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Abstract

The Law on Preventing and Combating Corruption 06/01 made prevention a priority factor in reducing corruption before combating it, and then sought to develop an appropriate strategy by creating supervisory and preventive bodies and alternatives, including: civil society institutions to confront the phenomenon of corruption for the purpose of achieving development by providing The appropriate tools that help them achieve this at the organic and functional levels, and determine the roles that civil society organizations can play at the level of spreading awareness or exercising the oversight function or through the studies and research they provide, which is an issue that contributes to the prosperity of the public and private sectors and elevates the state to Levels that give it the ability to compete and confront other countries and create confidence between them and their individuals.

Keywords: Civil society, law, development, corruption, governance, local, sustainable, good governance

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1. Introduction

Fighting and preventing corruption is a governance tool that advances both the public and private sectors to fulfill individual needs and aspirations and measure the advancement and development of societies, particularly in light of the New global variables start In order to achieve real and comprehensive development, all nations in the world hurried to look for the right tools and mechanisms to prevent globalization and the shift toward an economy based on market forces, which forced governments to examine themselves and their obligations to adapt to the new global environment. In this context, state institution reform has become a fundamental pillar that calls for fundamental changes in a number of fields.

Ensuring a better future for future generations, ensuring the principle of democratic participation as a constitutional principle from which the authority begins to involve its citizens in the process of sustainable development, and avoiding the unrest and chaos that could lead to the destabilization and collapse of the state all revolved around the idea of caring for the individual as the center of the reform process for all state institutions.

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As a result, civil society organizations have drawn a lot of attention because they are crucial to the process of financial and administrative reform, change-making, fighting corruption, and sharing power visions that would improve society and push it into the elite group of powerful nations through economic growth. The social fabric's actuality and cohesiveness In order to prevent these institutions from deviating from the reform process and becoming an authority that is equal to the public authority of the state, this interest included the organic and functional building of civil society through the enactment of appropriate legislation that specifies how it is created and clarifies the tasks and roles that these institutions perform.

Like other nations, Algeria was not immune to these tensions, so viewpoints intensified at various levels in an effort to establish a clear strategy that prioritizes basic reconstruction and reevaluates the role of the state by giving it some responsibilities while delegating others to partners like community institutions.

In an effort to further the interests of the state and its citizens, civil service Because of the growing aspirations and hopes of society, as well as their desire to be given a genuine and effective opportunity to manage state affairs and achieve actual development that raises the state's social value and meets its material goals, this importance has increased, particularly with the 2020 amendments to the Algerian Constitution.

Thus, the goal of this study is to shed light on how much the legal framework of civil society organizations helps to prevent corruption and promote development across the board. Our approach will consist of two main components: the first will tackle the elements that impact the civil society institutions' ability to function, and the second will focus on the part these organizations may play in curbing and averting corruption.

1/ Influential factors of civil society organizations

The practice of voluntary work has a long history in human history. But the rise of political and economic thought, which made it possible for actors outside of its institutions to manage public affairs, or the pressure from society itself and its uprisings to demand various rights, all contributed to the decline of the central state's role in promoting public affairs in the context of civil society as we know it today.¹

Among the actors in society are cities² we find, for example, the Bar Association and law schools that can play an important role in the reform process³ Also, all bodies such as professional associations and institutions, media bodies, education bodies, academic research centers, political parties and religious advocacy bodies. ⁴Human rights organizations, industrialists' associations, trade unions, merchants' associations, employers' associations, and liberal professions associations....etc.⁵

The state's function has evolved. and depend on groups within the civil community In laying the groundwork for democracy and accomplishing regional and societal advancement Press her to enhancing civic society's institutional capabilities As demonstrated by the Algerian constitutional founder's 2020 amendment to the constitution, some nations have supported civil society and integrated it into their institutions, both organically and functionally. This has made civil society organizations valuable partners in all spheres of life, including helping the state develop and

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advance in a number of areas the spheres of politics, administration, law, economy, society, and even involvement in the legislative process⁶.

