

THE CONCEPT OF TRANSNATIONAL ORGANIZED CRIME IN INTERNATIONAL LAW AND ALGERIAN LEGISLATION

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Received: 15/04/2024

Accepted: 22/07/2024

Published: 01/10/2024

Abstract:

Given that transnational organized crime is considered a crime of an international nature, international cooperation is essential for its eradication. For this reason, international efforts have intensified to combat organized crime, as evidenced by international conferences and conventions. National criminal legislation must also include provisions addressing emerging crimes to keep pace with the challenges posed by organized crime. The United Nations Convention against Transnational Organized Crime serves as the cornerstone for criminalizing various forms of this phenomenon, which is characterized by its diversity and cross-border reach. These crimes include drug trafficking, human trafficking, arms trafficking, and other serious offenses. These challenges have prompted the state parties to the convention to amend their domestic legislation to align with the legal framework set forth by the United Nations. In this study, we will examine the extent to which Algerian legislation aligns with this international model.

Keywords: *Organized crime, Combating, Criminal risk, International agreements, National legislation.*

INTRODUCTION:

Organized crime represents one of the most dangerous forms of criminality, threatening the security of states and necessitating a concerted effort to combat it. This has led to intensified international cooperation within the framework of legal instruments and the mobilization of all relevant agencies to confront and mitigate its dangers and harms, despite the challenges related to defining it and establishing a unified concept. The importance of studying the alignment of legal provisions on organized crime in Algerian legislation with international standards is evident from multiple perspectives. Organized crime has become an increasingly pressing issue in our contemporary era due to the rapid and easy means of communication, which contribute to the disintegration of the social fabric and facilitate criminal activities, leading to the spread of violence, corruption, and bribery.

This issue is also significant due to the legal challenges that organized crime presents at the domestic level, particularly within Algerian legislation. Thus, it is necessary to shed light on the stance of the Algerian legislator toward this phenomenon and examine how it is addressed. We also aim to compare Algerian legislation with international conventions, as organized crime has come to represent a new type of criminality not addressed by traditional criminal laws. Its impact has extended beyond domestic boundaries to pose a global threat.

This brings us to the following central question: To what extent do the criminal and penal provisions related to organized crime in Algerian legislation align with international conventions? Has the Algerian legislator successfully adapted its criminal policy to conform to international standards for combating organized crime?

In this study, we will attempt to answer these questions by employing an analytical approach to examine relevant legal texts, as well as a comparative method to assess the degree of alignment between domestic legislation and international conventions. This will be explored through two main

axes: The first Axis tackles organized crime in international law, while the second one deals with organized crime in Algerian legislation.

First Axis: Organized Crime in International Law

Many international and regional efforts have been made to combat transnational organized crime, as no state, regardless of its level of advancement or strength, can address it alone. These efforts have been realized through conferences aimed at coordinating criminalization policies and enhancing cooperation among states.

1. Conferences Held at the United Nations Headquarters

The United Nations has played a significant role in combating organized crime, being one of the key entities that have sought to establish the foundations and principles for addressing transnational organized crime. The United Nations Congress on the Prevention of Crime and the Treatment of Offenders was among the first to address organized crime as a global threat (Al-Basha, 2001). During the fifth congress held in Geneva, Switzerland, in 1975, it provided a definition stating that organized crime involves complex criminal activities conducted on a large scale by groups of individuals with a certain level of organization, aimed at achieving wealth for the participants at the expense of society and its individuals. These crimes are often committed with complete disregard for the law and typically involve offenses against persons, often linked to political corruption (Laborde, 2005, p. 138).

During this conference, several crimes categorized under organized crime were enumerated. This conference is considered the first international gathering to seriously address the study and discussion of organized crime in its fifth agenda item, titled 'Changes and Dimensions of Criminality at the National and International Levels' (Al-Braizat, 2010, p. 152).

-**The Sixth United Nations Congress, held in Caracas in September 1980:** titled 'Crime and Abuse of Power,' classified these offenses as a form of organized crime due to their increasing severity compared to other crimes. They have come to be known as 'white-collar crimes' (Al-Basha, 2001, p. 92).

