

Criminal Liability for Financial Fraud under Law N°.23-07 on Public Accounting and Financial Management: A Comparative Study of Islamic Jurisprudence and Positive Law

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Abstract:

This study examines criminal liability for financial fraud under Law N°.23-07 on Public Accounting and Financial Management through a comparative analysis of Islamic jurisprudence (*fiqh*) and positive law. Its significance lies in engaging with recent legislative reforms designed to safeguard public funds while highlighting the precedence of Islamic law (*Sharia*) in deterring financial corruption and establishing standards of integrity in the administration of the public treasury (*Bayt al-Mal*).

The study aims to analyze the legal and Sharia frameworks governing financial fraud and to assess the effectiveness of Law N°.23-07 in limiting financial irregularities committed by authorizing officers and public accountants. It further identifies points of convergence and divergence between the two normative systems and proposes an integrated approach to strengthening oversight mechanisms, closing gaps in financial management, and operationalizing criminal and administrative accountability in order to protect the national economy.

Keywords: Criminal liability; financial fraud; Law N°.23-07; public accounting; Islamic jurisprudence; financial management.

Introduction:

Public funds constitute a fundamental pillar of statehood and economic stability. Their proper administration therefore requires strict legal and Sharia safeguards against every form of manipulation and misconduct. Within the framework of contemporary financial reform, Law N°.23-07 on Public Accounting and Financial Management re-established the regulatory rules governing financial flows and structured the responsibility of persons entrusted with their administration.

A breach of the integrity of financial data and reports does not necessarily remain within the bounds of professional negligence; it may amount to financial fraud, namely deliberate deception intended to falsify the financial reality of public policy.

Reading this legislation alongside Islamic jurisprudence makes it possible to identify the foundations of punitive accountability and the manner in which positive-law rules complement the objectives of the Sharia (*maqassid al-Sharia*), particularly the prohibition of unlawfully

consuming the wealth of others and the prohibitions of deception (*taghrir*) and fraud (*ghishsh*), for the protection of public credit and public funds.

Significance of the Topic:

The significance of this study arises from its contemporary legislative and practical dimensions. The analysis follows the conceptual and supervisory changes introduced by Law N°.23-07, which broadened the scope of legal accountability and marked a transition from input-based administration to results- and objectives-based management.

The topic's practical importance lies in clarifying the criminal liability of authorizing officers, public accountants, and other officials charged with execution, and in drawing the boundary between management errors resulting from professional judgement and intentional financial offences founded on fraud and the falsification of public accounting records.

The study also has substantial academic and theoretical importance because it connects modern legislation with the foundations of Islamic jurisprudence. This comparison provides a principled basis for punitive rules and demonstrates the early contribution of Islamic jurisprudence to the protection of public funds through the doctrines of financial liability or warranty (*dhaman*) and discretionary punishment (*taazir*). It thereby offers researchers, judges, and legislators a comprehensive perspective combining jurisprudential theory with contemporary procedural solutions.

Objectives of the Study:

The study pursues several academic and practical objectives. Foremost among them is the analysis of the constituent structure of financial fraud under Law N°.23-07 and the precise identification of its material and mental elements. It also seeks to formulate a reliable criterion distinguishing financial fraud as an intentional act involving criminal intent and bad faith from inadvertent mistakes or administrative oversight in financial management, thereby ensuring fair accountability and protecting public financial managers against unjustified criminalization.

The study further compares contemporary criminal deterrence mechanisms under financial legislation with the *Sharia* doctrines of *taazir* and *dhaman* in Islamic jurisprudence, in order to evaluate the effectiveness of imprisonment, financial penalties, removal from office, and professional disqualification in curbing accounting manipulation.

Finally, it offers proposals and recommendations designed to remedy legislative gaps and improve financial disclosure and accounting oversight standards in a manner that enhances transparency and protects public funds.

Accordingly, the following research question is posed:

To what extent do contemporary financial legislation, represented by Law No. 23-07 on Public Accounting and Financial Management, and the Sharia rules of Islamic jurisprudence establish a punitive and deterrent framework defining the elements of criminal liability for financial fraud, and to what extent do statutory sanctions and Sharia-based taazir complement one another in protecting public funds against manipulation and accounting deception?

