RESEARCH ARTICLE

The International Conventions Impact on Criminal Law

Lahmar Nabil
Doctoral Student in Legal Sciences
University of Constantine – 1, Department of Public Law, Specialization: Penal Law and Criminal Sciences
Algeria
Email: luizaligne@gmail.com

Khroufa Ghania
Lecturer, Category A
Criminal Law Department, University of Constantine – 1
Algeria
Email: ghania.khroufa@umc.edu.dz

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Abstract

International conventions have established both substantive and procedural provisions, urging states to adopt all necessary measures, including legislative and administrative steps, in accordance with the fundamental principles of their domestic law, to ensure the fulfilment of their obligations under these conventions. As a result of their commitment and pledge to comply, states have aligned the provisions of their criminal codes with the requirements and rulings of these conventions. Notably, the legal provisions incorporated into national criminal law, particularly those related to jurisdiction, have been significantly influenced by these conventions. States have been encouraged to adopt the principle of universal jurisdiction, expanding upon the principle of protection and supplementing other judicial competencies, serving as an exception to territoriality and personality principles, with the primary aim of prosecuting serious offenders and preventing their impunity. By ratifying international conventions dedicated to combating crime, such as the conventions on narcotic drugs and psychotropic substances, the United Nations conventions against transnational organized crime and their subsequent protocols, as well as the United Nations conventions against corruption, the national legislature criminalizes acts mandated by international conventions, whether within the penal code or through complementary special legislation. The majority of these legislative provisions are consistent with the requirements outlined in international conventions.

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Introduction

The changes recognized by the world in all political, social, economic, and cultural fields, besides the global opening, have formed what is called globalization. This has led to the emergence of previously unheard-of forms of criminal activity. Additionally, this enormous development has contributed to the growing danger of criminal groups attempting to penetrate various domains, including the political sphere. This situation has pushed countries and organizations, especially the United Nations (UN), to quickly arrange many meetings and seminars to find key solutions to control this problem. This has been realized by the enactment of international conventions and protocols that stipulate provisions to compel states to amend their national legislation to align with them.

Under UN supervision, states have enacted collective conventions. One of the most important is the UN Convention against Transnational Organized Crime (UNTOC), adopted and opened for signature, ratification, and

accession by the resolution of the UN General Assembly (UNGA) at its twenty-fifth session on November 15, 2000. It also includes three additionnal protocols:

(1) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
(2) the Protocol against the Smuggling of Migrants by Land, Sea, and Air.
(3) and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components, and Ammunition.

Numerous other conventions followed these conventions and protocols, such as the UN Convention against Corruption (UNCAC), adopted by the UNGA resolution on October 31, 2003.

These accords were established to counter serious offenses that affect the global community worldwide. Algeria, as a state of this world, is not immune to these dangers. The "Black Decade" events are a clear evidence of the spread of terrorism phenomenon, during which more than two hundred and fifty thousand people were killed.

In addition, the proliferation of non-existent crimes in our country, such as organized crime, corruption, cybercrime, and other new crimes that were not previously addressed in its Penal Code or specific laws, is concerning. Algeria quickly ratified the international conventions that included substantive and procedural provisions, what has sparked discussions on their implementation. Should the national legislators merely integrate them into the Penal Code, or make distinct regulations governing their application? Are the signed and joined states obligated to incorporate them into their domestic legislation? This takes us to question and investigate the extent to which the substantive provisions of international conventions affect criminal law, and whether the national legislator has indeed incorporated them into national laws.

We shall answer this question by dividing our work into two sections. In the first section, we tackled the universal jurisdiction principle in international conventions (Section I), and in the second section, we examined the extent of national legislator's duty to implement the International Conventions Provisions (Section II).

Section I: The Universal Jurisdiction Principle in International Conventions

National courts use systems of criminal laws that crucially aim to achieve justice for victims while adhering to the applicable legal rules. In addition, they have the power to judge crimes committed within their jurisdiction. They also undertake legal procedures when their citizens commit crimes in other countries or if offenses are perpetrated against their interests in foreign countries. However, when there is no link that allows them to exercise their jurisdiction, they may practice it under international conventions, particularly in what concerns the fundamental interests of the whole international community.

Article 15-1 of the UNCTOC, under the title of "Jurisdiction", stipulates:
"Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offenses".

To clarify the concept of the universal jurisdiction principle, we briefly handle the principles governing judicial jurisdiction over domestic crimes to define the extent to which one of them is appropriate to prosecute perpetrators of serious crimes.

The following will discuss the territoriality principle (Subsection 1), the personality principle (Subsection 2), the passive personality principle and the universal jurisdiction principle (Subsection 3).

Subsection 1: The Territoriality Principle

The territoriality principle is adopted by most global legislations, as no provision is devoid of territorial jurisdiction due to its judicial importance[2]. Actually, it is a general judicial principle and the true manifestation of a state's sovereignty over its territory, regardless of the offender or the victim's nationality. Indeed, each state has punitive jurisdiction over its territory without interference from other states. Likewise, only its national law applies to crimes committed within its territory, and the application of that law does not extend beyond its territorial borders. Thus,

[1] United Nations Convention against Transnational Organized Crime.
[2] Al-Zaghabi (Farid), The Criminal Encyclopedia, Volume Six, General Criminal Rights, Conflict of Laws, Third Edition, Beirut, Dar Sader, 1995, p. 25.

sovereignty is the state's authority recognized by public international law to impose binding regulations on individuals belonging to it.

Certainly, all international conventions stipulate that each State Party shall adopt the necessary measures to impose its jurisdiction when the offense is committed on its territory. As stated in Article 03, paragraph 1 of Algerian Penal Code, *"the Penal Code shall apply to all crimes committed on the territory of the Republic"*. The Algerian Penal Code covers any crime that happens within Algeria's borders, regardless of the perpetrator or the victim's identity. This principle applies regardless of citizenship, and it is relevant irrespective of the interest harmed by the crime, even if it deals with issues affecting another country, such as forging the currency of that nation.[1].