- **the Seventh Congress, held in Milan in September 1985:** established a strategy for combating organized crime at the national level known as the 'Milan Plan.' (Al-Braizat, 2010, p.153). This plan included several measures and mechanisms, such as:

- Amending national laws and criminal procedures to encompass the criminalization of emerging criminal activities, while enhancing the foundations of international cooperation, including the extradition of offenders and information exchange.
- Criminalizing new forms related to the acquisition and use of illicit profits, specifically various money laundering offenses (Zaid, 1999).

-**The Eighth Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana in September 1990:** played a significant role in reinforcing the Milan Plan with a set of twenty-four guiding principles (Al-Tarsawi, 2004, p. 94).

-**The Ninth Congress on the Prevention of Crime and the Treatment of Offenders, held in Cairo from April 29 to May 8, 1995:** included organized crime as one of the four topics on its agenda under the title 'Combating Organized Crime at the National and International Levels.' It emphasized the necessity of international cooperation in the areas of extradition and the exchange of expertise. In its resolution 1995/212, adopted on February 15, 1995, the Economic and Social Council underscored the importance of criminalizing new forms of national and transnational organized crime, particularly those arising from the use of modern technology. Examples of such crimes include, but are not limited to: money laundering, terrorist activities, arms trafficking, aircraft hijacking, maritime piracy, human trafficking, drug trafficking, corruption of public officials, theft of art and antiquities, and computer crimes (Ben Daaas, 2010; Braizat, 2010).

-**The Tenth Congress, held from 10 to 17 April, 2000, in Vienna:** was attended by high-level delegations, including representatives from Egypt, following the ninth congress held in Egypt in 1995, which urged the adoption of swift and effective measures to combat terrorism. It also called for the updating and strengthening of global and regional legal and technical instruments to address this phenomenon and to develop mechanisms for combating money laundering and corruption (Al-

Braizzat, 2010, p. 153). The threat posed by organized crime, which impacts the world, has necessitated cooperation among states. International efforts to combat this crime have not been limited to conferences held under the auspices of the United Nations; specialized and regional conferences have also been convened, given that organized crime affects regional security. This has led countries with shared cultural backgrounds or common interests to focus on studying and scrutinizing the phenomenon (AL-Tersawi, 2004, p. 57).

In addition to the conferences held under the auspices of the United Nations, specialized conferences have been convened focusing on organized crime, including:

- **The Fourteenth International Conference of the International Association of Penal Law, October 1999 in Vienna:** Among its topics was the study of a draft for an International Criminal Court tasked with addressing a range of serious crimes, including organized crime. This conference played a significant role in the development of criminal law by examining this crime through a scientific approach, making its recommendations a focal point for the relevant agencies involved in crime prevention and criminal justice associated with the United Nations (Al-Basha, 2001, p. 103).

2. REGIONAL EFFORTS:

In addition to specialized conferences, there have been regional efforts to combat organized crime, undertaken by certain countries that share similar cultures or common interests. These include the following:

-**The Role of the Council of Europe:** Established in 1949, the Council of Europe is the oldest and most comprehensive political organization in Europe. Regarding organized crime, it defined the term in 1993 as follows: “A group consisting of more than two individuals engaged in criminal activities by committing serious offenses over an extended period or an indefinite duration, with each member assigned a specific role within the criminal organization”. The aim is to achieve dominance or generate profits, employing crime, violence, and threats to influence political, media, economic, and judicial spheres (Serour, 2000, p. 54).

The efforts of the European Committee addressing the problem of crime culminated in the conclusion of a European Convention to Combat the Illicit Trafficking of Drugs by Sea, which was signed on January 31, 1995. In 1996, the European Council, in collaboration with the European Communities Committee, implemented a project called 'Octopus,' aimed at studying the legislation of European countries concerning the combating of corruption and organized crime. For this purpose, a committee of experts in criminal law was established in April 1997, tasked with examining the characteristics of organized crime, identifying weaknesses in the legislation of European countries, and formulating strategies for cooperation among them (Ben Daas, 2010, p. 85).