To answer this question, the study is divided into two main sections. **The first** addresses the constituent elements of financial fraud under Law N°.23-07 and Islamic jurisprudence. It

contains two subsections: the first considers the meaning of financial fraud and its legal and Sharia characterization, while the second examines the constituent structure of financial fraud from a comparative perspective.

The second section, entitled “The Scope of Criminal Liability and the Sanctions Arising from Financial Fraud,” also contains two subsections: the first concerns the persons subject to accountability and the scope of their financial mandate, and the second concerns the legal consequences and sanctions arising upon proof of financial fraud. The study ends with a conclusion setting out its principal findings and recommendations.

I. The Constituent Elements of Financial Fraud under Law N°.23-07 and Islamic Jurisprudence

Criminal prosecution for financial fraud under contemporary legislation and Islamic jurisprudence depends on proof of the offence’s complete constituent structure, so that intentional criminality may be distinguished from inadvertent accounting error.

Identifying these elements clarifies the material manifestations of manipulation under Law N°.23-07 and the rules of Islamic jurisprudence, together with the deceptive intent that warrants deterrence and accountability.

1. The Meaning of Financial Fraud and Its Legal and Shari‘ah Characterization

Criminal accountability for financial fraud requires a precise definition and sound legal and *Sharia* characterization of the conduct, so that the prohibited act may be identified and deliberate deception distinguished from ordinary errors in accounting management.

1.1. Financial Fraud in Contemporary Legislation and the Islamic Prohibitions of Deception and Fraud

A clear understanding of financial fraud is the foundation for determining the scope of criminal accountability and for characterizing the conduct consistently under legislation and the *Sharia*.

Under contemporary legislation, financial fraud may be understood as any intentional act or omission by a person subject to Law N°.23-07 that is directed toward falsifying accounting documents, deliberately entering misleading data, or concealing the true financial flows or financial position of a public entity.

Such conduct seeks to distort financial results or conceal embezzlement or mismanagement and thereby violates the statutory principles of transparency, integrity, and faithful accounting (Law N°.23-07, 2023, arts. 3, 112, 115).

By contrast, Islamic jurisprudence approaches financial fraud through the prohibitions of fraud (*ghishsh*), deceptive inducement (*taghrir*), and concealment (*kitmen*) in financial dealings. Deliberately presenting a financial position contrary to reality constitutes prohibited deception; intentional accounting misrepresentation and concealment of material defects amount to transgression and negligence, giving rise to financial liability in this world and to accountability and discretionary punishment as a deterrent and a means of protecting public funds (Al-Zuhayli, 2002, pp.3820-3825).

The concept of financial fraud under Law N°.23-07 also extends to fraudulent practices intended to confuse or mislead accounting-control mechanisms. Criminality is not confined to the direct embezzlement of money; it may include falsification of records and estimates, concealment of anticipated costs and financial obligations, and the inclusion of fictitious expenditure in order to portray a false financial position that does not reflect the institution's actual performance or liquidity (Law N°.23-07, 2023, arts. 110, 111, 113).

In Islamic jurisprudence, the prohibition of *taghrir* and *ghishsh* is rooted in the objective of preserving wealth (*hifdh al-mel*) and in the prohibition of deceit. Jurists treat the manipulation of accounts and concealment of financial facts as forms of unlawful fraud and deception that may invalidate transactions and entail liability.

This position is supported by the general legal maxim "Harm must be removed" (*al-dharar yuzel*) and by the Prophetic statement, "Whoever cheats us is not one of us," making the prohibition of manipulation applicable to both private and public wealth (Ibn Juzayy, 2018, pp.278-282).

1.2. Distinguishing Intentional Financial Fraud from Management Error and Accounting Oversight

The fair application of criminal accountability requires a precise distinction between an intentional offence accompanied by bad faith and an administrative lapse, so as to avoid unjustified criminalization.

Intentional financial fraud differs from management error and accounting oversight primarily in the elements of volition and bad faith. An error is an unintended lapse caused by insufficient competence, good-faith misjudgment, or administrative pressure, without an objective of distorting financial statements. Under legislation such as Law N°.23-07, such conduct falls within professional, disciplinary, or financial responsibility according to its gravity, rather than necessarily receiving a criminal characterization (Law N°.23-07, 2023, arts. 113, 116).

