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Protecting Public Procurement from Corruption: From Traditional Safeguards to Modern Approaches

حماية الصفقات العمومية من الفساد: من الضمانات التقليدية إلى المقاربات الحديثة

Protéger la commande publique contre la corruption : des garanties traditionnelles aux approches modernes

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Introduction

Since the state has adopted a contracting system, crimes of public transactions have become one of the most widespread crimes in the field of economic crime, as public transactions are not devoid of talk of committing corruption crimes with their significant and continuous growth in the administrative environment.

In order to establish broad protection for public transactions, the Algerian state has established various legal texts through which it seeks to regulate the procedures for concluding and implementing with the aim of achieving public orders in a positive manner. In addition, the Algerian legislator has turned to legalizing and restricting corruption crimes in public transactions under the Law for the Prevention and Combating of Corruption, specifying the crimes committed by public officials in this field and the penalties prescribed for them. In this respect, the general framework has recently been updated by Law No. 23-12 of August 5, 2023, published in the Official Gazette (No. 51, August 6, 2023).

With the emergence of modern information and communication technology, signs of electronic administration emerged, which is the application of electronic governance in the public sector. Therefore, the application of electronic administration has become an inevitable necessity in order to conclude fair public transactions in which the principles of transparency, equality, and freedom of access to public order prevail.

In light of the attempt of public institutions and administrations to adapt to the requirements of a competitive market economy, the concept of modern public management has emerged as one of the most important methods and modern techniques in administrative management. The beginnings of the

emergence of this science were in private sector institutions, where it proved its efficiency and effectiveness by providing high-quality services. Its influence then extended to the public sector, where it was applied in many fields and achieved valuable results, and thus it became a scientific subject worthy of research and theorization, which led to attracting the attention of researchers and academicians from economic sciences, management sciences, and legal sciences, because it is one of the most important foundations of good governance.

Through the above, we seek to raise a problem centered around the extent to which it is possible to prevent and combat corruption in the field of public transactions through multiple protection mechanisms?

To answer this problem, we will divide our article into two chapters, where we will devote the first to the traditional mechanisms for protecting public transactions from corruption crimes. While, through the second chapter, we address modern mechanisms to protect public transactions from corruption crimes.

Box — Legal update (Algeria, 2023–2025)

Law No. 23-12 of 5 August 2023 (Official Gazette No. 51 of 6 August 2023): sets the general rules relating to public procurement and calls for implementing regulatory texts. Electronic Public Procurement Portal (marches-publics.gov.dz): official platform supporting, in particular, the publication of calls for tender and consultation notices and access to legal texts and standard forms; dematerialisation remains progressive across sectors and control arrangements.

Interministerial Decision No. 194 of 9 July 2025: specifies the conditions and modalities for publication through accredited electronic press in public procurement procedures (to be read together with the rules on publicity in force).

1. Traditional Mechanisms to Protect Public Transactions from Corruption Crimes

These mechanisms are traditional methods included in Algerian legal texts, which include criminalizing acts that contradict public transactions, while specifying the penalties prescribed for them. These mechanisms are divided into preventive mechanisms and also remedial mechanisms. They all aim for one common goal, which is to reduce and prevent corruption in public transactions.

I.1. Preventive Mechanisms to Protect Public Transactions from Corruption Crimes

Preventive mechanisms aim to reduce the phenomenon of administrative and financial corruption in the field of public procurement before any illegal act occurs. Therefore, they are preventive measures that serve as a safety valve to protect public procurement from all aspects of corruption. These mechanisms have been established in the Algerian legal framework governing public procurement (notably Presidential Decree No. 15-2471 and, at the level of general rules, Law No. 23-12 of 2023) and the prevention and combating of corruption law¹.

