In accordance with the directives enshrined in Article 37 of this statute, prosecutorial representatives at territorially designated adjudicatory bodies are mandated to expeditiously transmit, through all available channels, authenticated copies of investigative reports and procedural records compiled by forensic law enforcement regarding offenses enumerated in Article 211 bis 2 to the prosecutorial authority overseeing the Economic and Financial Penal Apparatus.

Thus, the designated prosecutorial officer within this specialized enforcement entity may formally request access to the full case dossier upon securing an opinion from the Principal Prosecutorial Authority at the Algiers Appellate Tribunal, provided the case is deemed to fall within its designated competence. This is corroborated by Article 211 bis 07, which asserts: Following the issuance of an official determination by the Principal Prosecutorial Authority at the Algiers Appellate Tribunal, the designated prosecutorial officer overseeing the Economic and Financial Penal Apparatus may initiate a request to assume jurisdiction over the case if it is classified under its legal purview.

Accordingly, the procedural necessity of securing a formal opinion from the Principal Prosecutorial Authority at the Algiers Appellate Tribunal is predicated upon the hierarchical structure within which this specialized enforcement division operates. This interpretation is reinforced by Article 211 bis 04 of Legislative Edict 20-04, which clarifies that the forensic prosecutorial authority assigned to this adjudicatory framework functions under the direct

oversight of the Principal Prosecutorial Authority at the Algiers Appellate Tribunal.

Furthermore, the request to obtain the case dossier by the prosecutorial representative at the Economic and Financial Penal Apparatus may be initiated at various procedural junctures, including preliminary forensic inquiries, continuous investigatory oversight, and formal judicial examination. This procedural directive is explicitly affirmed in Article 211 bis 08, which states: The prosecutorial representative at the Economic and Financial Penal Apparatus is authorized to requisition the case dossier at any stage of the forensic inquiry, ongoing prosecutorial review, or formal judicial examination.

Consequently, the procedural interface governing case allocation to this adjudicative framework is meticulously codified to ensure that it exercises unimpeded oversight in the investigation and prosecution of complex economic and financial infractions.

Procedural Dynamics Governing Case Transfer to the Economic and Financial Penal Apparatus

In relation to the preceding discussion on case requisition, this section evaluates the circumstances under which case files are formally reassigned to this enforcement entity. This transpires when the territorial prosecutorial authority, during either preliminary inquiry or ongoing forensic scrutiny, receives a formal petition from the designated prosecutorial officer at the Economic and Financial Penal Apparatus, requesting jurisdictional transfer. In such instances, the territorial prosecutorial authority issues a binding directive effecting the transfer.

This procedural mandate is explicitly articulated in Article 211 bis 09 of Legislative Edict 20-04, which asserts: The territorial prosecutorial representative, upon receiving a requisition from the prosecutorial authority at the Economic and Financial Penal Apparatus during either preliminary inquiries or investigative review, shall issue a legally binding directive authorizing the case's transfer to the requesting entity.

Jurisdictional Precedence in Cases Before Extended-Authority Adjudicatory Bodies

A second procedural dimension concerns cases already pending before adjudicatory forums vested with extended territorial competence. In such scenarios, the procedural framework delineated above remains equally applicable, ensuring uniformity in case assignment protocols.

Should a situation arise wherein both the prosecutorial officer at the Economic and Financial Penal Apparatus and the prosecutorial representative at an adjudicatory body with extended territorial jurisdiction concurrently submit a requisition for the case dossier, the principle of automatic jurisdictional precedence applies. Under this rule, jurisdiction is invariably conferred upon the prosecutorial authority overseeing the Economic and Financial Penal Apparatus, ensuring that exclusive prosecutorial oversight is exercised over offenses falling within this specialized domain⁹. This procedural directive is explicitly articulated in Article 211 bis 11 of Legislative Edict 20-04, which establishes that: Should a case requisition by the prosecutorial authority at the Economic and Financial Penal Apparatus coincide with a parallel request from the prosecutorial representative at an adjudicatory body vested with extended territorial competence, jurisdiction shall automatically be conferred upon the former.