Financial fraud, by contrast, entails a fraudulent scheme and a settled intention to mislead supervisory bodies, conceal a deficit, or unlawfully appropriate public funds. This parallels the distinction in Islamic jurisprudence between the mistake of one who forgets or errs—who bears no sin or criminal blame—and deliberate deception and transgression, which entail sin, discretionary punishment, and liability for resulting damage (Al-MurqushI, 2015, pp.142-146).

Contemporary legislation also distinguishes intentional financial fraud from management error by reference to the purpose pursued and the fraudulent means employed. Management error and accounting oversight generally lack collusion and deliberate concealment of material truth and often result from an incorrect interpretation of regulatory provisions or an unsuccessful assessment of a financial decision. Such conduct may be subject to disciplinary and financial accountability or to review of accounts before the Court of Audit without acquiring a criminal character in the absence of criminal intent (Ben Ahmed, 2024, pp.202-207).

In the Sharia context, the same distinction appears in the characterization of liability and sin. Islamic jurisprudence recognizes that criminal blame is lifted from the person who errs or

forgets, in accordance with the Prophetic report that “*God has pardoned the community for mistakes, forgetfulness, and compulsion*”.

A public accountant or financial administrator who makes a mistake may therefore remain obliged to repair the loss through financial liability, but is not subject to *taazir* or moral blame merely for the error. Intentional financial fraud, however, falls within deliberate transgression and falsification; where deceit, bad faith, and unlawful purpose are proved, financial restitution may be combined with a deterrent punishment (Al-Zuhayli, 2012, pp.4810-4815).

Accordingly, contemporary financial legislation, reinforced by Law N°.23-07, and Islamic jurisprudence together support a comprehensive conception of financial fraud that prohibits cheating and manipulation in public accounts while maintaining a rigorous distinction between deliberate fraud involving bad faith and deceptive methods, on the one hand, and inadvertent management error resulting from insufficient competence or good-faith administrative judgement, on the other.

This distinction permits deterrent criminal and discretionary sanctions against intentional offenders while protecting good-faith financial managers from excessive criminalization and preserving the integrity of public funds.

2. The Constituent Structure of Financial Fraud — A Comparative Study

The proper criminal characterization of financial fraud requires analysis of the integrated elements by which the offence is constituted, thereby preventing confusion between intentional crime and professional error.

This comparative analysis considers the material manifestations of fraudulent conduct in public accounting, their connection with a deceptive will, and the corresponding Islamic jurisprudential rules that treat deception and the intention to cause harm as grounds of prohibition and accountability.

2.1. The Material Element — Manipulation and Fraud in Public Accounting and Islamic Jurisprudence

The material element is the external and tangible manifestation through which financial fraud is committed and on which criminal and Sharī‘ah accountability may be based.

Under Law N°.23-07, the material element of financial fraud is manifested through tangible positive acts or omissions, including manipulation of accounting books and entries, falsification of supporting documents, concealment of financial obligations, and deliberate preparation of inaccurate final statements or accounts in order to conceal the actual financial position of a public entity and obstruct supervisory mechanisms (Law N°.23-07, 2023, arts. 112, 114, 117).

In Islamic jurisprudence, the material element corresponds to actual deceptive conduct (*al-taghrir al-fiili*), expressed through fraud and the alteration of financial reality. Falsifying accounts, concealing defects or financial shortfalls, and producing forged documents are treated as deceptive acts founded on prohibited concealment and deceit. Such conduct entails sin,

financial liability, and the possibility of a deterrent sanction for the protection of public and private wealth (Ibn Taymiyyah, 1998, pp.104-108).

The material forms of financial fraud under Law N°.23-07 include the *physical alteration or fabrication of instruments and supporting documentation*. Examples include creating fictitious invoices, altering approved accounting data, and making repeated payment against the same enforceable instrument.

Such methods embody the material element because they alter the truth recorded in the accounts and may cause the unlawful diversion of Treasury funds (Law N°.23-07, 2023, arts. 113, 115).

Islamic jurisprudence likewise extends the material element to conduct that *falsifies financial indicia or produces deficient accounts*. Concealment of public revenue, falsification of land-tax (kharaj) or charitable-levy records, and fabrication of fictitious debts against *Bayt al-Mel* are material forms of fraud and falsification based on documentary deception. Such conduct supports direct accountability because it creates a material impediment to the delivery of funds to their lawful beneficiaries or falsely establishes a liability against the public treasury (Ibn Qayyim al-Jawziyyah, 1991, pp.312-316).

