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ABSTRACT

The principle of publicity is considered an essential step in the governance of public transactions, and it is essentially the Contractor services's duty to provide its mechanisms, and it must adhere to them in all stages of concluding the deal. This principle has been enshrined in several obligatory aspects, the most important of which is the announcement in the written and electronic press, and through the electronic portal. However, this dedication is not sufficient and requires activating this principle with a number of important guarantees that will strengthen the establishment of the established governance principles and work to respect them and enforce adherence to them. These guarantees are mainly represented in the various oversight mechanisms specifically for the process of concluding public contracts, whether administrative or judicial.

Keywords:Public transactions, Principle of publicity, Governance, Corruption, Contractor service.

1. Introduction:

Public transactions have an important role in economic and social life, as they are among the most important tools of the state in satisfying public needs and achieving the public interest. Therefore, they play a vital role in the development process. As a result, the provisions for their conclusion, the arrangements for their implementation and the mechanisms for monitoring them must be regulated. Therefore, the legislator was keen to establish a system A special law on public transactions regulates previous provisions, the most recent of which was Law No. 23-12, the current and new legal law on public transactions¹.

Given the extreme importance of public transactions in the context of achieving public benefit, the state allocates huge financial funds for them every year in various fields and sectors to implement them. However, their misuse has made them a fertile field for corruption in all its forms, especially at the stage of their conclusion, where the rules and legal procedures established for the process are deliberately violated. Concluding it, which results in damage to the state, the administration, the citizen, and public money.

Therefore, the Algerian legislator organized the process of concluding public transactions by establishing specific arrangements that the contracting authority must follow and adhere to its procedures, in order to

¹Law No. 23-12 of August 5, 2023, determining the general rules related to public transactions, Official Gazette No. 51.

assign the deal to the competent contracting dealer and ensure the proper implementation of its content, and then protect the public money allocated to it.

Among the most important of these listed arrangements is the obligation to subject the conclusion of public transactions to a set of principles, the most important of which are freedom of access to public requests, equal treatment of candidates, and transparency of procedures². These principles can in no way be activated and applied except publicly.

Accordingly, publicity is a pivotal element in public applications, and it is one of the most important general principles on which public transactions are based, and it puts the rest of the other principles into practice, as it is a means of embodying and ensuring the principle of transparency in transactions, ensuring true equality between candidates, in a competitive atmosphere, It ensures the legality and legitimacy of the arrangements of concluded deals to prevent any potential corruption.

Accordingly, the following problem was raised: **To what extent does the principle of publicity enshrined in the various stages of the process of concluding public transactions contribute to protecting them from corruption?**

This problem will be addressed through the following two axes:

- **The first axis:** manifestations of consecrating the principle of publicity in the process of concluding public transactions,

- **The second axis:** Guarantees of consecrating the principle of publicity in the process of concluding public transactions.

The first axis: Manifestations of consecrating the principle of publicity in the process of concluding public transactions:

The Algerian legislator was keen on the necessity of taking into account the principles on which public contracts are based, because his dedication to them was not only to protect the process of concluding public transactions and ensure their legitimacy, but rather this dedication protects competitors in them, and also protects public money, as well as the legitimacy of the administration's work in general³, especially since most These principles are stipulated in the Constitution.

The principle of publicity was also enshrined under the Law for the Prevention and Combating of Corruption, which established a set of rules that required consideration in the process of concluding deals to prevent corruption, as it stated that the procedures applied in the field of public transactions must be based on the rules of transparency, integrity, and fair competition, and on objective standards. These rules should be devoted in particular to the publicity of information related to the procedures for concluding public transactions...⁴ This is in order to address any violation that may occur in the conclusion procedures, and the process of selecting the appropriate contracting agent to implement them.

Accordingly, the principle of publicity is embodied in the process of concluding public transactions, and throughout its various stages in several aspects to protect it from corruption, the most important of which are as follows:

First/Announcing the transactions:

Publicity is a means of ensuring the principle of transparency in transactions. It is measured by the extent of the effectiveness of the means and methods of advertising used to deliver information to all potential customers in an acceptable period of time, to present diverse and sufficient offers in a number that guarantees true equality between the candidates, in a competitive atmosphere, and ensures the legality of the arrangements of the concluded deals.