Accordingly, if a case is under adjudication within an extended-territory tribunal during either the preliminary forensic examination, investigative oversight, or judicial inquiry phases, jurisdictional transfer shall be effectuated upon formal requisition by the prosecutorial authority presiding over the Economic and Financial Penal Apparatus, in alignment with the procedural stipulations enshrined in Articles 211 bis 9 and 211 bis 10 of Legislative Edict 20-04.

In instances where the territorial prosecutorial authority identifies new evidentiary components warranting the competence of the Economic and Financial Penal Apparatus, it is authorized to notify the designated prosecutorial officer within this specialized enforcement

framework. Within the parameters of inter-agency coordination, the entire investigative dossier, inclusive of supporting documentation, corroborative materials, and evidentiary exhibits, shall be formally transmitted from the territorial prosecutorial office to the designated prosecutorial officer at the Economic and Financial Penal Apparatus.

This procedural requirement is formally codified in Article 211 bis 12 of Legislative Edict 20-04, which mandates that: Upon determination of a jurisdictional transfer, the regional prosecutorial authority shall transmit the case dossier, including all documentary evidence and probative materials, to the prosecutorial officer overseeing the Economic and Financial Penal Apparatus.

III-1-2: Forensic Examination and Investigatory Protocols Available to the Economic and Financial Penal Apparatus

The initial investigatory phase represents a critical procedural juncture, as it serves as the foundation for the initiation of public legal proceedings during the pre-trial stage. Despite being perceived as ancillary due to its quasi-adjudicative nature and the discretionary latitude granted to forensic law enforcement agents in the preparation of evidentiary reports, it remains an indispensable element in structuring prosecutorial litigation.

This phase plays an instrumental role in assembling the requisite factual and legal substratum necessary for the ensuing adjudicative inquiry, ensuring that judicial oversight mechanisms are adequately positioned to process financial and economic infractions with forensic precision¹⁰.

To optimize procedural efficacy and expedite the adjudication of these offenses, Algerian legislative authorities have enacted progressive regulatory measures, expanding the operational scope of forensic enforcement officers and introducing innovative investigatory methodologies tailored to address these transgressions while ensuring adherence to fundamental human rights principles.

I—Modification of Conventional Investigatory Mechanisms

The jurisdictional reach of designated enforcement agents has been substantially broadened, permitting them to operate beyond

conventional geographical limitations when pursuing designated high-risk financial infractions.

In recognition of the intricate nature of these violations, the statutory duration of preliminary custodial measures has been extended, ensuring that forensic bodies have sufficient temporal latitude to compile critical evidence before the initiation of formal prosecutorial proceedings.

Given the complexity of economic and financial delinquency, adjustments have been enacted allowing for deviations from prescribed temporal constraints regarding search and seizure operations, ensuring uninterrupted evidence-gathering processes in circumstances that warrant procedural flexibility.

II—Advanced Investigatory Strategies

Advanced investigatory methodologies are defined as tactical operations, procedural frameworks, or forensic methodologies deployed by designated enforcement officers under formal judicial oversight. These strategic mechanisms are exclusively employed in the investigation and evidence compilation of serious infractions codified within the Penal Statute. Their primary objectives are:

- Identifying and apprehending perpetrators
- Preserving evidentiary integrity
- Unraveling sophisticated financial and economic criminal networks

Critically, these methodologies are executed without the prior awareness or consent of the implicated parties, ensuring that forensic authorities can proactively dismantle criminal frameworks while preserving the integrity of ongoing investigations¹¹.

The law permits these methods for handling offenses under the Economic and Financial Penal Apparatus. They are available to assigned officials and can be applied when necessary to uncover facts and enforce penalties.

Under Article 211 bis 1 of Legislative Edict 20-04, the lead prosecutor, investigative officer, and head of the unit have full

authority across the country, ensuring broad oversight of economic and financial violations.