2.2. The Mental Element — Criminal Intent and the Intention to Deceive in Law and Islamic Jurisprudence

The mental element is the internal and essential basis on which criminal and Sharia blame is attributed to the perpetrator of financial fraud.

The mental element requires criminal intent in its two components of knowledge and will. The perpetrator must know that the accounting conduct is unlawful, and his or her free will must be directed toward falsifying entries, misleading supervisory bodies, or concealing the actual financial position of the public entity.

This requirement excludes administrative error and professional judgement unaccompanied by fraudulent intent from the sphere of criminal liability (Husni, 2015, pp.410-415).

In Islamic jurisprudence, the mental element rests on *intention and deliberateness*. A Sharia offence warranting *taazir* and moral blame requires an intention to deceive or cause harm and the deliberate unlawful appropriation of wealth, consistent with the Prophetic principle that acts are judged by intentions.

Jurists accordingly distinguish the person who commits fraud intentionally and in bad faith, who may be tried and punished, from the person who acts by mistake or inadvertence, for whom moral blame is lifted and whose responsibility may be confined to financial liability (Awdah, 2013, pp.420-425).

In contemporary criminal law, this mental element appears through the conjunction of knowledge and will in both general and specific intent. Mere awareness of an accounting irregularity is not, by itself, sufficient; the will must be directed toward deception and harm to the financial position of the public entity.

Specific intent may be evidenced by deliberate falsification of entries or misleading of supervisory bodies to create a fictitious financial position or obtain an undue benefit for the offender or another person (Bousakia, 2024, pp.142-147).

The constituent structure of financial fraud under contemporary legislation and Islamic jurisprudence therefore rests on the conjunction of the material and mental elements.

Fraudulent acts such as falsifying books, fabricating invoices, or manipulating accounts do not give rise to complete criminal and *Sharia* accountability unless accompanied by knowledge and an intention to deceive or harm public funds.

This integration permits punishment where betrayal and transgression are intentional while protecting good-faith officials and administrators where criminal intent is absent.

II. The Scope of Criminal Liability and the Sanctions Arising from Financial Fraud

The effectiveness of financial legislation and *Sharia* rules is measured by their ability to identify the persons subject to accountability and to impose deterrent sanctions where financial fraud is established. This section defines the criminal and financial liability of authorizing officers and public accountants under Law N°.23-07, compares it with the *Sharia* doctrine of *dhaman*, and reviews the statutory and discretionary sanctions designed to protect public funds.

1. Persons Subject to Accountability and the Scope of the Financial Mandate

Criminal and financial accountability for financial fraud depends on identifying the legal and *Sharia* capacities of the persons concerned and defining the obligations attached to the financial mandate of authorizing officers, public accountants, and their counterparts in Islamic jurisprudence, namely administrators and trustees of public wealth.

1.1. Criminal Liability of Authorising Officers and Public Accountants under Law N°.23-07

Criminal accountability in financial administration depends on proof of the official capacity of the person charged with management and the extent of the powers legally conferred upon that person.

The criminal liability of authorizing officers for financial fraud is determined by their direct authority to commit, liquidate, and authorize public expenditure. They may be held criminally liable where they intentionally issue fictitious payment orders, conceal the true financial position, or use falsified accounting documents to mislead financial-control bodies and give an appearance of legality to expenditure that is not due (Law N°.23-07, 2023, arts. 26, 33, 113).

Criminal liability may likewise extend to public accountants in their capacity as custodians of public funds and officials responsible for recording, collecting, and paying public monies.

Liability arises where complicity or intentional collusion is proved in recording fraudulent transactions, where supporting documents are deliberately left unverified, or where explicit financial irregularities are knowingly disregarded, resulting in falsified accounts and impaired integrity in public financial management (Ben Daoud, 2024, pp.115-120).

During the performance of their functions, authorizing officers and public accountants may also incur liability for offences criminalized under the Penal Code and legislation on the

prevention and combating of corruption, including embezzlement of public funds, abuse of office, and forgery of official instruments or budgets.

Algerian legislation recognizes the separation of functions and responsibilities while permitting financial and criminal accountability where collusion or fraud between an authorizing officer and a public accountant is proved in the execution of unlawful expenditure (Law N°.23-07, 2023, art. 92 et seq.; Law N°.06-01, 2006a, arts. 29, 33).

