

## The Economic and Financial Criminal Pole for Combating Economic Crimes in the Algerian Code of Criminal Procedure

Bénammar Asma

*Faculty of Law and Political Science, Djillali Liabes University , Algeria*

*Email: bnmrasma08@gmail.com*

Received : 19/07/2025 ; Accepted : 18/11/2025 ; Published : 23/12/2025

### Abstract:

Specialized criminal poles are considered newly established judicial bodies in addition to courts, judicial councils, and the Supreme Court. They embody courts with expanded jurisdiction, which represented the first signs of Algerian criminal policy moving toward the specialization of the judiciary<sup>1</sup>. Pursuant to the enactment of Law No. 04-14 dated 10 November 2004, the legislator accordingly established specialized criminal poles, focusing on extending the local jurisdiction of public prosecutors, investigating judges, and courts themselves.

With the spread of crime, known for its seriousness and highly organized nature, which exceeded the capacity of these specialized poles to handle it, an economic and financial criminal pole was established to combat economic crimes.

**Keywords:** Economic crime, specialized poles, developments.

### Introduction:

Within the framework of combating crime characterized by its development and the inadequacy of general procedural rules to investigate, inquire into, and prosecute it, the Algerian legislator amended these rules and introduced other procedures and mechanisms in line with this newly emerged and organized form of criminality.

In addition to the limited local jurisdiction of ordinary judicial bodies, which was also reconsidered and expanded in line with the new international trend aimed at judicial specialization<sup>2</sup>, All of this aims to uncover crimes and punish offenders for their actions so as to prevent the spread of insecurity in society on the one hand, and to combat such crimes through modern methods, including the establishment of judicial bodies for this purpose, which are intended to contribute to their prevention or to follow special procedures for their prosecution on the other hand.

Accordingly, these judicial institutions have come to receive significant attention from researchers in the field of law, due to the important position they occupy among the mechanisms for combating newly emerging crimes<sup>3</sup>.

Among these institutions are the criminal poles, which are based on the idea of judicial specialization in order to combat emerging crime, in addition to limiting its spread<sup>4</sup>, as they are considered among the mechanisms for confronting serious crimes, and they have proven their effectiveness in this regard<sup>5</sup>.

From this perspective, the Algerian legislator established a specialized pole to combat economic crimes under the title “The Economic and Financial Criminal Pole.”

On this basis, the following issue is raised:

What is the economic and financial criminal pole? And what are the procedures followed before it?

In order to answer this issue, the conceptual framework of the economic and financial criminal pole will be addressed in the first axis, while its procedural framework will be examined in the second axis.

### **First Axis: The Conceptual Framework of the Economic and Financial Criminal Pole**

The Algerian legislator has moved toward adopting the principle of judicial specialization, especially following Algeria's accession to the United Nations Convention against Transnational Organized Crime of 2000, which called for the adoption of this approach. This was achieved through the enactment of Law No. 04-14 concerning the establishment of specialized criminal poles. However, these poles did not embody judicial specialization in the desired manner, which prompted the legislator to issue Order No. 20-04 prior to the latest amendment affecting the Code of Criminal Procedure, whereby this pole is now regulated under Articles 315 to 334<sup>6</sup>, Which effectively enshrined this principle through the establishment of the Economic and Financial Criminal Pole, granting it specific subject-matter jurisdiction to confront and combat a specific category of crimes, namely crimes of an economic and financial nature.

#### **First: Definition of the Economic and Financial Criminal Pole and the reasons for its establishment**

The Algerian legislator did not provide a definition of the Economic and Financial Criminal Pole, but merely stipulated its establishment in the Code of Criminal Procedure, stating that “there exists, at the level of the court seat of the Algiers Judicial Council, a national specialized criminal pole to combat economic and financial crime.”<sup>7</sup>

It also stipulated its jurisdictions, consisting of undertaking investigation, inquiry, prosecution, and examination, as well as adjudication in economic and financial crimes, and it also has the same jurisdiction over crimes that are related thereto<sup>8</sup>.

As is customary, this was left to legal scholars and researchers in this field, who defined it as “a specialized judicial body competent to examine a specific type of serious and complex economic and financial crimes, with national territorial jurisdiction, subject to the rules of the Code of Criminal Procedure in the exercise of its powers, established at the seat of a Judicial Council in Algiers.”<sup>9</sup>

It was also defined as “a criminal body specialized in examining the most complex economic and financial crimes, which require special investigative means, specialized technical expertise, or international judicial cooperation.”<sup>10</sup>

As for the motives behind its establishment, they arose from the search for new mechanisms to combat and confront economic and financial crime characterized by complexity and seriousness, as a result of recording the inability of the general rules upon which the judiciary is based in general to confront it due to their lack of adaptation to this emerging type of crime, which has effectively kept pace with informational and technological developments, making the commission of crime easy and evasion of punishment even easier<sup>11</sup>.