I.1.1. Prevention Mechanisms within the Organization of Public Transactions and Public Utility Mandates

We find this law imposes a set of controls and restrictions, most of which are derived from values and principles that aim to prevent corruption or at least reduce it (Ghaoui 2020: 25), the most important of which are:

1. **Preparation in Advance of the Specifications:** The contracting authority prepares the specifications before calling for the conclusion of the deal; the conditions for participation in obtaining the deal and the rules for selecting the contracting customer from among the various candidates are specified in the specifications, and this is in order to preserve transparency and prevent the occurrence of public money crimes in general, and the crime of bribery and favoritism in particular, as not specifying the conditions for participation and selection in advance opens the way for the contracting authority to choose a contracting customer based on illegal criteria such as bribery and favoritism. (Khoudri 2017 : 16)
2. **Including a Declaration of Integrity when Concluding a Public Transaction:** We find that a basic document is included, which is the declaration of integrity, which is included in the technical presentation of the candidate, containing in its content many statements related to the contractor, and aims to combat all acts that are contrary to integrity and transparency in the field of concluding public transactions. (Khalifa 2017: 16)

1. Law No. 06-01 on February 20, 2006, relating to preventing and combating corruption, O. J., No. 14, issued on March 8, 2006, supplemented in pursuance of ordinance No. 10-05 on February 20, 2006, O. J., No. 50, issued on September 1, 2010, amended and supplemented by law No. 11-15 on August 2, 2011, O. J. No. 05, issued on August 10, 2011.

3. Exercising all Methods of Appeal in the Event of Failure to Respect the Rules of Concluding a Transaction: A tenderer who doubts the integrity of granting a public transaction to others has the right to appeal the decision containing the temporary granting of the deal, and this is what is stipulated in Article 82 of Presidential Decree No. 15-247 mentioned above, where the appellant must submit his appeal within a period of 10 days starting from the date of publication of the temporary grant in the official bulletin of public customer transactions, or in the press, to the competent committee to consider the appeal. The latter must issue its decision within a period of 15 days from the beginning of the 10 days related to the deadline for filing the appeal, and anyone who has an interest in concluding the deal may resort to the administrative and urgent applications judge to stop the procedures for concluding the deal while ordering the public authority to put an end to that deal. (Khalifa 2017: 17-18)

Finally, it should be noted that the public transaction law includes multiple preventive mechanisms to prevent corruption in the field of public transactions, which also include: announcing the deal through advertising, approving exclusionary measures against violators, adopting competition as a basis for selection, specifying the party to the conclusion, and containing a code of professional ethics, etc².

I.1.2. Prevention Mechanisms within the Legislation to Prevent and Combat Corruption

The Algerian legislator established in the law to prevent and combat corruption preventive measures to reduce corruption in general, but these measures apply to public transactions, as it stipulated a set of principles that require respect when hiring a public employee, who supervises the conclusion of public transactions, and every public employee is required to declare his property after his appointment. (Khoudri 2016: 175)

1. Measures Related to Employment
2. These measures aim to appoint officials who possess integrity and competence. The legislator has established in the Law for the Prevention and Combating of Corruption a set of principles, which the competent hiring authorities must take into account (Khoudri 2016: 175), and these principles are represented in:
 - Principles of efficiency, transparency, and objective standards such as: merit, fairness, and competence;

2. See Presidential Decree No. 15-247, mentioned above.

- Appropriate procedures for selecting and training individuals nominated to hold public positions that are more vulnerable to corruption;
 - Adequate wages, in addition to adequate compensation;
 - Preparing appropriate educational and training programs to enable public officials to perform their duties correctly, fairly and properly, and to benefit them from specialized training that increases their awareness of the dangers of corruption³.
3. Declaring Properties: The aforementioned Law No. 06-01 regulated the measures for declaring properties, where employees holding some senior positions are required to declare their properties, during the month following their appointment and employment or at the beginning of their electoral term, and the declaration is determined after every significant increase in financial assets of the public employee and presented before the First President of the Supreme Court.

However, this procedure - declaring properties - is tainted by some shortcomings in positions directly related to the conclusion of public transactions, such as executive directors, heads of institutions, and members of the internal and external oversight committees of public transactions, in addition to the absence of sufficient mechanisms that oblige the person concerned to declare and the absence of administrative and penal penalties in the event of refraining from declaring. (Barkhache et al 2019: 597)

The procedure for declaring properties must apply to every employee who has the powers of ordering disbursement, and in the field of public transactions, regulatory texts must be issued that determine how to conduct a properties declaration, in addition to specifying at least an administrative penalty for anyone who refrains from declaring properties. (Khoudri 2012: 176)

I.2. Remedial Mechanisms to Reduce Administrative and Financial Corruption in the Field of Public Transactions

In addition to preventive mechanisms to protect public transactions, Algerian legislation has approved remedial mechanisms that are more effective than preventive mechanisms in terms of eliminating the problem of corruption. These mechanisms originate from the judicial authority, as