1.2. Liability, Financial Indemnification, and Financial Misconduct of Administrators of Wealth in Islamic Jurisprudence

Sharia and penal consequences attach to administrators, trustees, and supervisors of wealth by virtue of the trust (*amanah*) and mandate (*wilayah*) conferred upon them in relation to public or private property.

In Islamic jurisprudence, the liability of administrators and trustees of wealth is governed by the doctrines of trust and mandate. The administrator or supervisor holds the property as a fiduciary (*yad amanah*) and is not liable for loss or diminution unless transgression (*taaddi*) or negligence (*tafrit*) is proved.

Financial fraud, falsification, and unlawful appropriation constitute transgression, depriving the officeholder of the protection accorded to a trustee and requiring reparation by restoration of the equivalent or value of the loss (Ibn Qudamah, 1997, pp.205-209).

At the punitive level, the Sharia response extends beyond financial restitution to *taazir*. Breach of trust, manipulation of accounts, and falsification of financial instruments are serious discretionary offences for which the ruler or judge may impose sanctions proportionate to the betrayal, including removal from office, dismissal, reprimand, and imprisonment.

This reflects the general Quranic prohibition: “***O you who believe, do not betray God and the Messenger, nor knowingly betray your trusts***” (Quran 8:27; Al-Mawardi, 1989, pp.240-245).

The liability of administrators of public wealth is consequently determined by the relationship between fiduciary possession and financial indemnification. Where transgression, negligence, or fraud in the management of the *Bayt al-Mel* is established, the officeholder may be required to compensate the loss and may also be subject to a deterrent discretionary sanction.

Classical jurists treated embezzlement (*ghulul*), unlawful appropriation of public property, and dissipation of the public treasury as grave offences because they affect collective rights and the public interest that the *Sharia* requires the authorities to preserve (Ibn Taymiyyah, n.d., pp.32-35; Al-Mawardi, 2006, pp.241-245).

Both Law N°.23-07 and Islamic jurisprudence thus impose stringent responsibility on persons entrusted with the administration or custody of public funds. Their possession is fiduciary and does not ordinarily entail strict liability; however, accounting fraud and falsification constitute transgression, bringing together the duty of financial reparation and criminal or Sharia-based accountability for deterrence and the protection of public wealth.

2. Legal Consequences and Sanctions upon Proof of Financial Fraud — A Comparative Study

The consequences and sanctions arising upon proof of financial fraud are the principal enforcement mechanisms for protecting transparency, accounting integrity, and public funds. This comparative analysis considers criminal and disciplinary sanctions under contemporary financial legislation, including Law No. 23-07 and related enactments, alongside the *Sharia* mechanisms of *taazir* and financial indemnification.

2.1. Criminal and Disciplinary Sanctions under Law N°.23-07 and Complementary Legislation

Proof of financial fraud may trigger a dual system of sanctions combining deterrent criminal penalties with disciplinary proceedings in order to preserve financial integrity and the probity of public office.

Criminal sanctions for financial fraud may include *custodial and financial penalties*. In its punitive dimension, Law N°.23-07 operates in conjunction with the Penal Code and anti-corruption legislation, under which terms of imprisonment and substantial fines may apply where fraudulent conduct is accompanied by falsification of public records, embezzlement, or manipulation of accounts (Law N°.23-07, 2023, arts. 114, 118; Law N°.06-01, 2006a, arts. 29, 33, 40).

At the disciplinary level, proof of financial fraud may entail stringent administrative sanctions proportionate to the breach of trust, including *removal from office, loss of official capacity, and professional disqualification*. It may also lead to proceedings before the Court of Audit and to personal financial liability for losses caused by accounting manipulation and fraud (Amara, 2024, pp.88-93).

Algerian legislation therefore combines administrative disciplinary measures with criminal sanctions. Authorizing officers and public accountants may be subject to warnings and financial sanctions within the public-service and public-accounting frameworks, including proceedings before the Court of Audit.

Where fraudulent intent, embezzlement, or harm to public funds is proved, liability may be aggravated and custodial penalties and substantial fines may be imposed under the relevant criminal and anti-corruption provisions (Law N°.23-07, 2023, arts. 95, 97, 101; Ordinance N°.03-06, 2006b, arts. 160, 161; Law N°.06-01, 2006a, art. 29).