Thus, this doctrine implies every offense within Algerian territory fall under the jurisdiction of the law, whether parties involved are Algerian or foreign, and if the crime threatens Algerian interests, menaces a foreign interest, or causes damage to persons or objects.[2]. However, the determination of a state's territory does not fall within the scope of criminal law but is subject to the rules of public international law[3].

The territory of a state consists of its land and the airspace above. The majority of states also have a maritime component.[4] National courts can also have judicial power over ships using the national flag, as specified in Article 15-1(b) of UNTOC, which states:
"... or when the offense is committed on board a vessel flying the flag of that State Party."
Likewise, in Article 590 of the Algerian Code of Criminal Procedure.

The national courts' jurisdiction is further confirmed respectively to aircraft registered under the state's laws, as stipulated in Article 15-1(a) of the Palermo Convention:
"...or an aircraft registered under the laws of that State at the time of the commission of the offense".
Similarly, Article 591 of the Algerian Code of Criminal Procedure provides that.

In addition, national courts also have jurisdiction over crimes committed on board foreign aircraft that land in Algeria after the commission of a felony or misdemeanor. Accordingly, Jurisdiction lies with the courts in the district where the aircraft landed if the offender is apprehended at the time of landing, or in the place where the offender is arrested in Algeria later.

Similarly, the national courts' jurisdiction extends to crimes committed on board ships docked at national ports, as confirmed by Article 590, paragraph 2, of the Code of Criminal Procedure.

Subsection 2: The Personality Principle

Personality in penal law pertains to the application of penal law to crimes committed abroad, encompassing both its positive and negative aspects. The personality principle means a state has jurisdiction over its citizens, even when they are overseas. This allows a country to apply its criminal laws to actions its citizens commit in other countries, as long as those actions are illegal in both places.

Originally, the personality principle was the norm and considered as the foundation of laws, as the state would pursue its nationals for any crime committed domestically or abroad, even within a single territory. Thus, each community within the state was subject to its own law, and laws pursued the state's nationals wherever they were[5]. Over time, however, its role diminished until it became a complementary principle to the territoriality principle.

Actually, the positive aspect lies in that any citizen commits a felony or misdemeanor outside the country, as stipulated in national laws, is punished accordingly to its provisions upon returning to the homeland, if the act is also punishable in the country where it was committed. Furthermore, the state cannot extradite him to the country where he committed his crime, as the extradition of nationals to a foreign state is prohibited in most, if not all, modern legislations. For instance, the Algerian law stipulates in Article 582 of the Code of Criminal Procedure:

[1] Rashwan (Rifaat), The Principle of Territoriality of Penal Law in Light of the Rules of Domestic and International Criminal Law, First Edition, Dar Al-Jami'a Al-Jadida, 2008, p. 13.
[2] Faraj (Reda), Explanation of the Algerian Penal Code, Algeria, National Company for Publishing and Distribution, no year, p. 120.
[3] Faraj (Reda), The Aforementioned Reference, p. 121.
[4] Amer (Salah al-Din), Introduction to the Study of International Criminal Law, Cairo, Dar al-Nahda al-Arabiya, 2007, p. 447.
[5] Faraj (Reda), The Aforementioned Reference, p. 130.

"*However, prosecution or trial may not proceed unless the offender returns to Algeria and it is not proven that a final judgment has been issued against him abroad, and, in the case of a conviction, it is proven that he has served the sentence, that it has lapsed by prescription, or that he has been pardoned.*"

Article 15, paragraph 3, of the UNTOC stipulates:

Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences covered by this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.

In addition, Article 16, paragraph 10, of the same Convention provides:

A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that he or she is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that State Party. The States Parties concerned shall cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.

The principle's positive significance is evident when a citizen commits a crime abroad and flees back to his country. In such cases, the territoriality principle prevents punishment by the foreign state, as the international law prohibits extradition of nationals. Thus, this principle allows the citizen's home state to prosecute them for crimes committed abroad[1].

Basically, this principle rests on several considerations. It is the only means to prevent impunity resulting from the limitations of extradition system, as a national who commits a crime abroad and returns to his home country cannot be prosecuted under the territoriality principle and the states typically do not extradite their nationals to another state. Then, the active personality principle serves as a counterpart to the protection a state offers its nationals abroad. It also has an educational function, encouraging citizens to uphold lawful conduct abroad and protect their country's reputation[2].

For an act to be punishable under national law, it must be classified as a felony or misdemeanor. A person cannot be prosecuted for an act that is not considered a crime under national legislation. Therefore, national penal law applies only to acts explicitly categorized as felonies or misdemeanors according to its provisions. If the act constitutes a contravention, Algerian law does not apply. Additionally, the offender must hold Algerian nationality, either original or acquired, regardless whether the offender holds dual nationality or only Algerian nationality. Any Algerian who commits an act classified as a felony or misdemeanor under the penal law is subject to judicial.

Similarly, Article 584 of the Algerian Code of Criminal Procedure affirms that prosecution or judgment is possible in the cases outlined in Articles 582 and 583, even if the offender acquires Algerian nationality only after committing the felony or misdemeanor. Nevertheless, legal scholars have considered this a deficiency in the legislation, noting nationality at the time of the offense should be the relevant criterion[3]. In cases involving stateless persons habitually residing in Algeria, the felony or misdemeanor must have been committed abroad, and the offender must return to Algerian territory -voluntarily or involuntarily. Thus, this return activates the application of the positive personality principle to prevent impunity. Whereas remaining abroad subjects him to the application of foreign law[4]. Additionally, he must prove that no final judgment has been issued against him abroad. If a final judgment exists, he must demonstrate that he has served the sentence, that it has expired by prescription, or that a pardon was granted.

Regarding the negative aspect, it concerns situations where the victim of the offense holds Algerian nationality. This is expressly provided for in Article 15, paragraph 2, of the Palermo Convention, which stipulates:

"A State Party may also establish its jurisdiction over any such offence when (...) the offence is committed against a national of that State Party."