To achieve the goals and objectives for which civil society organizations were established States have sought to provide all the appropriate conditions that make them an effective tool that contributes to achieving the general policy of the state, by providing guarantees of their independence, developing the capabilities of members of civil society organizations, urging their integrity, and spreading the values of voluntary cooperation, in addition to choosing rational leadership and the ability to reform themselves. We explain some of these conditions as follows:

1/1 ensuring the independence of civil society

Working to maintain the independence of civil society enables it to be a real partner to the authority and a key player in combating the corruption present in its institutions. In no way should the authority interfere in the elections of the bodies of civil society organizations. The lack of independence of civil society organizations harms any serious national system or direction in combating corruption. A strong, active, and independent civil society only exists in a strong state⁸.

Ensuring the independence of civil society requires that it not be subject to any political orientation or intellectual fanaticism, so that it does not turn into a tool in the hands of some who exploit it in order to control the state to achieve their own interests. Civil society organizations must be independent and express their opinion, vision and aspirations with complete impartiality in order to achieve the highest interest to the state⁹, they are not recommendation or support committees, and their contribution must be on a peer-to-peer basis with the authority and must not be transformed into a tool in the hands of the authority to ensure its survival and confront its opponents in its general policies.¹⁰ Therefore, state legislation, especially the constitution, must include all mechanisms that guarantee and achieve actual independence for civil society organizations so that they can be an effective partner in achieving development, especially local ones¹¹ and practicing participatory democracy¹².

½ Supporting the institutional and legislative structure of civil society

Civil society still needs support for its institutional building from both technical and financial sides. It needs training and qualification to improve its performance, such as training on monitoring and evaluation, report preparation, project preparation methods, as well as the importance of developing the law to ensure the right to establish civil society organizations without the need for prior licensing from any official entity, and implementing joint projects with them, and obtaining support and donations¹³.

The need for an effective civil society requires that the state intervene by providing the material, human and legislative tools that would enable civil society organizations to carry out the function for which they were created, such as simplifying and facilitating the procedures for establishing civil society organizations, providing adequate financial support, and removing all difficulties facing them, especially financial and administrative ones.

1/3 Transparency and integrity of civil society organizations

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The foundation of a healthy relationship between the state and civil society is the idea of accountability and transparency. Both civil society and the state and its reference organizations have obligations to uphold: the state is accountable to the people it serves and must furnish accurate information and reports on its operations as well. Basis Both sides need to put in place a thorough accountability structure¹⁴.

Civil society must be able to uncover, measure, and monitor corruption in order for its work to be based on clear and limited foundations; these institutions must be clean, provide a good model and sound management, and their work must be characterized by credibility, knowledge, expertise, and transparency¹⁵ especially regarding funding¹⁶. The integrity of civil society organizations helps strengthen trust between individuals and authority, encouraging them to contribute voluntarily to nation-building and participate in achieving local and national development goals (encouraging volunteer work) by engaging with all state institutions.

1/4 Leadership in civil society

Leadership in civil society is not issued by a government decision or by a private institution motivated by profit, but rather is a natural secretion or product of personal and social characteristics on the one hand and a desire for voluntary participation in confronting the issues and problems of society on the other hand¹⁷.

The qualities of good leadership that members of civil society organizations possess contribute to increasing their effectiveness, such as having good morals, being characterized by integrity and cleanliness, the ability to understand problems, presenting alternatives and visions, not being intolerant and subservient, and understanding the needs of individuals and the directions of public authority. These are all qualities that increase the capabilities and effectiveness of civil society and make it more realistic and perceptive responsibility in confronting corruption and advancing development.

1/5 Volunteering

The basis for the existence of civil society organizations is volunteer work resulting from the values of social solidarity, and there are many reasons why the need for volunteers increases day after day, including¹⁸:

A/ Belief in the principle of self-help

B/ Belief in the principle of participation

C/ Belief in the importance of the team's work style

As a result, volunteering for civil society organizations increases effectiveness and upholds moral principles. The degree of trust that exists between people and the authority also affects volunteering and working in civil society organizations. This trust must enable people to actively participate in the fight against corruption and development, and it must view them as integral components of the construction process rather than merely as a front or a catchphrase used by the authority to legitimize its actions.

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The Algerian constitutional founder did well to make civil society organizations with their various components an advisory constitutional institution that provides opinions to the President of the Republic, who gave it special attention and considered it the tool from which he could proceed to determine He understood the hopes and aspirations of the Algerian people, which made him stress on many occasions the necessity of providing the appropriate atmosphere that would help it perform its work with complete independence and impartiality.