2.2. Sharia Sanctions and Deterrent Measures — Taazir and Financial Deterrence

The *Sharia* system of sanctions applicable upon proof of financial fraud combines flexibility with deterrence and permits both personal and financial measures for the comprehensive protection of public funds.

Financial fraud falls within the sphere of discretionary punishment (*taazir*). The judge or lawful authority has broad discretion to impose a sanction proportionate to the seriousness of the falsification or financial deception. Such measures may range from imprisonment, reprimand, and removal from public office to public censure and corporal punishment in serious breaches of

trust affecting public funds, subject to the governing legal order and the requirements of justice and proportionality (Ibn Farhun, 1986, pp.245-250).

Islamic jurisprudence also requires complete financial reparation. The offender must return all misappropriated or fraudulently obtained property and, where restoration is impossible, its equivalent or value, so that the loss to the *Bayt al-Mel* is repaired. Illicit proceeds derived from fraud or accounting falsification may be confiscated, consistently with the prohibition on consuming wealth unlawfully and the jurisprudential allocation of risk and gain (Al-Sibai, 1998, pp.412-416).

The available Sharia measures vary according to the seriousness of the act and the offender's intent. *Taazir* may include personal measures such as imprisonment and, in the classical jurisprudential framework, corporal punishment, as well as financial measures such as confiscation and punitive fines. These rules seek to achieve the *maqassid al-Sharia* by deterring wrongdoing and preserving the public treasury against unlawful appropriation and exploitation (Ibn Qayyim al-Jawziyyah, 2019, pp.625-630; Al-Ruhaybani, 1994, pp.218-220).

The sanctions applicable to financial fraud under Algerian positive law and Islamic jurisprudence therefore converge on the objective of providing strong criminal and financial protection for public funds. Custodial penalties and administrative removal complement *taazir* in achieving personal deterrence, while restitution, compensation, and *dhaman* repair the loss sustained by the Treasury and protect the financial stability of the public entity.

Conclusion:

This comparative study demonstrates that combating financial fraud and protecting public funds constitute both an enduring objective of the Shari'ah and a central legal concern of contemporary Algerian legislation, particularly following the enactment of Law N°.23-07 on Public Accounting and Financial Management.

The research study reveals substantial convergence between Islamic jurisprudence and positive law in deterring financial misconduct, while Islamic jurisprudence additionally links accountability to ethical and religious restraint alongside discretionary punishment. The principal findings and recommendations are as follows.

Findings:

1. *Jurisprudential precedence and comprehensiveness*: Islamic jurisprudence established an early and principled basis for prohibiting fraud and aggression against public wealth through the doctrines of *ghishsh*, *ghulul*, and the unlawful consumption of wealth, and adopted *taazir* together with financial and personal deterrence for the protection of the *Bayt al-Mel*.
2. *Legislative development under Law N°.23-07*: Law N°.23-07 introduced a significant development in Algeria's public accounting and financial-management framework by moving from a classical focus on the legality of expenditure toward results- and objectives-based management, thereby narrowing opportunities for financial fraud.
3. *Integration of administrative and criminal dimensions*: Law N°.23-07 demonstrates an interaction between financial and administrative accountability—through supervisory

institutions and the Court of Audit—and criminalization and punishment under the Penal Code and anti-corruption legislation when fraudulent intent is proved.

4. *Challenges of implementation and ex post control*: The effectiveness of criminalization and fraud prevention depends not only on legislative drafting but also on the operation of ex post oversight, transparency mechanisms, and comprehensive digitalization of financial transactions.

Recommendations:

5. *Comprehensive digitalization of financial operations*: Accelerate the digitalization of every stage of public-budget execution and public procurement in order to reduce unnecessary human intervention and opportunities for financial fraud and falsification.
6. *Financial and Sharia training*: Provide continuing training for authorizing officers, public accountants, and judges that combines the statutory requirements of Law N°.23-07 with the ethical and Shari'ah dimensions of the inviolability of public funds.
7. *Effective prior and subsequent oversight*: Strengthen the independence of oversight bodies, including the Inspectorate General of Finance and the Court of Audit, and provide them with the powers and resources necessary for the early detection of suspected fraud.
8. *Closing legislative and implementation gaps*: Issue the executive and implementing instruments necessary to clarify Law N°.23-07, ensure proper application of performance-management principles, and avoid conflicting interpretations of criminal and financial responsibility.