Similarly, Article 591, paragraph 2, of the Algerian Code of Criminal Procedure affirms:

[1] Hammouda (Muntasir Said), International Terrorism, Alexandria, Dar al-Jami'a al-Jadida, 2006, pp. 253-254.
[2] Bilal (Ahmed Awad), The Aforementioned Reference, pp. 321-322.
[3] Faraj (Reda), The Aforementioned Reference, p. 132.
[4] Bilal (Ahmed Awad), The Aforementioned Reference, p. 324.

"It also has jurisdiction over felonies or misdemeanors committed on board foreign aircraft if the offender or the victim is of Algerian nationality."

The underlying rationale is to enable the state to extend its protective jurisdiction to its nationals abroad, subject to the condition that the acts attributed to the accused are punishable under the law of the state in which they were occurred.

This system is grounded in several arguments, including that it serves the protective function of the penal law by safeguarding vital state interests. If a state asserts jurisdiction over its nationals committing offenses abroad, it must equally provide it over crimes committed against its citizens ensuring the reciprocal protection. Besides, this approach contributes to closing jurisdictional gaps, thus serving as a step toward achieving a global criminal law system, as will be discussed later. Moreover, the victim's state suffers harm because of the crime committed against one of its nationals, just as the resulting harm of a crime committed on its territory. Indeed, early jurisprudence even regarded the victim as the locus delicti, or "place" where the crime was committed[1].

Subsection 3: The Passive Personality Principle and the Universal Jurisdiction Principle

The universal jurisdiction principle is often considered as an extension of the passive personality principle, which states have advocated to combat serious crimes and pursue those who commit them abroad and flee to another country.

The passive personality principle establishes the applicability of the national law to any offense that affects a fundamental interest of the state, irrespective of the perpetrator's nationality or the location of its commission[2]. According to this principle, national courts assert the jurisdiction over all attacks committed against the security of the state, its financial status, and its national economy, regardless of the location of the crime or the perpetrators' nationality. This is particularly relevant in cases where foreign authorities where the crime took place may fail to prosecute, as might happen if the crime occurred in the territory of a hostile state[3].

This principle affirms that a state may exercise jurisdiction to prosecute acts committed abroad by foreigners when such acts violate its penal laws and constitute an attack on its existence or a breach of its security, even if these acts are not criminalized in the law of the state where they occurred. All contemporary penal legislations have agreed on the consecration of the rule of personal jurisdiction, albeit with some differences regarding the placement of this rule. Some states have included it in the general penal code, while others have stipulated it in the Code of Criminal Procedure, and some have dedicated specific laws to it[4].

This principle rests on several key pillars, foremost among them the state's right to defend its vital interests against any conduct that harms or endangers them. This is particularly pertinent given that a state cannot reasonably be excepted to rely on the legal system of another sovereign entity ensuring the defense of its interests, as there exists no guarantee that other states will fulfill such a role. In Fact, without this principle, there may be instances of indifference, or even implicit or explicit encouragement, on the part of the state in whose territory the crime occurred toward the perpetrators.

Nevertheless, many legal systems have exaggerated considerably their focus on the protective doctrine, expanding the scope of the passive personality principle beyond its natural and intended bounds. From the perspective of determining the locus delicti, a crime committed abroad against the state's interests may be legally deemed as having been committed within its territory, factually founded on the manifesting of its effects in that place and directly infringe its sovereignty upon it[5].

The Algerian legislator has adopted the passive personality principle of the criminal provision, as stipulated in Article 588 of the Code of Criminal Procedure. This provision refers to crimes affecting state security, encompassing all offenses set forth in the Algerian Penal Code under Part One, Book One, titled: "Felonies and Misdemeanors Against State Security," from Article 461 to Article 96 bis. These include crimes of treason and espionage, other

[1] Bilal (Ahmed Awad), The Aforementioned Reference, pp. 325-326.
[2] Faraj (Reda), The Aforementioned Reference, p. 129.
[3] Al-Hammami (Omar Abu al-Futouh Abdul Azim), The Criminal Protection of Local Information Electronically, Cairo, Dar al-Nahda al-Arabiya, no year, p. 459.
[4] Al-Zaghabi (Farid), The Aforementioned Reference, p. 149.
[5] Bilal (Ahmed Awad), The Aforementioned Reference, pp. 327-328.

crimes of aggression against national defense or the national economy, attacks and conspiracies, and other crimes against the safety of the state territory, felonies of killing and sabotage detrimental to the state, crimes described as terrorist or subversive acts, the felony of participating in insurgent movements, and various related provisions. In this context, Article 96 of the Penal Code (Law No. 06-23) stipulates:

"The criminal liability of a legal person may be established for the crimes specified in this chapter, in accordance with the conditions stipulated in Article 51 bis of this law, which was added by Law No. 04/15."

Furthermore, felonies and misdemeanors involving the counterfeiting of currency or legally circulating banknotes, these are addressed in Articles 197–204 of the Algerian Penal Code. These provisions impose penalties on anyone who falsifies or counterfeits metal coins, banknotes, documents, bonds, or shares, or who colors currency of legal tender.

The adoption of this principle is justified by the imperative of safeguarding the state, as offenses that undermine its fundamental interests rarely receive attention abroad[1]. To apply this principle within the Algerian legal system, several conditions must be satisfied:

(1) The offender must have committed a felony or misdemeanor that affects a fundamental interest of the Algerian state.

(2) The offender must be of foreign nationality.

(3) The felony or misdemeanor must have occurred outside Algerian territory.

(4) The offender must be apprehended in Algeria or extradited by the state in whose territory the crime was committed.

Due to the seriousness of the crimes committed and the existence of obstacles preventing states from prosecuting a fugitive foreign criminal due to a lack of judicial jurisdiction, international conventions have laid down provisions to foster inter-states cooperation to establish a new principle. This involves granting jurisdiction to national courts to adjudicate crimes committed abroad by an offender who has fled to their territory, known as the universal jurisdiction or comprehensive jurisdiction principle. This principle enables any state that apprehends the offender in its territory to prosecute him in accordance with its domestic laws for an offense committed abroad, regardless of the territorial state where the crime was committed[2].