3. Article 03 of Law No. 06-01, mentioned above.

the latter intervenes whenever there is a violation of the legislation and regulation in force in the field of public transactions. This is done through the administrative judiciary, as well as the criminal judiciary, after codifying crimes and penalties for public transactions

I.2.1. Administrative Judiciary Intervention to Reduce Corruption in Public Transactions

The administrative judiciary is the judicial body authorized by law to decide on public transactions disputes, in application of the provisions of the civil and administrative procedures law⁴, as well as provisions and texts related to it, and the administrative judiciary is a mechanism to protect public transactions from corruption by means of considering and deciding the lawsuits brought before it, starting with the cancellation lawsuit, the complete jurisdiction lawsuit, in addition to the urgency lawsuit.

1. Cancellation Judiciary: The general rule in disputes related to the measures and procedures taken by the administration against the customer contracting with it, falls within the supervision of the full judiciary, even if the dispute is related to a request to cancel an administrative decision issued by the administration towards him, because what the administration issues in implementation of the deal or the book of conditions always falls within the area of the contract, which is within the competence of the full judiciary. However, the judiciary provided an exception to this rule, as it allowed the contracting party with the administration to appeal the cancellation against the decisions issued by the administration in its capacity as a public authority and not in its capacity as a contracting authority. If the administration issues decisions regarding the implementation of the concluded deal, its decisions are considered not subject to appeal by cancellation independently of the contract, because they were issued from the administration as a public authority, but it affects the implementation of the contract, so these decisions are subject to appeal by cancellation, independent of the administrative contract, even if they have an impact on its implementation. (Khoudri 2016: 201 – 202)

4 Law No. 08-09 dated on February 25, 2008, including C. A. P. L, O. J., No. 21, issued on April 23, 2008, amended and supplemented by Law No. 22-13 on July 12, 2022, O.J., No. 48, issued on July 17, 2022.

2. Full Judiciary : Public transactions disputes are among the disputes that fall within the framework of full judiciary lawsuits assigned to the administrative courts, as they have general jurisdiction in accordance with Article 800 of the C.A.P.L.⁵. The disputes that are related to the terms of the public transaction, such as the conclusion of the transaction, its implementation, expiration, invalidation, or annulment, or those that arise from the transaction in terms of rights, obligations, and guarantees, are all within the jurisdiction of the full judiciary without cancellation. They are issues related to the public transaction, and fall within the contractual process and are not subject to separation from it. ((Khoudri 2016: 202) Full court lawsuits take several forms, including:

- A lawsuit to Obtain the Financial Compensation for the Transaction: The contracting customer has the right to file a lawsuit to obtain financial amounts before the competent administrative judicial authorities against the contracting service that refuses to fulfill its financial obligations, and to demand that it pay his financial rights as a result of his fulfillment of all his contractual obligations. (Ghaoui 2020: 246)
- Lawsuit to Invalidate the Public Transaction: It is considered one of the most important lawsuits in the full judiciary, and it is linked to the origin of the right, and its place is the formation of the public transaction and its validity. This lawsuit is exercised if the public transaction is affected by a defect in one of its elements or a defect in the conclusion of the public transaction, so the contracting party can resort to the full judiciary to demand the invalidation of every agreement or condition in the deal that affects its elements or composition, but he cannot demand the invalidation or cancellation of the entire deal. (Ben Aicha 2025: 209-210)
- Lawsuit of Cancellation of the Public Transaction: The customer resorts to the competent administrative judiciary to demand the cancellation of the public transaction due to the impossibility

5. Article 800, amended by Law No. 22-13, C.A.P.L., states: "Administrative courts are the bodies of public jurisdiction in administrative disputes, with the exception of disputes entrusted to other judicial bodies. =Administrative courts are competent to adjudicate, at the first instance, with an appealable judgment in all cases to which the state, province, municipality, a public institution of an administrative nature, national public bodies, or national professional organizations is a party.

of implementation, due to force majeure, breach of contractual obligations, or imbalance in the financial balance of the deal. (Ben Aicha 2025: 211)

The contracting customer exercises this right in parallel with the contracting service, which has the right to administratively cancel the deal within certain legal limits. (Ben Aicha 2025: 211)