-**The Role of the Group of Seven Industrialized Nations:** The Group of Seven (G7), comprising the United States, Japan, Germany, France, the United Kingdom, Italy, and Canada, has focused on preventing and combating organized crime since its inception. Among the key measures taken by the group in this regard are:

- The establishment of a Financial Action Task Force.
- The creation of a group of accredited experts on organized crime (Ahmed, 1999).

In 1996, the G7 countries adopted the findings of the previous expert committee and urged all nations to embrace these recommendations, which include:

- Coordinating among countries in the area of jurisdiction to ensure effective combat against organized crime.
- Providing protection for individuals cooperating with criminal justice agencies, including witnesses and others involved in the case.
- Utilizing modern methods such as electronic surveillance and video conferencing to obtain testimony from witnesses located outside the jurisdiction of the court hearing the case.
- Implementing necessary legislative measures to seize or confiscate illicit proceeds derived from drug trafficking and other forms of organized crime.

- Encouraging nations to join existing relevant multilateral agreements that assist in combating organized crime (Al-Braizzat, 2010).

-The Role of the Arab League: According to Al-Braizzat (2010) and Maktari (2013, p. 167), The Arab League has played an active role in combating organized crime, giving it significant attention by including it in the agendas of its conferences. A key step in this effort occurred in 1950 when the League's Political Committee issued a resolution to establish a Permanent Office for Drug Affairs, mandating member states to create agencies to combat this transnational organized crime. Additionally, the Arab Convention Against the Illicit Trafficking of Narcotic Drugs and Psychotropic Substances was signed at the eleventh conference of Arab interior ministers held in Tunis on January 5, 1994. Among the important security bodies affiliated with the Arab League is the Council, which is responsible for approving recommendations and proposals issued by various bodies working in security fields. The following agencies report to it:

- The Arab Office for Combating Crime, headquartered in Baghdad.
- The Arab Bureau of Criminal Police, located in Syria.
- The Arab Office for Drug Control, based in Jordan.
- The Arab Office for Civil Protection and Rescue, situated in Casablanca.
- The Arab Office for Security Media, headquartered in Cairo.

3. TYPES OF ORGANIZED CRIME ACCORDING TO INTERNATIONAL CONVENTIONS:

These crimes are considered forms of organized crime, and the United Nations Convention against Transnational Organized Crime is the overarching agreement encompassing all these forms. Through this convention, states parties are urged to criminalize such activities in their domestic laws.

-Illicit Drug Trafficking: Illicit trafficking of narcotic drugs and psychotropic substances is a major form of organized crime, as it generates significant profits that benefit criminals. States are no longer able to combat this dangerous type of crime on their own, necessitating international cooperation to build a strong barrier against organized crime in the form of drug trafficking. In response, the United Nations has concluded several conventions, including the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted on 19 December 1988 (the Vienna Convention). This convention criminalized illicit drug trafficking, culminating in the preparation of a revised draft adopted by the United Nations General Assembly at its 55th session by resolution dated 15 November 2000 (Maktari, 2013). The convention was signed in Palermo by 124 countries during the signing ceremony held between 12 to 15 December 2000, alongside the agreement containing 41 articles, three supplementary protocols were drafted. The first protocol, which was signed in Palermo on 15 December 2000, pertains to the prevention and suppression of trafficking in persons, particularly women and children (Al-Basyuni, 2004, p. 58). Algeria ratified this protocol through Presidential Decree No. 03/417 dated 9 November 2003. The second protocol concerns the smuggling of migrants by land, sea, and air, which Algeria also ratified through Presidential Decree No. 03/418 dated 9 November 2003. The third protocol focuses on combating and preventing the illicit manufacture and trafficking of firearms, their parts, components, and ammunition (Marouk, 2000).