It also refers to the universality principle of the criminal provision or its comprehensive applicability, requiring its application to any crime whose perpetrator is apprehended in the state's territory, nevertheless of the territory where it was committed or the perpetrators' nationality[3]. The fact of apprehension is what grants judicial jurisdiction.

Therefore, if a dispute is brought before a state's courts and involves a foreign element (here referring to nationality), and the offender is present in another state than his own, and the crime occurred outside the forum state, it becomes necessary to determine whether the national courts have jurisdiction. This determination is subject to the rules of national criminal jurisdiction of that state, which defines the scope of the national courts' authority in such transnational cases.

Under universal jurisdiction, the state may exercise criminal jurisdiction over certain serious crimes regardless of any territorial, personal or national connections, such as offender or victim's nationality and locus delicti, connection to the crime. In addition, jurisdiction is not based on the existence or absence of a specific interest of the state but rather on the common interest of the international community in safeguarding humanity from dangerous crimes. Actually, the fact of apprehension is what grants jurisdiction to the state's courts. Thus, this principle aims to promote inter-state cooperation in the repression of serious crimes, enabling the pursuit of any criminal and preventing their escape from punishment, regardless of the locus delicti, type or classification of the crime. This thus enshrines the universal criminalization and punishment principle, commonly referred to as universal jurisdiction[4].

Indeed, the international community has acknowledged the global crime phenomenon, with piracy being a salient manifestation. Because of globalization and advanced technologies, borders permeability has increased, and communication methods have become highly developed, enabling criminals to coordinate transnationally by

[1] Hosni (Mohamed Naguib), The Aforementioned Reference, p. 208.
[2] Bousqia (Ahsen), The Concise Guide to General Criminal Law, Ninth Edition, Algeria, Dar Houma, 2009.
[3] Hosni (Mohamed Naguib), The Aforementioned Reference, p. 208.
[4] Matar (Essam Abdul Fattah Abdul Samie), The Terrorist Crime, Alexandria, Dar al-Jami'a al-Jadida for Publishing, 2005, p. 273.

facilitating their commission of crimes in one state while evading justice by fleeing to another. In addition, this has helped the evolution of crime from traditional crimes to organized and transnational organized crimes, from internal terrorism to international terrorism, and the smuggling, trafficking drugs, and other serious crimes afflicting humanity.

Besides, offenders often exploit disparities in national legal systems leaving the states where they commit their crimes and changing their nationalities to avoid prosecution. Consequently, an international cooperation has created to confront this dangerous criminal phenomenon[1], enabling national courts to exercise universal jurisdiction to prosecute serious crimes recognized under international criminal law, as they are considered global crimes that affect the fundamental values and interests of international community. Additionally, such offenses constitute crimes against the law of nations[2], and therefore, any state requested to extradite an alleged offender present in its territory must comply. However, each state refuses to do so bears an obligation either to extradite or to prosecute —*aut dedere aut judicare*—in order to uphold justice, deter impunity, and contribute to global criminal accountability.

Criminal science has also addressed this issue, with the Italian scholar *Arrara* being a pioneer in proposing the establishment of the state courts' jurisdiction where the criminal is apprehended, expressed legally as Jurex Reprefensionis. He originally advocated for the necessity of punishing the offender by any state capable of doing so if prosecution in the state where the criminal act was committed is impossible, due to the negligence or inability of the latter state's authorities[3].

Thus, this system —though seemingly ideal at first glance—rests on several arguments. Foremost among them is that religious and idealistic ethics require the moral purification of the offender from the sin of the crime wherever he may be. The system also serves as a mechanism of inter-state solidarity in prosecuting the offender and expressing the values of the international community. A crime, as an offense against humanity at large, generates collective obligations. Accordingly, when a state exercises a punitive authority, it does so on behalf of and for the benefit of the international community. Principles of ideal justice require punishing the offender not because he violated the penal law of a specific state, but because his act caused harm to humanity as a whole through the damage inflicted on the victim[4]. Moreover, the presence of the offender in the state's territory disturbs the prevailing order in that state, and it is in the interest of the latter, indeed its duty, to restore calm to the social order disrupted by bringing the fugitive criminal to trial.

For the invocation of universal jurisdiction principle, the crime must be serious. The serious crimes concept is derived from Article 2 (b) of the UNCTOC, which defines a *serious crime* as *"conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more severe penalty".* Obviously, this article has defined serious crimes according to the duration of the punishment, not the danger they pose. Additionally, the criminalization must be dual, meaning the act must be punishable under the laws of both the state where the crime occurred and the state to which the offender fled after committing the crime. If this condition is not met in states that adhere to it, they refuse to prosecute the offender due to the absence of one of the required conditions.

The general principle stipulates that there is no crime or punishment except by legal provision, granting the right to the state to which the perpetrator of a crime in another state fled, and whose law does not criminalize the act for which he fled. Article 15, paragraph 1, of the International Covenant on Civil and Political Rights provides:
"No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed."
Furthermore, the crime must not have lapsed by prescription.

Besides, having judicial jurisdiction by the national courts certain substantive conditions must be met, upon which the establishment of universal judicial jurisdiction of their criminal courts depends. These include the presence of the accused in the territory of the prosecuting state and the refusal of the state where the offender is present to extradite him.

[1] Khalfi (Abderrahmane), Lectures on General Criminal Law, Ain M'lila, Dar al-Huda, 2012, p. 79.
[2] Sweilem (Mohamed Ali), The Substantive and Procedural Provisions of Organized Crime, Cairo, Dar al-Matbouat al-Jami'iya, p. 758.
[3] Al-Zaghabi (Farid), The Aforementioned Reference, pp. 171-172.
[4] Bilal (Ahmed Awad), Lectures on the General Theory of Crime, Cairo, Dar al-Nahda al-Arabiya, 2000, p. 330.