References:

- Al-Mawardi, A. al-H. A. ibn M. (1989). *The ordinances of government and religious authorities*. Cairo, Egypt: Dar al-Hadith.
- Al-Mawardi, A. al-H. A. ibn M. (2006). *The ordinances of government and religious authorities*. Cairo, Egypt: Dar al-Hadith.
- Al-Murqushi, A. ibn M. (2015). *Fraud and its contemporary applications in financial transactions: A comparative jurisprudential study*. Riyadh, Saudi Arabia: al-Rushd Bookstore.
- Al-Ruhaybani, M. ibn S. (1994). *The objectives of those endowed with understanding in the commentary on Ghayat al-muntaha* (2nd ed., Vol. 6). Damascus, Syria: Islamic Office.
- Al-Sibai, M. (1998). *The Sunnah and its place in Islamic legislation* (3rd ed.). Beirut, Lebanon: Islamic Office.
- Al-Zuhayli, W. (2002). *Islamic jurisprudence and its evidences* (4th ed., Vol. 5). Damascus, Syria: Dar al-Fikr.
- Al-Zuhayli, W. (2012). *Islamic jurisprudence and its evidences* (12th ed., Vol. 6). Damascus, Syria: Dar al-Fikr.
- Amara, Ā. (2024). *Administrative and criminal sanctions prescribed for financial-management offences in contemporary Algerian legislation*. Journal of Comparative Legal Studies, 10(2), 88-93.

- Awdah, A. Q. (2013). *Islamic criminal legislation compared with positive law* (Vol. 1). Cairo, Egypt: Dar al-Turath.
- Ben Ahmed, al-H. (2024). *Legislative protection of public funds against management error under Law N°.23-07 and administrative rules*. Positive Economic Signs Journal, 10(1), 202-207.
- Ben Daoud, A. Q. (2024). *Liability of the authorising officer and public accountant in contemporary Algerian financial legislation: An analytical study under Law N°.23-07*. Journal of Law and Humanities, 17(1), 115-120.
- Bousakia, A. (2024). A concise account of special criminal law: Financial offences and corruption (18th ed., Vol. 2). Algiers, Algeria: Houma Publishing and Distribution House.
- Husni, M. N. (2015). *Commentary on the Penal Code: General part*. Cairo, Egypt: Dar Al-Nahda Al-Arabiya.
- Ibn Farhun, B. al-D. I. ibn A. (1986). *Guidance for judges on the foundations of adjudication and methods of judgments* (1st ed., Vol. 2). Cairo, Egypt: Al-Azhar Colleges Library.
- Ibn Juzayy, M. ibn A. (2018). *The laws of Islamic jurisprudence* [A. al-Munshawi, Ed.]. Cairo, Egypt: Dar al-Hadith.
- Ibn Qayyim al-Jawziyyah, M. ibn A. B. (1991). *Judicial methods in Sharia governance* (N. al-Hamd, Ed.). Makkah, Saudi Arabia: Alam Al-Fawaid Publishing House.
- Ibn Qayyim al-Jawziyyah, M. ibn A. B. (2019). *Judicial methods in Sharia governance* [N. ibn A. al-Hamd, Ed.; 3rd ed., Vol. 2]. Riyadh, Saudi Arabia: Ataah Al-Ilm Publishing House.
- Ibn Qudamah, M. al-D. A. ibn A. (1997). *The sufficient* (A. F. M. al-Hulw et al., Eds.; 3rd ed., Vol. 7). Riyadh, Saudi Arabia: Alam Al-Kutub Publishing House.
- Ibn Taymiyyah, A. ibn A. al-H. (n.d.). *Sharia governance in reforming the ruler and the ruled*. Beirut, Lebanon: Al-Marifa Publishing House.
- Ibn Taymiyyah, A. ibn A. al-H. (1998). *Collected legal opinions* (Vol. 28). Damascus, Syria: Al-Wafaa Publishing House.
- Law N°.06-01. (2006a). Law of 20 February 2006 on *the prevention and combating of corruption*, as amended and supplemented. Official Gazette of the People's Democratic Republic of Algeria.
- Ordinance No.06-03. (2006b). Ordinance of 15 July 2006 on *the general statute of the civil service*. Official Gazette of the People's Democratic Republic of Algeria.
- Law N°.23-07. (2023). Law of 21 June 2023 on *public accounting and financial management*. Official Gazette of the People's Democratic Republic of Algeria, N°.42.