In order to convey knowledge to the largest possible number of economic operators who wish to contract with the Contractor service in the deal to be concluded, and to compete honestly among themselves so that the Contractor service can choose the best offer, and to ensure good exploitation of the public funds allocated to it, the forms and methods of advertising have multiplied, and we detail them as follows:

1- Press advertising:

The principle of publicity has been enshrined in the advertising procedure explicitly stipulated in the text of

²According to Article 5 of Law No. 23-12 specifying the general rules related to public transactions.

³ Brahim Boulifa, **Marchés publics**, Alger, Berti éditions, 2013, P 5.

⁴According to Article 9 of Law No. 06-01 of February 20, 2006 relating to the prevention and control of corruption, Official Gazette No. 14, amended and supplemented by Order No. 10-05 of August 26, 2010 amending and supplementing Law No. 06-01, Official Gazette No. 50, as well as the law No. 11-15 of August 2, 2011 amending and supplementing Law No. 06-01, Official Gazette No. 44.

Article 46 of the Public transactions Law, which stipulates that resorting to publicity shall be obligatory through the official bulletin of the public dealer's transactions⁵, and through the approved written and electronic press for all forms of request for tenders represented by a request. Open proposals, open request for proposals with minimum capabilities requirements, limited request for proposals and competition, as well as negotiation after consultation.⁶

The announcement in this manner is considered an essential formal procedure that the contracting interests are obligated to take into account in all forms of request for offers, as well as negotiations after consultation. However, the legislator did not detail the arrangements for the press announcement, whether for the written or electronic press, and did not indicate the data that must be available and included in the announcement, as it did in Previous regulation of public transactions, and perhaps leaving the details of that to the organization.⁷

2- Electronic advertising:

Article 46 of the Public transactions Law obligates the publication of the announcement of the deal to be concluded in the approved electronic press as well, and this without any significant details in this area.

It is also mandatory to resort to advertising through the electronic portal for public transactions, according to the conditions determined by a decision of the Minister in charge of Finance with regard to the above-mentioned forms of conclusion, including the consultation procedure stipulated in Article 18 of the Public transactions Law.

Whereas Article 105 of the Public transactions Law stipulates that an electronic portal for public transactions shall be established and managed by the competent departments of the Ministry in charge of Finance. The content of the portal and the methods of its management shall be determined by a decision of the Minister in charge of Finance.

Note that the electronic advertising procedure was adopted for the first time under Presidential Decree No. 10-236, amended and supplemented, which includes the organization of public transactions, which included the idea of establishing an electronic portal for public transactions with the Minister in charge of Finance, who determines its content and methods of managing it by decision⁸.

The new Public transactions Law requires contracting departments to place competition invitation documents at the disposal of contractors or candidates for public transactions electronically, according to a timetable determined by a decision of the Minister in charge of Finance. Candidates or bidders for public tenders must respond to the invitation to compete electronically, according to this timetable. He also stated that every process related to procedures on a paper basis could be adapted to electronic procedures⁹.

By introducing this procedure, the legislator imposed the publication of the advertisement and the necessity of it reaching those concerned, whether through press or electronic advertising, as this is considered the most

⁵The Official Bulletin for Public Dealer Transactions "BOMOP" was created pursuant to Decree No. 84-116 of May 12, 1984, which includes the creation of an official bulletin for transactions concluded by the public dealer, Official Gazette No 20, issued on May 15, 1984.

⁶Mentioned in Articles 39 and 42 of Law No. 23-12 specifying the general rules related to public transactions.