The universal jurisdiction principle is one of the means aimed at ensuring prosecution and preventing those accused of committing serious crimes from evading justice punishment, reflecting the established rule embodied in many conventions, namely the obligation to extradite or prosecute. This is what the Palermo Convention adopted in Article 15, paragraph 4:

Each State Party may also adopt such measures as may be necessary to establish its jurisdiction over the offences covered by this Convention when the alleged offender is present in its territory and it does not extradite him or her.

Likewise, the responsibility falls on each state, as indicated in the latter.

Thus, the states parties to the convention must establish universal judicial jurisdiction in their national courts regarding the prosecution of certain crimes. Unfortunately, we find that only a few states have adopted this new system. For instance, Article 65 of the Austrian Penal Code stipulates:

"Austrian jurisdiction applies in the case of crimes committed by a foreigner in a foreign state and who is present in Austria, provided there is an obstacle to the extradition of the criminal to the foreign state, on the condition that the crime is punishable in that foreign state"[1].

Similarly, Italian legislation has followed this approach, as stipulated in Article 10, paragraph 2:

"If a crime is committed by a foreigner against a state or a foreign person, and on foreign territory, judicial prosecution may proceed at the request of the Minister of Justice if the offender is present in Italian territory, or if the penalty is three years or more, with the approval of the state where the crime was committed and the state to which the victim belongs"[2].

Switzerland is also among the states that have adopted this principle, as Article 5 of the Swiss Penal Code provides:

"Swiss law applies to any person, regardless of nationality, who is present in Swiss territory and has not been extradited, and who committed one of the following crimes in a foreign state: human trafficking, torture, sexual assault, assault on minors, and incitement to prostitution."

Article 5 of the Swiss Penal Code further states:

"Swiss law punishes any person present in Switzerland, regardless of nationality, who committed a crime covered by the conventions signed by Switzerland, provided the act is punishable in the state where the crime was committed, the offender is present in Swiss territory and not subject to extradition, and the judge imposes a penalty not exceeding the penalty that would have been imposed if the offender were tried in the state where the crime was committed."

Similarly, Polish law, in Article 110 of the Penal Code, provides:

"Polish penal law applies to any foreigner who committed a crime in a foreign state, other than the crimes mentioned in the previous paragraph, provided the following conditions are met:

- *The crime is punishable under Polish law by imprisonment of more than two years.*
- *The offender is present in Polish territory*[3].

As for Arab legislations that apply the universal jurisdiction principle, Lebanese law is considered one of the most modern and explicit contemporary legislations. Article 23 of the Lebanese Penal Code provides:

"Lebanese laws also apply to any foreigner or stateless person residing or found in Lebanon, who committed abroad, as a principal, accomplice, instigator, or intervenor, a felony or misdemeanor not stipulated in Articles 19 (paragraph 1), 20, and 21, if his extradition has not been requested or accepted"[4].

Similarly, Syrian penal law has followed the same approach as Lebanon, adopting the same provision in Article 23 of the Penal Code:

"Syrian law applies to any foreigner residing in Syrian territory who committed abroad, whether as a principal, instigator, or intervenor, a felony or misdemeanor not stipulated in Articles 19, 20, and 21, if his extradition has not been requested or accepted"[5].

As for Algeria, we believe that crimes known as organized crime, terrorist and subversive acts and their financing, money laundering crimes, drug trafficking crimes, and crimes affecting automated data processing systems, are all candidates for being a field of joint application of the laws of states worldwide. Accordingly, through cooperation among them to confront the growing criminal phenomenon, which knows no boundaries and threatens stability in all

[1] Austrian Penal Code: downloaded and translated from the website: www.wipo.int; published on December 30, 1975.
[2] Italian Penal Code: entered into force on June 1, 1931, current version 2010, downloaded from the website: www.wipo.int.
[3] Polish Penal Code: issued on June 6, 1997, downloaded and translated from the website: www.legislationline.org.
[4] The Lebanese Penal Code, published on the website: www.justice.gov.lb.
[5] The Syrian Penal Code, published on the website: www.moj.gov.sy.

states. This falls within the framework of what is known as confronting this criminal phenomenon, as a general phenomenon that spares no society, necessitating the cooperation of the international community in this regard[1].

Section II: The Extent of National Legislator's Duty to implement the International Conventions Provisions

By the adoption of the UN General Assembly of the Single Convention on Narcotic Drugs of the year 1961, and thereafter the Convention on Psychotropic Substances of the year 1971, as well as the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and the UNTOC and its subsequent Protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition as well as and the UN Convention against Corruption (UNCAC), the international community has established a comprehensive legal framework to combat serious crimes. These instruments are considered the cornerstone of international efforts in this regard, obligating States Parties to harmonize their national legislation with the provisions of these conventions and to criminalize the acts defined therein.

We shall address this section in three subsections: the obligation of the national legislator to apply the provisions of the conventions on narcotic drugs and psychotropic substances (subsection 1), and the Palermo Convention and its annexed Protocols (subsection 2), and the Convention against Corruption (subsection 3).

Subsection 1: The Obligation of the National Legislator to Apply the Provisions of the Conventions on Narcotic Drugs and Psychotropic Substances

The term "conventions on narcotic drugs and psychotropic substances" refers to the three UN treaties adopted for ratification, all addressing a unified subject: the control of narcotic drugs and psychotropic substances, considered the scourge of the modern age. These conventions constitute substantive obligations upon States Parties to criminalize related acts.

Thus, Article 36 of the Narcotic Drugs Convention of 1961 stipulated substantive provisions under the title of penalties, stating:

1- (a) Subject to its constitutional limitations, each Party shall adopt such measures as will ensure that cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention, and any other action which in the opinion of such Party may be contrary to the provisions of this Convention, shall be punishable offences when committed intentionally, and that serious offences shall be liable to adequate punishment particularly by imprisonment or other penalties of deprivation of liberty.