Article 65 bis 12 of the Algerian Penal Procedure Code defines infiltration as an operation where enforcement agents, under supervision, monitor suspects by assuming false identities. This allows them to blend into criminal networks while collecting evidence, provided they do not incite offenses. The framework for these operations is detailed in Articles 65 bis 11 to 65 bis 18.

Article 16 bis permits officials to track suspects, assets, money flows, and transactions across the country, ensuring close monitoring of financial crime activities unless blocked by prosecution authorities.

3. Communication Interception and Monitoring

Under Article 65 bis 5, officials may use surveillance techniques for:

- Real-time tracking of illegal activities
- Intercepting digital and voice communications
- Recording private conversations and images without consent

These measures apply to financial crimes, corruption, cyber offenses, organized networks, and other serious violations, as per legal authorization.

The law provides special investigative tools based on offense type or status of the accused. These include:

- Advanced methods for enforcement agents, requiring approval.
- Special techniques for case handling, aimed at complex financial violations¹².

I—Appointment of Multiple Investigative Officials

The law permits assigning multiple investigators to a single case when its complexity or severity requires deeper scrutiny. This enhances efficiency, particularly in cases with multiple layers or intricate issues.

Article 70 of the Penal Procedure Code states: The prosecutor may, if needed, appoint one or more additional investigators, either at the start of an inquiry or upon request during the process.

II—New Methods in International Cooperation

1. Cross-Border Assistance

- Legal Support Between Nations: Countries provide mutual aid in investigating and prosecuting offenses.
- Extradition of Offenders: Articles 694–701 and 714–718 define the conditions and procedures for transferring suspects between countries.
- Mutual Legal Assistance: Article 721 outlines how foreign requests for investigative aid are processed through diplomatic channels, ensuring compliance with Algerian law and reciprocity agreements.

2. Recognition and Enforcement of Foreign Rulings

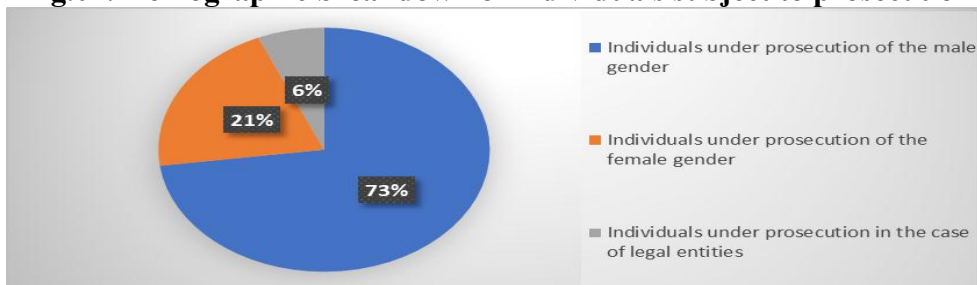
- Oversight of Legal Procedures: Specialized officials ensure the proper execution of legal measures, particularly in financial crime cases.
- Implementation of Foreign Sentences: Algeria enforces foreign rulings under specific legal conditions, including adherence to bilateral agreements and principles of reciprocity.

III—Statistical Overview of Investigative Activities¹³

On June 21, 2021, Prosecutor Qara Shaker at the Economic and Financial Penal Apparatus of Sidi Mhamed Court presented an overview of activities covering nine months since the entity's establishment. The total number of notifications received was 141 cases. Of these, 83 cases, representing 58.87% of the total, were claimed by the apparatus. Among them, 34 cases had previously been under Supreme Court jurisdiction before appellate restructuring. These cases were transferred in less than a week and subsequently assigned to investigators, while the remaining 49 cases are still under review. A total of 58 cases, accounting for 41.31%, were deemed unsuitable for prosecution.

The number of individuals under investigation stood at 723. Among them, 527 were men, representing 72.89%, while 47 were women, accounting for 6.50%. Additionally, 149 legal entities, making up 20.61% of the total, were under investigation. This statistical overview highlights the scope and demographic distribution of cases processed by the Economic and Financial Penal Apparatus.