⁷Article 61 of Presidential Decree No. 15-247 of September 16, 2015 includes the regulation of public transactions and public utility authorizations, Official Gazette No 50, the previous legal regulation of public transactions, stating that resorting to press advertising is mandatory in most forms of request for offers, and it is done in two daily newspapers. At least two national papers distributed at the national level, and it is compulsorily published in the official bulletin of public dealer transactions, and must be written in the national language and at least one foreign language. It must include all the data required by Article 62 thereof. In addition to the possibility of announcing requests for offers from states, municipalities, and public institutions of an administrative nature that are under their supervision locally, according to Article 65 of the same presidential decree.

⁸Accordingly, a ministerial decision dated November 17, 2013 was issued, specifying the content of the electronic portal for public transactions, the methods of its management, and the methods of exchanging information electronically, Official Gazette No 21 of April 9, 2014.

⁹According to what was stipulated in Article 107 of Law No. 23-12 specifying the general rules related to public transactions.

widely used means at the present time¹⁰.

It has tried to keep pace with the technological and scientific development taking place in the field of communication and information exchange, and this would expand the The circle of competitors, so that everyone who wishes to enter the competition can participate through this means, wherever they are. With these rules, the legislator truly embodied the basic principles of contracting as a whole, not just the principle of publicity.

Second/ Publicity of the procedures for concluding the deal:

Advertisement is a necessary measure so that there is a real scope for competition, because those wishing to contract may not know the administration's need, the advertisement prevents the administration from restricting its contracts to a specific group of candidates, and it is primarily designed to achieve the effectiveness of public demand and ensure equality. Among the candidates, then choosing the best one to be assigned the task of implementing the deal, in order to achieve the public interest and protect the public money allocated to it.

Therefore, the conclusion procedures must take place in an atmosphere of competition, transparency, and equality among those wishing to contract, which can only be achieved by making the conclusion procedures public, which are represented in the following aspects:

1- Enabling those wishing to contract from the terms and conditions of the deal to be concluded:

The book of conditions means an official document drawn up by the contracting administration of its own volition, and which determines all the conditions related to the rules of competition in its various aspects, the conditions for participation in it, and the methods for selecting the contracting party. When the administration prepares the book of conditions in every public deal, it takes advantage of its qualified internal expertise and recruits all its relevant executives in order to arrive at the preparation of the book of conditions. Conditions to achieve the set goals¹¹.

This document includes a set of documents and principles that are relied upon in testing the contractor and how to grade the technical offer, the financial offer, the selection criteria and their details. It also requires specifying the required services or goods, and all the conditions and details related to the rules according to which the deal to be concluded is concluded and implemented. Therefore, the contract to be concluded must be determined. The contracting authority must prepare it carefully.

In order to achieve the principle of publicity of procedures, the contracting authority must place the deal's terms and conditions books within the reach of candidates wishing to contract, and provide them if they request them, because they are a clear expression of their requirements, so that they can closely see the details of this deal and then they can prepare their offers and pledges based on them¹².

2- Opening the offers submitted in a public session:

The contracting authority shall establish one or more permanent committees called the Bids Opening and Bids Evaluation Committee, which shall be composed of qualified employees affiliated with it and selected for their competence¹³. However, the transactions Law did not explain the tasks assigned to this committee during the stage of examining and evaluating bids. As a general rule, the envelopes must be opened in a public session, in order to dedicate the principle of publicity, and to ensure the integrity of the process and the proper selection of the appropriate offer.

The new Public transactions Law included an exception to this rule under Article 109 of it, which stipulates that Ministry of National Defense contracts are not obligatorily subject to its provisions in the field of opening envelopes in a public session.

Note that the previous regulation of public transactions stipulated that the envelopes related to the nomination file and the technical and financial offers would be opened in a public session, during the same

¹⁰ ACCORDO Christophe, La Dématérialisation des procédures de passation de marchés publics, mémoire pour le D.E.A, de droit public des affaires, U.F.R, des sciences juridiques, administratives et politiques, Université de Paris x-Nanterre, 2005, P31.

¹¹ Dr. AmmarBoudiaf, **Explanation of the Organization of Public Transactions**, Algeria, Jusoor Publishing and Distribution, third edition, 2011, pp. 142 et seq.