- Urgent Judiciary: The Algerian legislator's introduction of pre-contractual urgency or urgency in the article on public contracts and transactions, pursuant to Articles 946 and 947 of the Code, is an important step to protect public transactions from any illegal transgressions, as urgent judiciary is concerned with disputes which are raised before the conclusion of public contracts whenever there is a violation of the principles of publicity and competition to which the process of concluding public transactions is subject. (Atouine 2019: 204)

The aim of this is to extend and protect the principle of transparency in granting and concluding the deal, and to prevent any transgression that affects the principle of legality during this stage, which is considered more vulnerable to corruption, as proven by practical reality. (Atouine 2019: 204)

In the suit of urgency in the field of public procurement, the administrative judge has three powers: the power to direct orders to the administration in order to correct its obligations, the power to impose a threatening fine, and finally the power to postpone the signing of the contract until the end of the procedures. (Khoudri 2016: 204).

I.2.2. Intervention of the Criminal Judiciary after Codifying the Crimes and Penalties of Public Transactions

The crimes of public transactions stipulated and punishable in the aforementioned Law 06-01, in Articles 26, 27 and 32 thereof⁶ take three forms, namely: favoritism, misuse of authority, as well as bribery in the field of public transactions (receiving currencies in public transactions).

1. Misdemeanor of Favoritism: The misdemeanor of favoritism in the field of public transactions is based on the presence of three elements: the character of the perpetrator, the material element, and the moral element:
2. Character of the Offender: Article 26, Paragraph 1 of Law No. 06-01 mentioned above limited the character of the perpetrator to a

6. See in that: Articles 26-27-32 of Law No. 06-01, mentioned above.

public employee (Boukia 2019: 165), and he is considered a public employee within the meaning of Article 2, Paragraph B of the same law, whoever:

3. “B. Public Employee”: - Every person who holds a legislative, executive, administrative or judicial position or in one of the elected local popular assemblies, whether appointed or elected, permanent or temporary, paid or unpaid, regardless of his rank or seniority,
- Every other person who holds, even temporarily, a job or agency, with or without pay, and contributes in this capacity to the service of a public body, a public institution, or any other institution whose capital is entirely or partially owned by the state, or any other institution that provides a public service,
- Every other person defined as a public employee or equivalent in accordance with applicable legislation and regulation. In addition to what was mentioned, the public employee must have a stake in concluding, approving, or reviewing public transactions. (Bousqi’a Ahsan, previous reference, p. 165.)
- Material Element: The offender must have concluded or signed a contract, agreement, public transaction, or annex in violation of the legislative and regulatory provisions related to freedom of candidacy, equality between candidates, and transparency of procedures, with the aim of granting unjustified privileges⁷.
- Moral Element (General Intent and Specific Intent): It means that the offender grants unjustified privileges with the knowledge that they are unjustified. This intent can be derived from the defendants’

7. Article 02 of Law No. 11-15 amending and supplementing Article 26 of Law No. 06-01, mentioned above. In this second article, the Algerian legislator explicitly added the expression...legislative and regulatory provisions related to freedom of candidacy, equality between candidates, and transparency of procedures...

Article 2 of Ordinance No. 10-05 supplementing Article 9 of Law No. 06-01 stipulates:

The procedures applied in the field of public transactions must be based on the rules of transparency, integrity, fair competition and objective standards. These rules must be established in particular:

- Publicity of information related to the procedures for concluding public transactions,
- Preparing the conditions for participation and selection beforehand,
- Including a statement of integrity when concluding public transactions,
- Objective and accurate criteria for making decisions related to concluding public transactions,

Practicing all methods of appeal in the event of non-compliance with the rules for concluding public transactions.

admission that they bypassed the procedures of their own free will. In the event that the process is repeated, the criminal intent can be derived from full awareness of the violation of procedural rules or from the impossibility of ignoring them, considering the occupation exercised by the offender. (Khoudri 2016 : 207)