In addition, the Algerian legislator sought to implement what was addressed by the United Nations Convention of 2000 to combat crime, which emphasizes the necessity of moving toward specialization in criminal justice, given the sensitivity of this field and the need to grant serious cases brought before the courts their due right to prosecution, investigation, and trial.

## **Second: The scope of jurisdiction of the Economic and Financial Criminal Pole**

The scope of judicial jurisdiction is defined as the share enjoyed by each court of the authority granted to it in order to adjudicate various judicial disputes, thereby becoming vested with all powers to initiate and manage them<sup>12</sup>.

Given that the Economic and Financial Criminal Pole is not considered an independent special body but rather a specialized court, it is also subject to the rules of judicial jurisdiction, which consist of both local or territorial jurisdiction and subject-matter jurisdiction.

### **A- Local jurisdiction of the Economic and Financial Criminal Pole**

This refers to “the territorial framework that the legislator seeks to define, within whose limits the court exercises its jurisdiction without exceeding them, since doing so would constitute an encroachment on the jurisdiction of another judicial body.”<sup>13</sup>

With regard to the Economic and Financial Criminal Pole, the Algerian legislator granted it authority to extend its powers across the entire national territory, clearly stating this point, which was determined by extending the powers of the Public Prosecutor, the Investigating Judge, as well as its President, to cover the entire national territory by virtue of a legal provision, which reads as follows: “The Public Prosecutor at the level of the Economic and Financial Criminal Pole, as well as the Investigating Judge and the President of the same pole, exercise their powers throughout the entire national territory.”<sup>14</sup>

### **B- Subject-matter jurisdiction of the Economic and Financial Criminal Pole**

Subject-matter jurisdiction, as a general principle, is considered a division of jurisdiction among judicial bodies according to their different levels, whether within the ordinary judiciary, which includes courts, judicial councils, and the Supreme Court, or within the administrative judiciary, which includes administrative courts, administrative appellate courts, and the Council of State.<sup>15</sup>

As for the subject-matter jurisdiction of the Economic and Financial Criminal Pole, it appears through an examination of Article 318, which provides that: “The Economic and Financial Criminal Pole shall undertake investigation, inquiry, prosecution, examination, and adjudication in the most complex economic and financial crimes, and crimes related thereto.”

Economic crime includes all complex crimes involving a multiplicity of offenders, accomplices, or victims, in addition to the element of tight organization and their transnational character, which require specialized technical expertise and special investigative means to uncover them, or may require international judicial cooperation in this regard<sup>16</sup>.

On this basis, and within the scope of this crime, based on the amendment affecting the Code of Criminal Procedure, the following crimes fall within its purview<sup>17</sup>:

- The crimes provided for in Articles 119 bis, 389 bis, 389 bis 1, 389 bis 2, and 389 bis 3 of the Penal Code;
- The crimes provided for in Law No. 06-01 dated 20 February 2006 relating to the prevention of corruption and its combating;
- The crimes provided for in Ordinance No. 96-22 dated 9 July 1996 relating to the repression of violations of legislation and regulations governing exchange and the movement of capital to and from abroad;
- The crimes provided for in Articles 11, 12, 13, 14, and 15 of Ordinance No. 05-06 dated 23 August 2005 relating to the fight against smuggling;
- Crimes relating to currency and credit;
- Crimes relating to the securities exchange;
- Crimes of tax evasion and tax fraud.

In addition to all these crimes, all crimes that are related thereto fall within its subject-matter jurisdiction<sup>18</sup>.

This means that the law has allowed the extension of the jurisdiction of the Economic and Financial Criminal Pole in order to examine certain crimes that do not fall within its jurisdiction as a general principle; however, by virtue of their connection to crimes over which it has subject-matter jurisdiction, they in turn become within its competence in the context of the requirements of the proper administration of justice<sup>19</sup>.

### **Second axis: The procedural framework of the Economic and Financial Criminal Pole**

Every judicial body, regardless of its level, is characterized by the specificity of the procedures followed before it, which appear from the very first moments of its connection with the case file until the judgment is rendered. Since the criminal pole is among the judicial bodies upon which the Algerian judicial system is based, specific procedures are also followed before it with regard to the case files falling within its jurisdiction.