Drug trafficking is one of the forms of organized crime that generates substantial profits for criminal organizations. Due to the severity of this crime, the international community has acted swiftly to criminalize it and implement measures to curb its spread. The efforts began in 1961, with the adoption of the Single Convention on Narcotic Drugs, which was amended in 1972 (Eid, 2008, p. 87). The convention criminalized drug dealings except in the medical and scientific fields as per countries' needs and under the supervision of the International Narcotics Control Board (INCB).

– The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was adopted in Vienna in 1988 and entered into force in 1990. It outlined various criminal activities and prescribed specific penalties and sanctions (Qarrah, 2003, p. 102). Among the illicit behaviours it addressed are:

- The illegal production of drugs or psychotropic substances.

- The unlawful manufacture of narcotic drugs or psychotropic substances.
- The illicit extraction or preparation of narcotic substances.
- The illegal handling of drugs, including offering them for sale, distributing, delivering, or mediating in their exchange.
- Organizing, managing, or financing any of the aforementioned activities.
- Transporting, concealing, or using the proceeds of illicit drug trafficking.
- Attempting or inciting any of these criminal activities.

The states parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances adopted its provisions by incorporating them into their domestic laws (Bourahla, 2014, p. 102).

Second Axis: Organized Crime in Algerian Legislation

To examine organized crime in Algerian legislation, it is essential to distinguish between two phases that the Algerian legal framework has undergone regarding the fight against this crime. The turning point lies in Algeria's ratification of the *United Nations Convention against Transnational Organized Crime* (Palermo Convention) in 2000.

1. The Pre-Ratification Phase of the United Nations Convention

Although the Algerian legislator did not specifically criminalize organized crime during this phase, certain provisions related to crime were included in the Algerian Penal Code. These provisions addressed issues such as the formation of a *criminal gang (association of malefactors)* and acts that undermine the security of the state.

-Crime of Forming a Criminal Gang (Association of Malefactors): The Algerian legislator criminalized the activities of gangs and criminal groups, which are typically composed of a leader and subordinates who voluntarily follow and execute the leader's orders. These groups are united by shared criminal objectives and engage in coordinated illegal activities. The structure of these gangs often mirrors organized crime groups, with clear hierarchies and division of tasks, all aimed at achieving illicit goals. It manifests in various forms and continues to be committed over a prolonged period. It also consists of an agreement between two or more individuals united by a mental and moral bond with the intent to undermine public security, issue threats, or commit acts of aggression against citizens and their property for the purpose of obtaining financial or material gain. It takes the shape of an organized criminal act that is based on the formation of a criminal group. In this case, the crime is assumed to exist by the mere shared intent to commit the criminal act, and it progresses through the organization, joining of the group, and culminating in participation in the crime. This is reflected in Article 176 of the Penal Code, which can be applied to organized crime, as it shares the element of multiple perpetrators, meaning the involvement in the commission of the crime. The law considers anyone who directly contributes to the crime as a perpetrator (Ben Malha, 2000; Behnam, 1998, pp,2-3).

Consequently, organized crime in Algerian legislation is distinguished by an important criterion: the involvement of multiple actors in its commission. This involvement consists of two elements: the coming together of individuals with the intent to commit a crime and the planning and coordination for its commission.

Despite the similarities between organized crime and the formation of a criminal association, the legal classification of a criminal association does not always apply to organized crime. Not every assembly of wrongdoers can be considered an organized criminal group, although the reverse is true. In this context, the Algerian legislator does not differentiate between structured organized crime, where a group pursues a long-term criminal project—considered the most dangerous and requiring specific preventive policies—and unstructured organized crime, which includes criminal associations formed in residential neighbourhoods and streets. The latter cannot be equated with organized crime, nor can the serious threat posed by criminal organizations be compared to the formation of criminal associations, especially since such associations are often exploited by criminal organizations to carry out their activities.