- A. In law No. 06-01 mentioned above, the Algerian legislator describes the crime of favoritism as a misdemeanor and establishes a penalty of imprisonment from (2) two to ten (10) years and a fine from (200,000) DZD to (1,000,000) DZD. (Khoudri 2016 : 207)
1. Misuse of Power: The crime of misuse of power in the field of public transactions is based on three elements: the character of the offender, criminal behavior, and criminal intent:
 - Characteristic of the Offender: The offender must be any natural or legal person practicing activity in the private sector, or every merchant, industrialist, craftsman, or contractor from the private sector. (Khoudri 2016 : 208)
 - Material Element or Criminal Behavior: The offender independently concludes a public deal with the state or one of its affiliated bodies, and benefits from the authority or influence of the employees of these bodies in order to obtain unjustified increases in the prices that the offender usually applies or a modification in his favor in the quality of materials or services or delivery or supply deadlines. (Bouskia 2019 : 204).
2. Moral Element: That is, the specific criminal intent and the general criminal intent, where the specific criminal intent is represented by the intention to obtain privileges that the offender knows are unjustified, while the general criminal intent is represented by the offender's knowledge of the influence of state customers and the management of misusing this power for his benefit³². (Bouskia 2019 : 206). The legislator described the crime of misuse of power as a misdemeanor, and the same provisions as for the misdemeanor of favoritism apply to it, whether it comes to procedures or penalties³³. The offender is punished with imprisonment from two (2) years to ten (10) years and a fine from (200,000) DZD to (1,000,000) DZD⁸.
3. Misdemeanor Bribery: The crime of bribery in the field of public transactions is based on three elements: the character of the offender, the material element, and criminal intent:

- Characteristic of the Offender: The offender must have the status of a public employee, in accordance with Article 2 of Law No. 06-01 mentioned above, and we have previously discussed this element.
- Material Element: This element is achieved by receiving or attempting to receive a commission (a fee or interest) on the occasion of preparing, conducting negotiations, concluding or implementing a deal or annex in the name of the State or one of the bodies subject to public law. (Bouskia, 2019, p. 210)
- Criminal Intent : The crime of bribery in the field of public transactions is based on the presence of the general criminal intent, which is to collect the fee or interest with the knowledge that it is unjustified. (Bouskia, 2019, p. 210)

The misdemeanor of bribery in the field of public transactions is punishable by imprisonment from two (2) years to ten (10) years and a fine from (1,000,000) DZD to (2,000,000) DZD⁹.

2. Modern Mechanisms to Protect Public Transactions from Corruption Crimes

Traditional mechanisms have become insufficient alone to confront administrative and financial corruption in the field of public transactions, so it was necessary to search for alternative mechanisms aimed at preventing and combating corruption in this field.

There are other mechanisms that can be said to be more effective and efficient to protect public transactions from corruption crimes. Among these mechanisms, we find the conclusion of public transactions electronically, which is an embodiment of electronic governance, in addition to modern public management, as an existing science in itself in the economic field, but its application in the legal sciences, especially in the field of public transactions, has become an inevitable necessity.

2.1. Introduction to Electronic Governance as an Alternative to Concluding Public Transactions

In this regard, we should first point out the definition of electronic governance in the field of public transactions, the definitions of which have varied, then talk about the reasons or motivations aimed at adopting electronic public transactions, and finally analyse the reality of electronic governance of public transactions in Algeria.

9. Article 27 of Law No. 06-01, mentioned above.

2.1.1. Definition of Electronic Governance of Public Transactions

There are several definitions of electronic governance, the most important of which are:

A modern style of management, based on the use of information and communication technology in administration, with the aim of achieving citizen participation, transparency and accountability in decision-making, achieving quality public services, and embodying the principle of electronic democracy. (Admane 2018: 91)

It is also known as the shift from traditional management to modern management, by relying on information and communication technology in managing public affairs, with the aim of modernizing management and achieving transparency and equality.

As for the definition of electronic governance of public transactions, or the conclusion of public transactions via the electronic method, it can be defined as an alternative method for concluding public transactions, through the use of information and communication technology, starting from their announcement until their final award, with the aim of ensuring transparency and equality between candidates, including achieving Competitive justice and preventing the prevailing corruption in them.

The Algerian regulator did not define electronic public transactions under Presidential Decree No. 15-247, but only established a regulation for the exchange of information electronically in the field of public transactions, leaving the issue of its definition to the jurisprudence concerned with this field.

1. Motives for Adopting Electronic Governance for Public Transactions:

In the light of the rapid environmental changes that the country is witnessing, public authorities in Algeria must keep pace with modern developments and not remain isolated from them, as they must conclude public transactions using modern technological means, especially since this field is a fertile field for the spread of corruption and the plundering of public money, and perhaps among the most important reasons that justify the necessity of moving towards electronic public transactions are the following:

- Speed in concluding public transactions; this includes providing the necessary requirements, and electronic management leads to the accuracy and clarity of information and saves time and effort in

concluding public transactions, especially since some public sectors require speed in concluding public transactions. Such as: the health sector.