(b) Notwithstanding the preceding subparagraph, when abusers of drugs have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to conviction or punishment, that such abusers shall undergo measures of treatment, education, after-care, rehabilitation and social reintegration in conformity with paragraph 1 of article 38[2].

Likewise, the Psychotropic Substances Convention of 1971 included provisions obliging states to punish violators of the use of psychotropic substances, as Article 22 stipulated:

1- (a) Subject to its constitutional limitations, each Party shall treat as a punishable offence, when committed intentionally, any action contrary to a law or regulation adopted in pursuance of its obligations under this Convention, and shall ensure that serious offences shall be liable to adequate punishment, particularly by imprisonment or other penalty of deprivation of liberty.

(b) Notwithstanding the preceding sub-paragraph, when abusers of psychotropic substances have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to punishment, that such abusers undergo measures of treatment, education, after-care, rehabilitation and social reintegration in conformity with paragraph 1 of article 20.

2- Subject to the constitutional limitations of a Party, its legal system and domestic law:

[1] Ouhaybia (Abdullah), Explanation of the Algerian Penal Code, Algeria, Mofem for Publishing, 2011, p. 158.
[2] The 1961 Narcotics Convention

(a) 1- If a series of related actions constituting offences under paragraph 1 has been committed in different countries, each of them shall be treated as a distinct offence;

2- Intentional participation in, conspiracy to commit and attempts to commit, any of such offences, and preparatory acts and financial operations in connexion with the offences referred to in this article, shall be punishable offences as provided in paragraph 1;

3- Foreign convictions for such offences shall be taken into account for the purpose of establishing recidivism[1].

Moreover, Article 3 of the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances stipulated:

Each Party shall adopt such measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally:

(a) 1- The production, manufacture, extraction; preparation, offering, offering for sale, distribution, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation or exportation of any narcotic drug or any psychotropic substance contrary to the provisions of the 1961 Convention, the 1961 Convention as amended or the 1971 Convention;

2- The cultivation of opium poppy, coca bush or cannabis plant for the purpose of the production of narcotic drugs contrary to the provisions of the 1961 Convention and the 1961 Convention as amended;

3- The possession or purchase of any narcotic drug or psychotropic substance for the purpose of any of the activities enumerated in 1 above;

4- The manufacture, transport or distribution of equipment, materials or of substances listed in Table I and Table II[2], knowing that they are to be used in or for the illicit cultivation, production or manufacture of narcotic drugs or psychotropic substances;

5- The organization, management or financing of any of the offences enumerated in 1, 2, 3 or 4) above;

(b) 1- The conversion or transfer of property, knowing that such property is derived from any offence or offences established in accordance with subparagraph (a) of this paragraph, or from an act of participation in such offence or offences, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such an offence or offences to evade the legal consequences of his actions;

2- The concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from an offence or offences established in accordance with subparagraph a) of this paragraph or from an act of participation in such an offence or offences;

(c) Subject to its constitutional principles and the basic concepts of its legal system:

1- The acquisition, possession or use of property, knowing, at the time of receipt, that such property was derived from an offence or offences established in accordance with subparagraph (a) of this paragraph or from an act of participation in such offence or offences;

2- The possession of equipment or materials or substances listed in Table I and Table II[3], knowing that they are being or are to be used in or for the illicit cultivation, production or

3- Publicly inciting or inducing others, by any means, to commit any of the offences established in accordance with this article or to use narcotic drugs or psychotropic substances illicitly;

4- Participation in, association or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article[4].

As well, Algeria acceded to these international conventions, recognizing the magnitude of the dangers and disasters resulting from the use of such substances, and consequently enacted numerous laws:

As Law No. 04-18, concerning the prevention of narcotic drugs and psychotropic substances, as amended by Law No. 05-23, is one of the most significant laws. This law included provisions criminalizing all substantive provisions stipulated in the three conventions related to narcotic drugs and psychotropic substances. Thus, Article 12 criminalized any person who receives, purchases, or possesses narcotic drugs or psychotropic substances for personal consumption in an illicit manner, while Article 13 criminalized anyone who delivers or offers narcotic drugs or psychotropic substances to others in an illicit manner for personal use.

Meanwhile, for Article 15, it criminalized facilitating the illicit use of narcotic drugs or psychotropic substances by others, whether for a fee or free of charge, whether by providing a place for this purpose or by any other means, as well as owners, managers, administrators, and operators, in any capacity, of a hotel, furnished house, inn, bar,

[1] The 1971 Psychotropic Substances Convention.
[2] Tables (Please see Red List among Controlled Substances, at: http://www.incb.org/e/index.htm). 7/7/2025 at: 9:57PM.
[3] Ibid.
[4] The 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

restaurant, club, performance venue, or any place designated for or used by the public, who permit the use of narcotic drugs within these establishments, their annexes, or the aforementioned places, and the placing of narcotic drugs or psychotropic substances in food or beverages without the consumer's knowledge.

Likewise, Article 16 of the same law punishes anyone who prepares a fictitious medical prescription, delivers narcotic drugs or psychotropic substances pursuant to a medical prescription, obtains narcotic drugs or psychotropic substances for the purpose of sale, or attempts to obtain them through medical prescriptions that do not meet the specified standards. Article 16 bis also punishes anyone who obtains or attempts to obtain narcotic drugs or psychotropic substances using threats, violence, or assault.

As for Article 16 bis 1, it punishes anyone who intentionally promotes narcotic drugs and/or psychotropic substances by any means, and aggravates the penalty if the crime is committed by exploiting minors, persons with special needs, persons undergoing treatment for addiction, or in educational, training, health, or social centers, or within public entities or establishments open to the public.

As for Article 17, it punishes anyone who, in an illicit manner, engages in the production, manufacture, sale, placement, storage, extraction, preparation, distribution, delivery in any capacity, brokerage, shipment, transit, or transport of narcotic drugs or psychotropic substances[1].