However, it has acquired a certain degree of specificity due to the fact that it is a specialized court for adjudicating a single type of crime and working to combat it, which falls within the framework of economic and financial crime as previously indicated, such that it is vested with the powers of investigation, inquiry, prosecution, examination, and adjudication<sup>20</sup>, Which are considered integrated and exclusive powers<sup>21</sup>. In this regard, the legislator has provided for the manner in which the case file is brought before the Economic and Financial Criminal Pole, whether before the Public Prosecutor or the Investigating Judge.

#### **First: Procedures for the Public Prosecutor at the Economic and Financial Criminal Pole to be seized of the case file**

If the Public Prosecutor at the level of the Economic and Financial Criminal Pole considers that the information reports and investigative measures carried out by the judicial police, within the framework of one of the crimes provided for in Article 317 of the Code of Criminal Procedure, transmitted to him by the Public Prosecutors at the judicial bodies territorially competent in accordance with the provisions of Article 58 of the Code of Criminal Procedure, show that the crime indeed falls within his jurisdiction<sup>22</sup>, he shall, after obtaining the opinion of the Attorney General at the Algiers Judicial Council<sup>23</sup>, request the procedural file, and this may occur at any stage of the case, whether during the phase of preliminary investigations, prosecution, or judicial investigation<sup>24</sup>.

This prompts the territorially competent Public Prosecutor to issue a decision relinquishing jurisdiction in favor of the Public Prosecutor at the Economic and Financial Criminal Pole upon becoming aware of the latter's requests<sup>25</sup>, which allows him to transmit the procedural file subject to relinquishment, accompanied by all papers, documents, and evidentiary elements that have been obtained<sup>26</sup>.

This results in the transfer of the powers of management and supervision over the acts of the judicial police, with regard to the completed, ongoing, or intended procedures, to both the Public Prosecutor and the Investigating Judge at the Economic and Financial Criminal Pole<sup>27</sup>. Accordingly, judicial police officers receive from them, regardless of the location of the court to whose jurisdiction they belong, instructions and letters rogatory<sup>28</sup>.

Likewise, in the event of relinquishment, the law provides that the investigations and exercise of the public action, as well as the judicial investigation and trial thereof, shall be subject to the general provisions governing these stages as set out in the Code of Criminal Procedure<sup>29</sup>.

## **Second: Procedures for the Investigating Judge at the Economic and Financial Criminal Pole to be seized of the case file**

In cases where the matter requires the opening of a judicial investigation, the Public Prosecutor at the Economic and Financial Criminal Pole requests the case file. His submissions containing the request for the procedural file are then referred by the territorially competent Public Prosecutor to the Investigating Judge seized of the file<sup>30</sup>. The latter issues an order relinquishing the file in favor of the Investigating Judge at the level of the Economic and Financial Criminal Pole. The same procedures are followed if the file is pending before a judicial body with extended jurisdiction<sup>31</sup>.

The consequence of the order of relinquishment is the transmission of the entire file, while only detention orders, provisional detention warrants, and arrest warrants already issued remain effective until a contrary order is issued by the Investigating Judge at the Economic and Financial Criminal Pole to what was decided by the Investigating Judge originally seized of the file, since the former becomes the guarantor of the legality and validity of provisional detention procedures<sup>32</sup>.

In addition, all powers of management and supervision over the acts of the judicial police are transferred to him with regard to the various procedures that have been taken or are to be taken<sup>33</sup>.

## **Conclusion:**

It appears from this article that the Algerian legislator's choice to adopt the Economic and Financial Criminal Pole was not merely an organizational measure, but rather falls within a legislative vision aimed at adapting the judicial structure to the newly emerging specificities of economic and financial crimes. The latter, characterized by technical complexity, procedural interconnection, and a broad geographic scope, have necessitated moving beyond traditional frameworks of criminal treatment and shifting toward a judicial model based on specialization and precision.

It is also clear that the expansion of both the local and subject-matter jurisdiction of this pole, along with entrusting it with the various stages of the criminal proceedings, reflects a clear legislative will to ensure unity of prosecution and procedural effectiveness, thereby limiting fragmentation of jurisdictions and enhancing the efficiency of judicial work.

In this context, it may be said that the Economic and Financial Criminal Pole constitutes one of the fundamental pillars in the system for combating economic and financial crime, and contributes to consolidating a criminal justice system better able to respond to the requirements of protecting the national economy and respecting the principle of the proper administration of justice.