Therefore, the Algerian legislator must distinguish organized crime with a specific and independent criminalization, moving away from the approach that equates opportunistic collective crime with

organized crime. Such equality is not the ideal solution but rather a temporary measure imposed by the need to close legislative gaps in combating organized crime. Organized crime seeks to achieve goals that are far more dangerous than those of criminal associations, which are often limited to individual gains. For this reason, many European countries have differentiated between criminal associations, considered a form of simple crime, and organized crime, which is seen as a model of severe crime. Accordingly, the Algerian legislator should adopt the same approach, criminalizing organized crime independently, recognizing it as a form of serious, not simple, crime.

-Crimes Against State Security: The Algerian legislator criminalized criminal organizations and gangs that threaten state security through Articles 85, 86, 87, and 87 chapter 3 of the Penal Code. The legislator criminalized conspiracy, defining it as an agreement between two or more individuals to plan an attack, imposing severe penalties, including imprisonment. It also imposed the death penalty for anyone who leads or heads armed gangs. Additionally, actions such as establishing, organizing, or managing a criminal organization were criminalized.

The issuance of Legislative Decree No. 92/03, dated September 30, 1992, concerning the fight against sabotage and terrorism, marked the first step by the Algerian legislator in criminalizing criminal groups and organizations. This decree was amended by Ordinance No. 93/05, dated April 19, 1993, and was later incorporated into the Algerian Penal Code following the repeal of certain provisions with the issuance of Ordinance No. 95/11, dated February 25, 1995, which introduced amendments to the Penal Code.

From the above, it can be concluded that the period preceding Algeria's ratification of the United Nations Convention against Organized Crime was marked by an incomplete and insufficient legal framework for combating this type of crime, reflecting a legislative shortcoming (Ben Dass, 2010).

2. The Post-Ratification Phase

This phase refers to the period following Algeria's signing of the United Nations Convention against Transnational Organized Crime, which took place in Palermo, Italy, from December 12 to 15, 2000. Algeria ratified the convention through Presidential Decree No. 22/55 dated February 5, 2002. In line with international developments, Algeria expanded the criminalization of establishing and joining criminal associations. This included criminalizing agreements aimed at preparing for one or more crimes related to cyber fraud (Ben Malha, 2000).

Subsequently, a series of specific laws were enacted to combat organized crime, including:

-Law on the Prevention and Suppression of the Illicit Use and Trafficking of Drugs and Psychotropic Substances: This law targets organized crime related to the import and export of drugs, as well as the management or financing of drug production, manufacturing, possession, shipment, or transit.

-Law 05/01 dated February 6, 2005: concerning the prevention of money laundering and the financing of terrorism, along with its implementing regulations, includes specific provisions regarding the crime of money laundering as outlined in Section Six of the Penal Code, Articles 389 chapter 7. As previously mentioned, this crime is considered one of the forms of organized crime, prompting the Algerian legislator to enact a special law to incorporate the provisions of the international agreements ratified by Algeria, particularly the International Convention for the Suppression of the Financing of Terrorism adopted by the United Nations General Assembly in 1999, as well as the United Nations Convention against Transnational Organized Crime adopted by the General Assembly on November 15, 2000.

-Order 05/06 dated August 23, 2005: concerning the fight against smuggling, also addressed transnational organized crime, criminalizing the smuggling of weapons and acts of smuggling that pose a serious threat to national security, the national economy, or public health.

-Law No. 06/01: In the context of combating organized crime, was enacted regarding the prevention and combating of corruption, as criminal organizations often rely on corrupting public officials and bribing authorities to achieve their goals. This law has played a significant role in enhancing mechanisms for international cooperation.

From the above, it is clear that the Algerian legislator's regulation of organized crime during this phase was comprehensive and well-structured, contrasting with the period preceding the

ratification of the United Nations Convention against Transnational Organized Crime. This is evidenced by the specific laws mentioned earlier.