1/6 Evaluation and adjustment

Evaluation is one of adjustment steps, and its goal is to determine the current level of the organization, it is the subsequent stage that aims to improve, modify and develop the current level. We point out here that there are many models for carrying out the process of evaluating and evaluating the work of civil society organizations in order to develop and improve the service¹⁹.

The assessment and evaluation processes require civil society organizations to have the ability to review themselves at the organic and functional levels, as this ensures the continuity of their effectiveness, especially in confronting corruption and achieving development. These two processes require that civil society organizations rely on tools and mechanisms that enable them to measure On the other hand, its performance and the extent to which it achieves its goals and its contribution to achieving the state's general policy, in addition to its ability to use measurement tools to enable it to re-evaluate or reform itself in line with both national and international societal changes. The evaluation and evaluation processes help it to develop itself in a way that serves the interests of Individuals and the highest interest of the state.

1/7 empowering civil society

Administratively, empowerment refers to granting authority and legitimate or legal power. The concept of empowerment emerged as a new administrative philosophy since the beginning of the 1980s, and flourished in the 1990s. Its implementation has been associated with decentralization and unleashing the potential energies of workers and organizations to enhance their capabilities and strength in carrying out the required tasks.

In the literature of civil society, empowerment refers to three types as follows:

- The availability of a legislative environment that allows civil society organizations to operate without obstacles.
- Encouraging the government and the private sector to support civil society organizations based on the principle of social responsibility.
- Civil society organizations developing themselves through adopting modern social and administrative methods.
- Empowering clients to develop their capabilities through awareness programs.
- Empowering workers in civil society organizations by transferring decision-making power, action, and control to lower levels.

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Empowering civil society organizations will undoubtedly contribute to increasing the efficiency and effectiveness of these organizations in achieving their goals. Consequently, their role in combating poverty, expanding the space of democracy, defending human rights, limiting the role of the state, and setting controls on it will be enhanced, thus contributing to strengthening social equality and justice and reducing social injustice, especially within the framework of international agreements²⁰.

2/ the role of civil society in combating corruption and achieving development

Combating corruption and achieving local and national development are priorities and concerns of the state, and to achieve this goal, countries have established mechanisms that can help in this regard, at the level of building institutions or at the legislative level. International and national legal texts have encouraged²¹, granting powers to civil society organizations to enable them to combat corruption, as the Algerian legislator has also done through the provisions of Article 15 of the Law on Prevention and Combating Corruption, especially in its first and second paragraphs where it states:

Civil society participation in preventing and combating corruption should be encouraged through measures such as:

*Adopting transparency in how decisions are made and enhancing citizen participation in the management of public affairs.

*Preparing educational, educational and sensitization programs on the dangers of corruption on society...

Through the content of this article, we discover that the Algerian legislator has mandated civil society organizations to take on the task of preventing and combating corruption. The legal text began with the term "must" which implies obligation. In addition, the encouragement of civil society organizations is through measures not specifically defined by the legislator but by way of example, making us say that the powers of this type of organizations are broad so they can effectively contribute to reducing corruption crimes. Based on this, we can list the measures that can be taken as follows:

2/1/ At the level of awareness-raising initiatives:

The role of civil society in raising public awareness of the detrimental effects of corruption on society in order to fight it²², where concepts have spread among society resulting from the spread of corruption and its penetration even into the cultural structure of society, the corrupt person has come to be seen as a strong person who understands the situation well and is able to exploit his power to achieve personal gains for himself and his relatives. Accordingly, civil society has a fundamental role to play in creating and strengthening an anti-corruption culture. For the values of integrity among all segments of society by exploiting all means; which include²³:

- Conducting media activities and continuous campaigns to educate society and increase its awareness of the dangers of corruption
- Introducing the topic of corruption and its dangers to society into school and university curricula

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- Convincing the average citizen that he or she is in a position to do something about combating bribery, and preserve his interests in the interest of the public. ²⁴This is what Article 15 of Law 06/01 indicates

2/2 on the level of detecting corruption crimes and cooperating with other entities:

Civil society organizations can play a significant role in pressuring for the adoption of decisions, laws, or organization by pressuring the government and demanding the dissemination of information about corruption issues, adopting strict laws, or initiating the presentation of reform measures and programs to governments, and pressuring for the implementation of governmental reform programs in institutional performance or in public services and projects, by benefiting from the experiences of countries that have succeeded in this field, as well as partnership and cooperation with authorities and specialized bodies to combat corruption, for planning, implementation, monitoring, evaluation, and dealing with a spirit of responsibility²⁵.