This law, along with Law No. 18-11 concerning health[2], criminalized in Article 423 anyone who illicitly manufactures, prepares, imports, transits, exports, stores, brokers, sells, dispatches, transports, or offers narcotic drugs for trade in any form, and punishes both the principal offender and the accomplice, as well as the attempt.

Upon reviewing the provisions of these two laws, we discover that the legislator is loyal to incorporating all the substantive provisions introduced by the four conventions into the domestic laws.

Subsection 2: The Obligation of National Legislator to Apply the Provisions of the UNTOC and Its Subsequent Protocols

As for the UNTOC, it stipulated substantive provisions in its Articles 5, 6, 8, and 23. Thus, Article 5 stipulated the criminalization of participation in an organized criminal group, stating:

1- Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) Either or both of the following as criminal offences distinct from those involving the attempt or completion of the criminal activity:

1- Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group;

2- Conduct by a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in:

a- Criminal activities of the organized criminal group;

b- Other activities of the organized criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim;

(b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group.

2- The knowledge, intent, aim, purpose or agreement referred to in paragraph 1 of this article may be inferred from objective factual circumstances.

3- States Parties whose domestic law requires involvement of an organized criminal group for purposes of the offences established in accordance with paragraph 1 (a) (1) of this article shall ensure that their domestic law covers all serious crimes involving organized criminal groups. Such States Parties, as well as States Parties whose domestic law requires an act in furtherance of the agreement for purposes of the offences established in accordance with paragraph 1 (a) (1) of this article, shall so inform the Secretary-General of the United Nations at the time of their signature or of deposit of their instrument of ratification, acceptance or approval of or accession to this Convention.

[1] Law No. 18/04, dated December 25, 2004, amended by the Law of May 23, 2023, Concerning the Prevention of Narcotic Drugs and Psychotropic Substances and the Suppression of Their Illicit Use and Trafficking.
[2] Law No. 18/11, dated June 2, 2018, Concerning Health, published on July 29, 2018.

The national legislator, like most national legislations, stipulated in its laws generally the criminalization of participation as a rule in the Penal Code. Thus, Article 43 of it stipulates that the accomplice shall be subject to the same penalty as one who usually provides a dwelling, shelter, or place without a group to one or more malefactors who engage in theft or violence against state security, public security, persons, or property, with knowledge of their criminal conduct. It also specified this in most special provisions related to the prevention of narcotic drugs and psychotropic substances and the suppression of their illicit use and trafficking, where Article 23 stipulated that an accomplice in any of the crimes provided for in this law shall be punished with the same penalty as the principal offender. Likewise, Article 52 of the Law on the Prevention and Combating of Corruption stipulates[1] that the provisions related to participation provided for in the Penal Code shall apply to the crimes delivered for in this law.

The Convention also included substantive provisions in Article 6, which pertains to the criminalization of money laundering, stating:

1- Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) 1- The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;

2- The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;

(b) Subject to the basic concepts of its legal system:

1- The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

2- Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

The national legislator followed the most states example by criminalizing money laundering, stipulating it in the Penal Code under Article 389 bis, which the legislator adopted literally from the Convention and prescribed a penalty for it, as well as in the Law on the Prevention, Combating, and Suppression of Money Laundering and Terrorist Financing No. 01-05[2] under Article 2.

It was also stipulated in the Law on the Prevention and Combating of Corruption under Article 42, stating:

"The laundering of the proceeds of the crimes provided for in this law shall be punished with the same penalties prescribed in the legislation in force in this field."

Article 23 of the Palermo Convention also stipulated the criminalization of obstruction of justice, stating:

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences covered by this Convention;

(b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences covered by this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of public officials.

Here, the national legislator adopted this literally and stipulated it in several laws, such as the Law on Corruption.

As for the supplementary protocols to the Palermo Convention, we find the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, where Article 3 stipulates:

"For the purposes of this Protocol:

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

[1] Law No. 06-01, dated February 20, 2006, Concerning the Prevention and Combating of Corruption.

[2] Law No. 05-01, dated February 6, 2005, Concerning the Prevention and Combating of Money Laundering and Terrorism Financing, amended by Ordinance No. 12-02, dated February 13, 2012, amended by Law No. 15-06, dated February 15, 2015, and amended by Law No. 23-01, dated February 7, 2023.

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

Article 5, paragraph 1, of the Protocol stipulated:

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in article 3 of this Protocol, when committed intentionally[1].

The national legislator, in fulfillment of its commitments and obligations towards the international community to suppress such acts, enacted laws in the Penal Code from Articles 303 bis 4 to 303 bis 15 under Law No. 01-09 dated February 25, 2009. Recognizing the gravity of this crime, it amended the text of these articles with a special law, No. 23-04, concerning the Prevention and Combating of Trafficking in Persons, where it criminalized all acts provided for in the Convention from Articles 40 to 50.

Article 40 criminalized[2] anyone who engages in trafficking in persons and aggravated the penalty if the offender is a spouse, one of their ascendants, descendants, guardian, or entourage, or has authority over them, or if the offender is a public official, or if the victim is a child, incapacitated, or a person with special needs, or in a position of vulnerability, or if the crime is committed against more than one victim, or by more than one person, or against a person or group of persons due to their ethnic or racial affiliation, or if the crime is committed with the carrying of weapons or the threat of their use, or if the offender uses narcotic drugs or other psychotropic substances to subdue the victim, or if the offender seizes, destroys, or falsifies the victim's passport or identity document, or if the crime is committed by means of threats of death or torture, or if the crime is committed during a health crisis, natural, biological, or technological disaster, or if the crime is committed using information and communication technologies.

The legislator aggravated the penalty for the crime if an organized criminal group commits it, if it is transnational in nature, or if it occurs during an armed conflict.

As for the Protocol against the Smuggling of Migrants, it urged states to criminalize such acts, stipulating in Article 6:

1- Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally and in order to obtain, directly or indirectly, a financial or other material benefit:

(a) The smuggling of migrants;

(b) When committed for the purpose of enabling the smuggling of migrants:

1- Producing a fraudulent travel or identity document;

2- Procuring, providing or possessing such a document;

(c) Enabling a person who is not a national or a permanent resident to remain in the State concerned without complying with the necessary requirements for legally remaining in the State by the means mentioned in subparagraph (b) of this paragraph or any other illegal means[3].