3. The Penal Policy for Combating Organized Crime

In its efforts to implement the provisions of international agreements and keep pace with the evolution of crime, the Algerian legislator has adopted a criminal policy that recognizes the specific nature of organized crime. This policy encompasses a range of special measures concerning punishment and procedures, which can be summarized in the following points:

-Establishment of Specialized Criminal Units: The legislator has created specialized criminal units tasked with monitoring, investigating, and prosecuting organized crime offenders, as outlined in Articles 37, 40, and 329 of the Code of Criminal Procedure, as well as Executive Decree No. 06/348 dated October 5, 2006. This decree defined the local jurisdiction of the courts in Sidi M'Hamed, Constantine, Oran, and Ouargla as specialized criminal hubs, extending their jurisdiction to cover the areas of other courts. This initiative embodies the principle of specialization for judges assigned to monitor and prosecute this type of crime.

-Special Provisions Throughout Investigation Stages: The legislator has granted specific privileges to this crime across all stages of investigation and inquiry, including the expansion of the jurisdiction of judicial police officers to cover the entire national territory. Numerous exceptions to the rules governing investigation procedures have been established when dealing with organized crime. Moreover, new methods have been adopted to obtain material evidence to substantiate these crimes, thereby legitimizing evidence that was previously unrecognized by law and courts, such as audio recordings and photographs taken without the knowledge or consent of their subjects. Furthermore, Articles 303 to 303 chapter 1 of the Code of Criminal Procedure previously classified such actions as punishable crimes, in accordance with the provisions of the Naples Political Declaration and the Global Action Plan to combat organized crime, which has prompted countries to adopt advanced means for its suppression, it is essential to align these strategies with the dangerous technological advancements that organized criminal groups have utilized in their illicit a

3.1. Punishment for Organized Crime

The Algerian legislator has deviated in multiple instances from general rules regarding punishment to establish specific provisions for organized crime. These provisions include penalizing preparatory acts and disallowing the suspension of imprisonment.

-Penalizing Preparatory Acts: The law criminalizes acts that are merely preparations for committing this type of crime, such as the mere agreement to form a criminal group without the need for any of the agreed-upon acts to occur. In this context, the crime is established independently of the crimes that are planned for commission, as stipulated in Articles 176 to 177 of the Penal Code, which criminalize the establishment of an association aimed at committing or preparing to commit felonies or misdemeanors. The penalties are as follows:

✓ For the establishment, organization, and leadership of a criminal association, the penalty is imprisonment from 10 to 20 years and a fine ranging from 1 million to 10 million Algerian Dinars.

✓ For participation in the association, the penalty varies according to the type of crime agreed upon. If the purpose is to commit a felony, the participant is punished with imprisonment from 5 to 10 years and a fine from 500,000 to 2 million Algerian Dinars. If the aim of the association is to commit misdemeanors, the penalty is imprisonment from 2 to 5 years and a fine from 100,000 to 1 million Algerian Dinars.

If the offense is committed by a legal person, the penalty is a fine equal to five times the maximum limit set for a natural person. This also applies to agreements made for the purpose of preparing for cyber fraud, where Article 394 chapter 5 of the Penal Code criminalizes participation in such acts and stipulates punishment identical to that for the crime itself (Bousgui, 2013, p. 528).

-Heightened Penalties for Organized Crime: One of the most notable aspects of the Algerian legislator's strictness in punishing crimes committed by criminal organizations is the disregard for the penalty scale established in Article 5 of the Penal Code, which set a penalty scale commensurate with the type of crime and its degree of danger. This article states that the primary

penalties for misdemeanors range from two months to five years of imprisonment and fines not exceeding 20,000 DZD. However, the Algerian legislator has not adhered to this when it comes to crimes considered forms of organized crime. For instance, in Law 04/18 concerning the prevention of mental drugs, penalties for drug-related offenses exceed the maximum penalty set in Article 5 of the Penal Code. As an example, Articles 13, 15, and 16 of the drug law highlight this increased severity. More closely related to organized crime, Article 17 stipulates penalties for the crime of producing, manufacturing, storing, extracting, and trafficking in drugs and psychotropic substances, with a penalty of imprisonment from 10 to 20 years and a fine ranging from 5 million DZD to 50 million DZD. If this offense is committed by an organized criminal group, the punishment is life imprisonment.