- Eliminating all forms of corruption; especially financial corruption; which leads to creating an atmosphere conducive to freedom of competition, transparency and equality among candidates.
 - The ease with which corruption spreads in traditional administration;
 - Bringing the administration closer to the citizen, and enabling him to participate electronically in making some decisions.
2. Reality of Electronic Governance of Public Transactions in Algeria: To this day, public transactions are still concluded under traditional management that is far removed from electronic governance. Despite the many efforts to conclude public transactions in a modern manner - electronic management - this has not been achieved for several reasons, including:
- Lack of political will, aiming at improving public services through the official announcement of the shift towards electronic public transactions;
 - Lack of financial resources allocated to cover the infrastructure costs necessary to establish true electronic governance of public transactions.
 - Lack of qualified human resources with a high level of training which combines training in the field of public transactions and the field of information and communication technology.

It should be noted that the launch of the electronic portal for public procurement was announced at the end of 2021 and has since been progressively deployed. In practice, the portal currently supports the publication of procurement notices and provides access to legal texts and standard forms; however, the full end-to-end dematerialization of procurement procedures (including integrated e-control and systematic tracking of execution) remains progressive across public institutions and administrations.

2.2. Necessity of Adopting the Requirements of Modern Public Management in the Field of Public Transactions

Modern public management is a direction of management that derives its features from economic sciences and management policies in the private sector. However, out of the desire to confront the negatives of traditional public management, this science emerged in order to eliminate the bureaucracy

prevalent in traditional administration and raise public administration to the level of efficiency and effectiveness. (Adnane Merizek, 2018, p.126.)

Therefore, we had to research the concept of this science, and also determine the principles on which it is based, and finally reach the effects resulting from adopting this science in the field of public transactions.

2.2.1. Definition of Public Transactions Management

Before we attempt to define a definition of public transactions management, we must first define the concept of modern public management, as it is an economic term applied in the field of business management. However, we seek to try to integrate it into the field of public transactions, because we believe that it is a method for sound management of public transactions.

There are many definitions of modern public management, including:

- Focusing attention on results from the perspective of efficiency, effectiveness and quality of service.
- Giving managers some freedom in determining alternatives to the direct management of the public facility, and developing management systems that allow improving the effectiveness of the approved policies⁴⁰. (Harouche and all 2021: 423)
- Increase attention to the efficiency of services provided by public organizations by setting productivity goals and adopting the concept of competition.
- Both JANET DENHARDT and ROBERT DENHARDT define it as a set of temporary ideas and practices, which in essence seek to use the approaches of the private sector and business institutions in the public sector. (Harouche and all 2021: 424)

Through the multiple definitions of modern public management, management of public transactions can be defined as a method based on strategic planning, focusing on quality results and efficiency in management, with the aim of achieving comprehensive legal and economic reform.

2.2.2. Inevitability of Activating the Principles of Modern Public Management in the Field of Public Transactions

Modern public management is a modern method and management style based on improving services and their quality in the public sector through measuring and evaluating performance, granting independence to public managers, and improving financial management, and decentralization in management, human resources management and their development, making

technology available and contributing to its modernization, and encouraging competition in order to ensure effectiveness in providing high-quality public services. Therefore, it was necessary to activate the principles of modern public management in the field of the public sector, especially in the field of public transactions.

The principles of modern public management have varied according to thinkers and researchers, each according to his outlook and specialization. Therefore, we will mention a set of principles, but not limited to them, that are in line with the nature of public transactions contracts:

- Relying on flexibility and the principle of participation in making administrative decisions, which is done collectively and not individually;
- Raising the level of independence in administrative departments, by resorting to various contractual forms between them and the guardian authorities in the relevant fields;
- Focusing on competence, achieving efficiency and effectiveness in the state's administrative agencies and improving their performance through rationalizing the use of public resources and austerity in public expenditures;
- Focusing on incentives as an important element of the human resource, which can be said to control the success of managing the financial and material resources of any administrative body.
- Creating a competitive environment within public sector agencies, and between public institutions themselves;
- Separating management operations between strategic levels and practical and tactical management levels.
- Crises management and forecasting them;
- Benefiting from management tools and methods in the private sector and applying them in the public sector, with the aim of modernizing institutions, raising the level of their performance, and improving their services;
- Focusing on the customer, meeting his multiple and constantly changing needs and desires, ensuring the provision of quality services with the required specifications, and obtaining his satisfaction, as he is the only element that can identify the shortcomings and positives of the service provided, and add suggestions that enable the improvement of the image of the service.