¹²For further clarification of this procedure, see: Sayyed Ahmed Laksasi, "The Principle of Publicity in Public Transactions," *Journal of Financial, Accounting, and Administrative Studies*, No. 7, June 2017, (pp. 796-809), pp. 805 et seq.

¹³Article 96 of Law No. 23-12 specifying the general rules related to public transactions.

session on the date and time of opening the envelopes. The contracting authority invites all candidates or bidders to attend the envelope opening session, as the case may be, in the announcement of the competition or via a letter addressed to the candidates or bidders concerned.¹⁴

3- Announcing the decisions taken during the stage of concluding the public transaction:

The Public transactions Law stipulates that when it comes to the public interest, the contracting authority can, during all stages of concluding the contract, declare the cancellation of the procedure and/or the temporary granting of the public transaction¹⁵.

This last procedure is considered one of the most important procedures that must be announced by the contracting authority after completing the procedures for examining and selecting bids through the envelope opening committee, evaluating bids, and selecting the best contractor against whom a temporary award decision will be issued for this deal, pending the completion of the certification and external control procedures by presenting the deal. To the competent procurement committee.

It is assumed that this procedure is announced in the press in the same newspapers in which the deal announcement was previously published, specifying the price, completion deadlines, and all the factors that allowed for its selection, including the selection points followed according to the nature of each deal, as the contracting authority must be informed in the temporary grant announcement. The deal shall be informed of the results of the evaluation of the technical and financial offers of the temporary holder of the deal and his tax identification number, and shall refer to the procurement committee responsible for studying the appeal and the tax identification number of the contracting authority¹⁶.

Accordingly, the temporary award is considered an information procedure according to which the contracting administration notifies contractors and the public of its temporary and non-final selection of a contractor due to his obtaining the highest rating in terms of the technical and financial offer¹⁷.

- The second axis: Guarantees of consecrating the principle of publicity in the process of concluding public transactions:

The Algerian legislator's inclusion of the principle of publicity in the various stages of the process of concluding public contracts is one of the manifestations and requirements of good governance to rationalize the spending of public money, and is necessary in order to protect it from corruption. However, this inclusion is not sufficient and requires its activation with a set of guarantees that strengthen the establishment of the principle of publicity and impose its respect by the contracting authority.

These guarantees are mainly represented in the oversight of the process of concluding public transactions in particular, which are distinct legal mechanisms to protect them from abuse, as they work to effectively embody the content of the deal by addressing the imbalances that affect the process, and the good management of the public money allocated to it, in addition to protecting it from various forms of corruption. Therefore, it must be dealt with as follows:

First/ Administrative guarantees to establish the principle of publicity in the process of concluding a public transaction:

The legislator has set controls to ensure the publicity of the procedures for concluding public transactions, which must be taken into account to select the competent contracting dealer, to achieve the interests sought from concluding them, and to protect the public funds allocated to them from any misuse or corruption. To ensure this, the legislator subjected these arrangements to distinct administrative oversight, the aim of which is to protect the process as a whole, including the principle of publicity, from any transgression or violation of its controls. We present its most important mechanisms as follows:

1- Oversight of public transactions committees:

The Public transactions Law specifies public transaction committees charged with the process of preparing them and supervising the arrangements for concluding them until they enter into force. He included committees for various contracting departments, in addition to sectoral committees¹⁸.

External oversight is exercised by a oversight body called the "Public Transactions Committee." Its external

¹⁴According to Article 70 of Presidential Decree No. 15-247.

¹⁵Article 49 of Law No. 23-12 specifying the general rules related to public transactions.

¹⁶ Brahim Boulifa ,op.cit , pp 129 -130.

¹⁷ Dr. AmmarBoudiaf, previous reference, p. 180.