## **Footnotes:**

1. Shahrazad Derradji, Nour El-Din Ben El-Sheikh, The Newly Established Economic and Financial Criminal Pole – A Reading of Ordinance No. 20-04 dated 30-08-2020, Journal of Legal and Economic Studies, Vol. 05, No. 02, 2022, p. 814.

2. Bouguera Jamal Eddine, Anane Jamal Eddine, The National Criminal Pole for Combating Crimes Related to Information and Communication Technologies, Professor Researcher Journal for Legal and Political Studies, Vol. 07, No. 01, 2022, p. 1677.

3. Haroun Nora, op. cit., The Crime of Bribery in Algerian Legislation – A Study in Light of the United Nations Convention against Corruption, Doctoral Dissertation, Mouloud Mammeri University, Tizi Ouzou, 2017, p. 238.

4. Imane Ratiba Chouaïtar, Specialized Criminal Poles as an Approach to Combating Business Crimes, *Journal of Research in Contracts and Business Law*, Vol. 07, No. 01, 2022, p. 49.
5. Bennour Souad, Specialized Criminal Poles between the National Strategy and International Judicial Cooperation to Combat Corruption Crimes, *Journal of Legal and Political Research*, No. 09, 2019, p. 53.
6. Law No. 25-14 dated 09 Safar 1447, corresponding to 03 August 2025, containing the Code of Criminal Procedure.
7. Article 315 of the Algerian Code of Criminal Procedure.
8. Article 318 of the Algerian Code of Criminal Procedure.
9. Shahrazad Derradji, Nour El-Din Ben El-Sheikh, The Newly Established Economic and Financial Criminal Pole – A Reading of Ordinance No. 20-04 dated 30-08-2020, *Journal of Legal and Economic Studies*, Vol. 05, No. 02, 2022, p. 816.
10. Ben Bouaziz Assia, Litigation Procedures before the Economic and Financial Criminal Pole, *Journal of Governance and Economic Law*, Vol. 01, No. 01, 2021, p. 09.
11. Saida Bouznoun, Specialized Criminal Poles in Confronting Contemporary Crime, *Journal of Legal and Social Sciences*, Vol. 04, No. 02, 2019, p. 119.
12. Dekhlafi Sofiane, The Principle of Universal Jurisdiction in International Criminal Law, Master's Thesis, Faculty of Law, Ben Youcef Benkhedda University, Algiers, 2007–2008, p. 23.
13. Ben Yekken Abdelmajid, Rabhi Lakhdar, Judicial Jurisdiction in Waqf Disputes and Methods of Proof, *Journal of Law and Political Sciences*, Vol. 08, No. 01, 2021, p. 68.
14. Article 318 of the Algerian Code of Criminal Procedure.
15. Ben Yekken Abdelmajid, Rabhi Lakhdar, op. cit., p. 69.
16. Article 318-02 of the Algerian Code of Criminal Procedure.
17. Article 317 of the Algerian Code of Criminal Procedure.
18. Badra Laour, New Mechanisms for Combating Economic Crimes in Algerian Legislation, *Al-Risala Journal for Human Studies and Research*, Vol. 06, No. 03, 2021, p. 655.
19. As well as Article 317 of the Algerian Code of Criminal Procedure.
20. Shahrazad Derradji, Nour El-Din Ben El-Sheikh, op. cit., p. 821.
21. Article 318 of the Algerian Code of Criminal Procedure.
22. Badra Laour, op. cit., p. 655.
23. Article 321 of the Algerian Code of Criminal Procedure.
24. Article 322 of the Algerian Code of Criminal Procedure.
25. Article 323 of the Algerian Code of Criminal Procedure.
26. Article 324 of the Algerian Code of Criminal Procedure.
27. Article 326 of the Algerian Code of Criminal Procedure.
28. Article 328/01 of the Algerian Code of Criminal Procedure.
29. Article 328/02 of the Algerian Code of Criminal Procedure.
30. Article 329 of the Algerian Code of Criminal Procedure.
31. Article 325 of the Algerian Code of Criminal Procedure.
32. Haidour Djelloul, The Role of the Economic and Financial Criminal Pole in Protecting Public Funds from Corruption Crimes in Light of Algerian Legislation, *Journal of Judicial Ijtihad*, Vol. 13, No. 02, 2021, p. 916.
33. Article 327 of the Algerian Code of Criminal Procedure.
34. Article 328/01 of the Algerian Code of Criminal Procedure.