Fig.01. Demographic breakdown of individuals subject to prosecution



Source: Prepared by the researcher based on statistics presented at the seminar

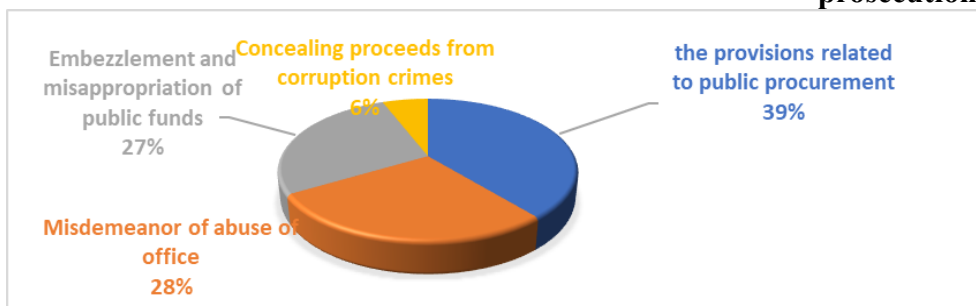
A total of 55 individuals were held in custody, representing 7.61% of all individuals under investigation. Among them, 51 were men, accounting for 7.05%, while 4 were women, making up 0.56%. The number of individuals placed under supervision reached 151, representing 20.89% of the total, including 139 men, which constitutes 19.23%, and 12 women, making up 1.66%. More than 51.71% of those under investigation were released on bail, including 337 men and 31 women.

Legal provisions related to public procurement violations resulted in 478 prosecutions, representing 38.93% of all cases. The number of prosecutions related to misuse of office reached 339, accounting for 27.61% of total cases. These statistics provide insight into the types of offenses most frequently prosecuted and the demographic composition of those involved.

Prosecution of Financial Misconduct and Corruption-Related Offenses:

Prosecutions initiated for the illicit diversion or unauthorized allocation of state financial assets amounted to 338 cases, constituting approximately 27.52% of the total legal actions undertaken. Instances concerning the deliberate obscuring of unlawfully acquired wealth linked to corruption-related infractions reached 73, reflecting 5.94% of overall proceedings. These statistical insights underscore the pronounced emphasis placed on prosecuting sophisticated financial transgressions, particularly those involving the unlawful appropriation of public resources and intricate schemes designed to conceal illicit economic gains.

Fig 02. Classification of legal provisions applied in financial crime prosecutions

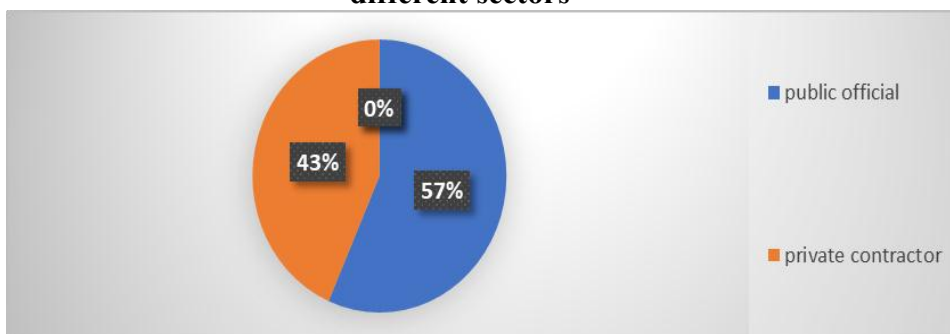


Source: Prepared by the researcher based on statistics presented at the seminar

Prosecution of Public and Private Sector Actors in Economic and Financial Violations

Legal proceedings encompassed 409 cases implicating state personnel, representing approximately 56.57% of all recorded prosecutions. In contrast, 314 cases involved private sector contractors or individuals operating outside government institutions, constituting around 43.43% of total indictments. This distribution highlights the substantial entanglement of both public officials and private sector participants in financial and economic infractions examined within the purview of the Economic and Financial Penal Apparatus.