¹⁸See articles from Article 97 to Article 102 of Law No. 23-12 specifying the general rules related to public transactions.

oversight is tribal oversight, and its purpose is to verify the validity and conformity of public transactions with applicable legislation and regulation¹⁹. Accordingly, this committee can monitor the validity of the arrangements established to establish the principle of publicity in the process of concluding public transactions, and assess the extent of their legitimacy, as it is an integral part of contracting procedures. According to Article 98 of the Public Transactions Law, the Public transaction Committee is the decision-making center regarding the monitoring of public transactions within the scope of its jurisdiction. In this capacity, it can grant or deny a visa. In the event of rejection, the rejection must be justified. If it is proven to the committee that there is any violation of the rules of the legally established conclusion process, including a violation of the regulations of the principle of publicity, it refuses to indicate, in order to protect it from any suspicion of corruption that may affect it.

2- Financial bodies' oversight of public transactions:

Public transactions are subject to financial control as a public expense, and it is defined as the set of operations necessary to follow up on the work of implementing established plans and policies, with the aim of identifying deviations and addressing them in a timely manner and preserving public money from embezzlement, loss and misuse²⁰.

The agencies in charge of financial oversight ensure that the conclusion of the deal was in accordance with the law, and that all of its procedures were adhered to, including the arrangements established to ensure the principle of publicity, which must be strictly observed to ensure its legitimacy. Therefore, if the agencies in charge of oversight see that the law has been violated in concluding a deal, they refuse to grant a visa to it, even The public treasury shall not bear expenses resulting from an illegal transaction or improper procedures. Accordingly, this type of oversight is of great importance in preserving public funds and their proper use. It allows mistakes to be avoided and corrected if they occur. Thus, it constitutes a response to any corruption that may affect the process of concluding public transactions and a guarantee of establishing governance principles in it.

Second/ Judicial guarantees to establish the principle of publicity in the process of concluding a public transaction:

Judicial oversight of the administration's actions and activities in general is an effective guarantee for protecting the principle of legality, because it provides legal protection for individual rights and freedoms against any arbitrariness or transgression on the part of the administration and its employees within the scope of public transactions.

Thus, it constitutes a pillar for preventing corruption that may affect the process of its conclusion. This is due to the independence, objectivity and impartiality of this oversight, as well as its legal effectiveness that lies in its specialization and the multiplicity of its mechanisms between the administrative judiciary and the criminal judiciary. The mechanisms under study are as follows:

1- Oversight of the administrative judiciary in enshrining the principle of publicity in the process of concluding a public transaction:

The administrative judiciary constitutes the most important judicial guarantee for the protection of the rights and freedoms of man and citizen in general, and for the protection of the rights of participants in the process of concluding public transactions in particular, by confronting all the risks of illegality that may affect them, including the failure of contracting interests to adhere to the controls of publicity in this process, as the judiciary addresses Administrative to address the violations occurring in this area through the following lawsuits:

A/ Pre-contractual urgent judicial action: adopted by the Algerian legislator in the Code of Civil and Administrative Procedure²¹. This is in order to keep pace with developments in the field of public transactions in a way that consolidates the principles on which they are based, most notably the principle of publicity, and ensures the greatest degree of transparency and competition when concluding them.

One of the most important conditions for this lawsuit is the presence of a breach of advertising and competition obligations, as a pre-contractual urgent lawsuit cannot be raised except in the event of violations

¹⁹Article 97 of Law No. 23-12 specifying the general rules related to public transactions.

²⁰Fayyad HamzaRamliArbab, "Financial Control in the Government Sector," Sharjah Journal of Sharia and Human Sciences, Volume 2, Issue 2, June 2005, p. 105.

²¹According to Articles 946 and 947 of Law No. 08-09 of February 25, 2008 including the Code of Civil and Administrative Procedures, Official Gazette No 21.

that violate the rules of publicity and competition, such as not announcing the public deal at all despite its obligation, or announcing it in a defective manner without taking into account its conditions. Violating the advertising rules and procedures, failing to include its mandatory data, or deliberately omitting one of its forms....²²

Therefore, the urgent judge in this case granted important authorities in line with his primary mission, which is to monitor the extent of the administration's respect for its obligations related to competition and advertising, and then he can direct orders to the administration to fix the defect, or he can order the postponement of the signing of the contract with Nael the deal until the end of the procedures. It is also possible To impose a threatening fine on the administration in order to comply with its obligations²³.