In the same context to expose crimes related to corruption civil society organizations can help citizens who are victims of corruption or who expose corruption and potentially harmful individuals by offering legal support and using the courts as a kind of protection. By sending them legal materials, bringing legal action, or making court appearances on their behalf. Since civil society groups are concerned with protecting the rights and interests of society, they must also bring legal action against parties that are shown to be corrupt.

In order to advance and realize the accountability principle, this level articulates the supervisory role that civil society organizations can play in identifying and investigating any instances of financial and administrative misconduct. Civil society members have the right to use all legal means to carry out this oversight role, and in order for it to be more effective, the responsible authority must give them the support they need. This is one of the components or elements of governance that advances the work of the public and private sectors and achieves sustainable development accreditation for information sharing and openness, etc.

2/3 At the level of preparing studies and research:

Through which, light is shed on the causes and drivers of corruption within the public and private sectors, such as bureaucracy, duplication of specializations, the level of wages and rewards...etc., and legislation and regulations are studied with the aim of developing and updating them in order to become more effective in reducing corruption, its phenomena and its elusive methods, and in a way that harmonizes between Domestic legislation and international agreements, most notably the International Convention against Corruption²⁶.

In addition to the aforementioned levels, civil society plays a crucial role in combating corruption as a whole. Whether under the influence of the political equation upon which the system is based, or in a relationship of dependency on the state, whether by its will or against its will, or under the influence of international bodies that focus on this functional role, it is important to note that trade unions, federations, organizations, and associations are still generally operating within the functional framework²⁷, and so forth Even if we observe certain professional associations adopting a political stance, these tendencies typically lack a comprehensive plan for societal transformation. In actuality, civil society has seen a reawakening and expansion with the

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founding of a few human rights societies and organizations, which may have marked the formal start of civil society. Nonetheless, some of them have been impacted by covert pressure from global financial organizations to concentrate on Fits some of the topics on the international agenda aim to effect change, they are by no means radical societal transformation. Certain experts assert that the widespread occurrence of bribery and corruption has impacted civil society groupings and organizations as well²⁸.

Conclusion

Building civil society institutions that take into account technical and legislative controls makes it a strong and effective institutional tool that contributes to building the state and advancing its public and private sectors. It will achieve true participatory democracy and achieve sustainable development that guarantees the continuity and stability of the state.

Therefore, it has become necessary to pay more attention to the tools that would activate civil society institutions, both material and human, and to define the roles and mechanisms through which these institutions perform the function assigned to them so that they do not turn into a tool to pressure the ruling authority to serve personal purposes on the one hand, or become A tool in the hands of the authority that it exploits in order to impose its stay at the head of society, especially during electoral occasions and dates. Civil society organizations have become a necessity and an inevitability that must be taken into account as a tool for governance in the field of preventing and combating corruption, and achieving actual development that guarantees the future of future generations.

The Algerian legislator, believing in the importance of civil society institutions as a model for combating corruption and promoting development issues, hastened to establish appropriate legal frameworks that enable civil society institutions in Algeria to perform their role and actual participation in the management of state affairs, which he initiated through the law related to preventing and combating corruption.

Among the results reached in this research paper we mention the following:

- 1/ The measures taken by the Algerian legislator in order to involve civil society institutions in the fight against corruption, including the associations he specified as an example, and this indicates broad powers that enable these institutions to perform their role in confronting the phenomenon of corruption, including contributing to achieving development.
- 2/ altering associations' management practices to better reflect the task assigned to them and putting the public interest ahead of personal interests
- 3/ creation of associations' organizational and structural frameworks as well as field communication between engaged associations to share experiences and advance group efforts.
- 4/ Tightening control over the funds granted to associations and their activities and ensuring equality between them without relying on the state. Rather, self-financing must be considered by creating legitimate sources and incomes in order to actually contribute to their work, whatever its nature.

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Based on the results obtained, we can say that civil society institutions in Algeria contribute in a real way to the management of state affairs and are considered an effective and essential party in the administrative and financial reform process, especially after the establishment of a national observatory for civil society as a constitutional body that now exercises its function within the framework of the law, and represents one of the Advisory bodies assist the President of the Republic, but their contribution remains limited as a result of their newness and the lack of material and human resources available to them to carry out their role.

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