Additionally, the Algerian legislator has tightened penalties for these crimes by limiting the judge's discretion to grant mitigating circumstances to the accused, excluding the application of Article 53 of the Penal Code. For instance, Articles 26 and 28 of Law 04/18 specify minimum penalties that the judge cannot reduce, as follows:

- 20 years imprisonment if the penalty prescribed is life imprisonment.
- Two-thirds of the prescribed penalty in other cases.

Lastly, the legislator has prohibited the statute of limitations for penalties related to transnational organized crime activities (Bousgui, 2012, p. 238).

CONCLUSION

From the discussion above, it is evident that organized crime has become a global phenomenon, prompting the international community to pay significant attention to its criminalization and the establishment of effective means to combat it. This interest has manifested in the discussions surrounding organized crime in international and regional forums, as well as in the formulation of international agreements aimed at its criminalization, urging countries to adhere to these provisions and integrate them into their national legislation. In this context, domestic legislations have diverged; some countries have adhered to traditional provisions for criminalization and standard procedures for prosecution, while others have moved beyond these conventional rules to accommodate the unique characteristics of organized crime. These countries have introduced specific legal texts to criminalize and penalize such activities, with Italy and the United States being notable examples.

As for Algeria's efforts to combat organized crime, they have been characterized on the international level by ratifying treaties, agreements, and protocols specifically aimed at suppressing crime, and on the national level by integrating rules concerning organized crime into domestic legislation and criminalizing certain related activities through specialized laws. Thus, it can be concluded that the Algerian legislator has largely succeeded in aligning its punitive policy with the international agreements established to combat organized crime, particularly the United Nations Convention against Transnational Organized Crime ("Palermo" Convention, 2000).

From the above discussion, we have reached several key conclusions, including:

- One of the fundamental characteristics of organized crime is its ability to adapt to economic, social, political, and legal changes, making it difficult to establish a definitive list of crimes that fall under this category.
- Organized crime is characterized by complexity and ambiguity, which complicates the formulation of precise legal rules to govern all of its activities, as these activities continuously evolve.
- Despite the legal mechanisms established by the Algerian legislator to combat organized crime, there is a notable lack of provisions criminalizing membership in organized crime groups. This constitutes a legal gap that facilitates the evasion of punishment for the leaders of organized crime, particularly in the realm of criminal evidence.
- The connection between the concept of organized crime and criminal organizations distinguishes it as a specific type of crime, different from those committed by other criminal

groups, such as associations of wrongdoers. This justifies the adoption of special procedures for investigation and inquiry.

- Again, despite the legal mechanisms put in place by the Algerian legislator to combat organized crime, the absence of a provision criminalizing membership in organized crime highlights a legal void that allows the leaders of organized crime to evade punishment, particularly regarding the challenges in criminal evidence.

Recommendations

Based on the previous findings, several proposals have been reached at both international and national levels as follows:


- Combating organized crime requires all countries to make concerted efforts towards cooperation, particularly in the area of entering into agreements. The connection of criminal organizations with other organizations beyond the state's borders necessitates collaboration among countries in the exchange of information regarding those organizations and the activities they undertake.
- There is a need to elevate the level of cooperation among law enforcement agencies and to encourage them to develop their legislation to ensure effective combat against organized crime.
- It is essential to align with contemporary trends in criminal legislation at both the international and domestic levels by introducing laws or specific provisions that criminalize organized crime.
- There is a necessity to establish a specialized security agency dedicated to combating organized crime, which focuses on the investigation and research of crimes that exhibit the characteristics of an organized criminal group. This agency should have national jurisdiction and operational branches divided according to provinces. Recently, the General Directorate of National Security has taken steps in this direction by creating a new unit dedicated to combating organized crime, referred to as the "Central Unit for Combating Organized Crime.

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- [23] United Nations. (2001). *Protocol to the United Nations Convention against Transnational Organized Crime, May 31, 2001*, which includes 21 articles and was ratified by Algeria under Presidential Decree No. 04/165 dated May 8, 2004, concerning the criminalization of drug trafficking and new forms of organized crime.