Fig 03. the occupational distribution of prosecuted individuals across different sectors

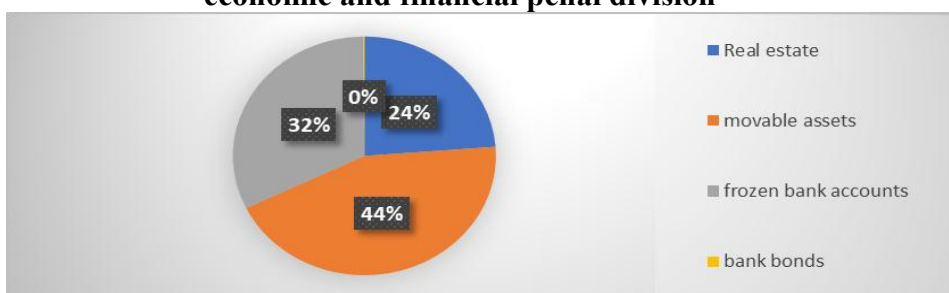


Source: Prepared by the researcher based on statistics presented at the seminar

Throughout the initial nine months following the inception of the Economic and Financial Penal Apparatus, the scope of confiscated holdings encompassed a vast array of assets. Immovable properties

accounted for 750 instances, constituting approximately 23.79% of total seizures. Tangible valuables and liquid assets, excluding financial instruments, comprised 1,387 cases, reflecting 43.99%. Restricted monetary reserves held within banking institutions amounted to 1,011 occurrences, representing 32.60% of the total. Additionally, encumbered financial securities were recorded in five instances, equating to 0.16% of all seized holdings.

Fig 04.the funds seized during the first nine months of operations of the economic and financial penal division



Source: Prepared by the researcher based on statistics presented at the seminar

The Principal Prosecutorial Authority at Sidi M’Hamed Tribunal disclosed that 53 transnational requisitions were dispatched, predominantly targeting jurisdictions such as Switzerland, France, Spain, Italy, Luxembourg, Panama, Northern Ireland, China, the United States, Canada, and the United Arab Emirates, underscoring concerted efforts toward asset repatriation. Furthermore, statistical records regarding adjudicated matters before the Economic and Financial Penal Apparatus indicate a cumulative total of 11 resolutions, encompassing one major felony, three intermediate infractions, and seven instances consolidated due to procedural connectivity. The adjudicative bodies rendered first-instance determinations in three of these proceedings.

4. CONCLUSION

This inquiry sought to elucidate the specialized enforcement entity instituted under Legislative Edict 20-04, amending Ordinance No. 66-155 governing procedural frameworks in penal adjudication. The establishment of specialized adjudicatory entities was a strategic legislative maneuver to neutralize complex economic transgressions, reinforcing an adaptive punitive doctrine aimed at curbing systemic financial infractions that imperil national stability and economic sovereignty. However, assessing the operational efficacy of this prosecutorial mechanism remains premature, as quantifiable metrics substantiating its effectiveness are still absent. The apparatus grapples with jurisdictional impediments, particularly in cross-border prosecutorial engagements, due to asynchronous legal architectures and the paucity of bilateral treaties, resulting in delayed enforcement, particularly concerning extraterritorial legal assistance. Moreover, the global epidemiological crisis further exacerbated procedural stagnation, obstructing the expeditious execution of international requisitions. To enhance institutional robustness, it is imperative to fortify this prosecutorial entity with highly adept personnel, meticulously selected based on technical acumen and forensic proficiency, while concurrently equipping it with cutting-edge investigatory instruments to augment adjudicatory precision. Additionally, judicial specialization must be rigorously upheld in the assignment of magistrates overseeing financial and economic violations, ensuring doctrinal consistency and procedural rigor in the administration of justice.

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