Accordingly, the urgent, pre-contractual judiciary's response to the various violations that occur in the rules of advertising and competition in the process of concluding public transactions seriously constitutes an effective guarantee for establishing the rules of governance in the process of concluding public contracts, and then preventing and protecting them from the corruption of those in charge of arranging them.

B/ Cancellation lawsuit: At every stage of concluding a public transaction, the contracting authority takes actions and measures that are mostly in the form of administrative decisions, especially since it takes them unilaterally and aims to create a legal effect, which gives the administrative judge the jurisdiction to cancel them as they are separable administrative decisions. About the deal if it is proven illegal.

Based on the provisions of Article 9 of the Law on Preventing and Combating Corruption, which established measures to prevent corruption in the field of concluding public transactions, which stipulates: "...exercising all methods of appeal in the event of failure to respect the rules of concluding public transactions."

If the contracting authority issues separable decisions related to the process of concluding public contracts, and it is proven that they violate the legal rules established for this process, or violate their principles and procedures, this lawsuit can be implemented to cancel the illegal decision, the most important of which are the decisions related to publicity and announcement of the deal in its issuance in violation of the mandatory rules. And its violation of the essential conditions and formalities stipulated by law, or the decisions that must be made public, the decisions of the committee for opening envelopes, evaluating offers, and the temporary grant decision.

2- Oversight of the criminal judiciary in enshrining the principle of publicity in the process of concluding a public transaction:

The process of concluding a public transaction received the attention of the legislator as it is the most important stage that this contract passes through, because it culminates in the selection of the Contracting dealer who is presumed competent to implement well the concluded deal, and then make good use of the public money allocated to it. He devoted the principle of publicity to the rest of the principles on which it is based in various matters. Concluding procedures in order to protect them from corruption. Therefore, many actions and practices that are contrary to the principle of fair competition and equality are criminalized. Every violation of the legislative and regulatory provisions established for the process of concluding them leads to the deal being removed from the legal framework that governs it, and makes it an illegal deal.

The Law for the Prevention and Combating of Corruption stipulates the criminalization of abuses and violations occurring in the field of concluding public transactions, especially the principle of publicity therein. It specifies the forms of crimes related to them and are examined by the criminal judiciary, in order to deter any behavior that affects its procedures, especially those related to publicity, which is represented in Article 26 contained in Under the title "Unjustified Privileges in the Field of Public Transactions," and Article 27 thereof, entitled "Bribery in the Field of Public Transactions," which will be addressed successively:

A/ The crime of granting unjustified privileges in the field of public Transactions (the misdemeanor of favoritism in public Transactions):

The Law on Preventing and Combating Corruption stipulates in Article 26/1 that: "The penalty shall be imprisonment from two (2) to ten (10) years, and a fine from 200,000 DZD to 10,00,000 DZD.

1- Every public employee who intentionally grants others an unjustified privilege when concluding or noting a contract, agreement, deal, or annex in violation of the legislative and regulatory provisions related to freedom of candidacy, equality between candidates, and transparency of procedures...."

²²For more details about the condition of this lawsuit, see: BarkailRadhia, The urgent administrative lawsuit according to the Code of Civil and Administrative Procedures, Algeria, Risha Al-Sam Publishing House, 2015, pp. 124 et seq.

²³BarkailRadhia, op. cit., pp. 128 et seq.

If it turns out that the public employee arranging the conclusion of a public transaction has deliberately violated the rules and regulations of publicity and for the purpose of granting an unjustified privilege to others, such as not announcing the transaction at all, or his announcement was ambiguous and lacked mandatory data, or he made only a partial announcement or deliberately included it in the electronic press. Without written or vice versa..., this constitutes a violation of the legal provisions related to freedom of candidacy, transparency of procedures, and equality between candidates, which are the principles that operate under the principle of publicity. The crime of favoritism in public transactions is committed, and the penalties specified in the text of Article 26/1 above are punishable²⁴.