The national legislator added a fifth bis section to the Penal Code, covering Articles 303 bis 30 to 303 bis 41, under Law No. 01-09, titled Smuggling of Migrants[4], punishing anyone who engages in the smuggling of migrants and aggravating the penalty if the smuggling is committed under certain circumstances, such as if there are minors among the smuggled persons, or if the life or safety of the smuggled migrants is endangered or likely to be endangered, or if the smuggled migrants are subjected to inhuman or degrading treatment.

The penalty was further aggravated and classified as a felony if any of the following circumstances are present:

[1] Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.

[2] Law No. 23/04, Concerning the Prevention and Combating of Trafficking in Persons, dated May 7, 2023.

[3] Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.

[4] Law No. 01/09, Containing Articles 303 bis 30 to 303 bis 41, dated February 25, 2009.

if the offender's position facilitated the commission of the crime, if the crime is committed by more than one person, if the crime is committed with the carrying of weapons or the threat of their use, or if the crime is committed by an organized criminal group.

As for the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components, and Ammunition, it encouraged States Parties to criminalize such acts, stipulating in Article 5:

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct, when committed intentionally:

1- Illicit manufacturing of firearms, their parts and components and ammunition;

2- Illicit trafficking in firearms, their parts and components and ammunition;

3- Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 8 of this Protocol[1].

The national legislator fulfilled its obligations under the provisions of this Convention and enacted a special law, No. 97-06, concerning military equipment, weapons, and ammunition, being proactive in criminalizing these acts. It classified weapons into categories from the first to the eighth and prescribed penalties for each category, imposing severe penalties for the crimes of manufacturing, importing, exporting, and trading, punishing anyone who engages in such acts with penalties up to life imprisonment for categories 1 to 3. It also criminalized unauthorized acquisition operations by the authorities and criminalized the carrying and transport of military equipment, weapons, and ammunition of all categories, with penalties varying from one category to another[2].

Subsection 3: The Obligation of National Legislator to Apply the Provisions of the UNCAC

The UNCAC is considered one of the most significant conventions, as it constitutes the first building block and the fundamental reference for the States Parties in criminalizing all acts that have been eroded societies and obstruct the path of development for any state. The Convention introduced substantive provisions requiring states to stipulate their criminalization within their national legislation.

These include the crime of bribery of public officials under Article[3] 15, bribery of foreign public officials and public international organizations officials, embezzlement, misappropriation, or other diversion of property by a public official, trading in influence, abuse of functions, illicit enrichment, bribery in the private sector, embezzlement of property in the private sector, laundering of proceeds of crime, concealment, and obstruction of justice.

The national legislator has not hesitated in combating this phenomenon and has committed to addressing it by enacting a special law titled "The Law on the Prevention and Combating of Corruption," bearing the number 06-01. Its provisions are very closely aligned with the provisions of the UNCAC. In Chapter Four of the law, from Article 25 to Article 48, it criminalized acts of corruption, starting with bribery, whether active or passive, and whether in the public or private sector, as well as bribery of foreign public officials and public international organizations officials. Additionally, it penalized unjustified privileges in the field of public procurement, criminalized betrayal, illegal exemptions, and reductions in taxes, exploitation of influence, abuse of functions, conflicts of interest, unlawful acquisition of benefits, failure to declare assets or false declarations, illicit enrichment, receiving gifts, hidden funding of political parties, laundering of criminal proceeds, concealment, and obstruction of the proper course of justice. Furthermore, it provided protection for witnesses, experts, whistleblowers, and victims by punishing anyone who commits any act against them, and it criminalized malicious reporting and failure to report crimes.

Most States Parties have affirmed that participation, money laundering, corruption, and obstruction of justice have been addressed in their domestic legislation. Some states have indicated that they are considering new legislation in line with the Convention, while states that already criminalize these offenses are in the process of drafting bills concerning these acts or amending their criminal laws to include participation, money laundering, corruption, and obstruction of justice among new criminal acts.

[1] Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components, and Ammunition, Supplementing the United Nations Convention Against Transnational Organized Crime

[2] Ordinance No. 97/06 Concerning Military Equipment, Arms, and Ammunition, dated January 21, 1997

[3] United Nations Convention Against Corruption.

Conclusion

Within the framework of the diligent efforts undertaken by Algeria to combat crimes of all kinds, and through its ratification of most international conventions, particularly those related to drugs and psychotropic substances, the Convention on Combating Transnational Organized Crime and its subsequent protocols, as well as the Convention Against Corruption, we find that the Algerian state, and behind it the national legislator, has been significantly influenced by the provisions of these ratified conventions. It has criminalized these acts either through the Penal Code or by enacting special laws, given the importance of the type of crime intended to be addressed.

Upon reviewing the substantive provisions of the international conventions and the legal texts that criminalize these provisions, we find them to be highly consistent. Indeed, the legislator has amended most of its laws concerning these acts immediately upon ratification of the international conventions. Moreover, it has criminalized acts that were not explicitly required to be criminalized, such as crimes related to weapons and ammunition. This leads us to conclude that the national legislator has adhered to its commitments toward the international community in combating crime in all its forms, in accordance with the substantive provisions set forth in the international conventions.

Despite the national legislator's commitment to the provisions of international conventions and the criminalization of the acts they urged to be criminalized, there remain some shortcomings in addressing such crimes. In this regard, we can propose the following suggestions:

1. Establish specialized committees whose sole task is to study the provisions of international conventions and to develop and enact legislation that takes into account the social and cultural dimensions of the state.

2. Train judges specialized in the field of emerging crimes, so that these crimes can be addressed in accordance with the provisions of international conventions and domestic laws.

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4- The United Nations Convention Against Transnational Organized Crime.
5- The United Nations Convention Against Corruption.
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