2.2.3. Effects of Adopting Public Management in the Field of Public Transactions

The application of modern public management in the field of public transactions results in achieving a set of positive effects, including in particular:

- Achieving quality public services;
- Reducing the spread of the phenomenon of administrative and financial corruption;
- Providing the institution's needs at the lowest costs;
- Protecting freedom of competition among candidates.

Conclusion

Despite the many mechanisms for protecting public contracts from corruption crimes, they are known for many violations and abuses that have led to the lack of proper use of public funds. These mechanisms remain subject to the condition of their actual implementation, as public transactions are still, to this day, concluded and implemented under bureaucratic procedures that encourage the commission of corruption crimes.

In this treatment, we have concluded that modern mechanisms can lead to the conclusion and implementation of public transactions free of manipulations and provide them with greater protection, or at least a reduction in them, unlike traditional mechanisms that would provide the appropriate atmosphere for plundering public money, especially during the stage of concluding public transactions.

In order to prevent and combat corruption in public transactions, we propose:

- The necessity of keeping all legal texts related to public transactions up to date with recent developments;
- Separating public utility authorization contracts from public transactions contracts and adapting them to their own procedures;
- Expanding the scope of criminalization of public transactions while giving it the description of a felony.
- Establishing a legal framework regulating electronic public transactions;
- Adopting the requirements of modern public management in concluding and implementing public transactions.

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Abstract

This paper examines the legal framework adopted in Algeria to prevent and combat corruption in public procurement. After outlining the main preventive and repressive mechanisms established by national legislation, it highlights the limits of a predominantly normative response in terms of effectiveness and enforcement. The study then discusses avenues for strengthening protection, with particular attention to modern approaches such as transparency instruments, digitalization of procurement procedures, and reinforced oversight and accountability. By moving from traditional safeguards to more integrated governance tools, the paper argues for a more coherent and operational strategy to reduce corruption risks throughout the procurement cycle.

Keywords

public procurement, corruption, prevention, enforcement, transparency, oversight

ملخص الكلمات الرئيسية

يتناول هذا المقال الإطار القانوني المعتمد في الجزائر للوقاية من الفساد ومكافحته في مجال الصفقات العمومية. وبعد عرض أهم الآليات الوقائية والزجرية التي كرّستها النصوص الوطنية، يبرز حدود المقاربة التي تظل في جانب كبير منها معيارية، ولا تكفي وحدها لضمان الفعالية ما لم تُدعم بشروط تطبيق ورقابة صارمة. كما يناقش البحث سُبل تعزيز الحماية عبر مقاربات حديثة، لاسيما أدوات الشفافية، ورقمنة إجراءات الإبرام، وتدعيم أجهزة الرقابة والمساءلة. ويخلص إلى أن الجمع بين الضمانات التقليدية وأدوات الحوكمة المتكاملة من شأنه الإسهام في تقليص مخاطر الفساد على امتداد دورة الصفقة العمومية.

الكلمات الرئيسية

الصفقات العمومية، الفساد، الوقاية، المكافحة، الشفافية، الرقابة، الرقمنة

Résumé

Cet article examine le cadre juridique mis en place en Algérie pour prévenir et combattre la corruption dans la commande publique. Après avoir présenté les principaux mécanismes préventifs et répressifs instaurés par la législation nationale, il met en évidence les limites d'une réponse principalement normative au regard de l'effectivité et des conditions de mise en œuvre. L'étude discute ensuite des pistes de renforcement de la protection, en accordant une attention particulière aux approches modernes : instruments de transparence, numérisation des procédures de passation, et consolidation des dispositifs de contrôle et de redevabilité. En articulant garanties traditionnelles et outils de gouvernance plus intégrés, l'article plaide pour une stratégie plus cohérente et

plus opérationnelle de réduction des risques de corruption tout au long du cycle de l'achat public.

Mots-clés

commande publique, corruption, prévention, répression, transparence, contrôle, numérisation