Accordingly, this crime is classified within the framework of deterrent measures taken to protect fair competition and achieve transparency and integrity in the process of concluding public Transactions, which are only carried out in accordance with publicity and its legally prescribed manifestations. It also works to activate the rules of governance that have been established in the process of concluding deals, and this is to avoid various forms of Overreach and corruption in the selection process.

B/ Bribery in the field of public transactions: Article 27 of the Law on Prevention and Combating of Corruption stipulates that: "Any public employee who arrests... Or he attempts to collect for himself or for others, directly or indirectly, a fee or benefit of any kind on the occasion of preparing or conducting negotiations with the aim of concluding or implementing a deal, contract or annex, in the name of the state, local groups, public institutions of an administrative nature, or public institutions of an industrial nature. commercial, or public economic institutions.

The legislator has increased the penalty for this crime and specified the scope for granting bribes in preparing or conducting negotiations with the aim of concluding or implementing a deal, contract or annex in the name of the bodies specifically mentioned in the text. This protects public transactions from all corruption, as they are the most important tools for satisfying the public needs of citizens²⁵. An example in the field of publicity is when the employee in charge of arranging the process of concluding a public transaction violates the rules of publicity established by law after receiving a bribe from those wishing to contract with the contracting authority.

Hence, this criminalization is an important guarantee for enforcing respect for and adherence to the rules of the process of concluding public contracts, including the legal controls established for the principle of publicity. This is considered a guarantee that the judiciary undertakes, which is an independent body from the administration concluding the deal, and is neutral and has its own procedures and decisions that are effective and binding on everyone, and thus contribute to Preventing violations and combating the corruption that affects them.

Conclusion:

It was concluded in this study that the principle of publicity is one of the most important principles upon which the process of concluding public transactions is based. Publicity through contracting also reinforces the principle of trade and work and the equality of individuals in this and puts free competition into actual application, because it is what leads to stimulating competition within a climate of equality and transparency. Therefore, advertising is necessary so that there is a real scope for competition among those wishing to contract.

This principle has been enshrined in several mandatory aspects, the most important of which is the announcement in the written and electronic press, and its obligatory inclusion through the electronic portal for public transactions. These aspects have been protected under legal mechanisms represented in the types of control to which the process of concluding public transactions is subject in general, some of which are effective. It is strict, such as judicial oversight, both administrative and penal, and some requires greater activation, such as administrative oversight in its various forms, in order to impose respect for its procedures and enforce adherence to them. This strengthens all the principles on which public transactions are based and protects them from all abuses and manipulation in order to preserve public money.

In order to activate the role of the principle of publicity in public transactions to protect them from corruption, the following recommendations must be made:

- Establishing a legal regulation detailing the arrangement of advertising, its forms, and mandatory data, as well as the penalty for violating them, to ensure greater effectiveness of the principle of publicity, especially

²⁴See: Dr. Ben DaasSiham, Crimes of Public Transactions in Algerian Legislation, Dar Houma, Algeria, 2019, pp. 16 et seq.

²⁵Ibid , pp. 55 .

since it is the activator of the rest of the principles of concluding public transactions.

- The necessity of expanding the means of publicity and announcement of public transactions, especially national and local ones, by relying on other means such as public and private television channels, and the use of social media and the official websites of contracting departments.
- Obliging the contracting authority to keep the announcement of the public deal, whatever its form, in place for a sufficient period, to deliver information to the various economic operators of the deal to be concluded.
- Candidates and applicants must be informed of their offers to participate in order to win the deal of the various decisions issued by the contracting authority at all stages of the process of concluding the public deal, while giving them the right to appeal within reasonable deadlines.
- Activating the role of the electronic portal for public transactions by stipulating the obligation to publish all details, arrangements and announcements related to the procedures for concluding public transactions at their level to facilitate access to them.
- Paying attention to the training of public employees in charge of the process of concluding public transactions and completing their arrangements, training them electronically and informing them of everything new in the field of public transactions and their digitization.

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