

Legal Grounds for Attributing Criminal Liability to Banks

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Abstract

The criminal liability of legal persons occupies a central position in systems of legal responsibility across many jurisdictions, including Algeria, which in 2004 recognized the criminal liability of banks. This development reflects the economic and financial role performed by banking institutions and seeks to ensure compliance with the legal rules governing banking activity and the protection of customers, particularly where banking operations may give rise to conduct that, once its constituent elements are established, amounts to economic crime of a seriousness exceeding that of conventional offences committed by individuals. Against this background, this article examines the legal foundations and rules governing the criminal liability attributed to banks by the Algerian legislature.

Keywords: criminal liability; legal person; bank.

Introduction

The banking sector is a central pillar in the construction and sustainability of any State's financial system, particularly in the context of financial-inclusion policies, the expansion of commercial transactions, the emergence of multinational corporations and electronic commerce, the widening of financial markets, and the progressive liberalization of movements of goods, services, and capital. At the same time, these developments have been accompanied by an increase in economic crime and in the circulation of funds obtained by criminal organizations through unlawful activities such as drug trafficking, terrorism, arms trafficking, and trafficking in persons. Banks ultimately remain the principal institutions through which economic actors deposit funds and integrate them into the formal economy.

In recent years, this phenomenon has generated growing concern within the international community because the sophistication and complexity of criminal methods have increasingly exceeded the monitoring capacities of banking institutions, thereby undermining the integrity of the international economic system. International legal intervention consequently became necessary. A number of international and regional organizations adopted conventions intended, collectively, to establish a criminal policy based on complementary pillars, including the criminalization and suppression of money laundering, the strengthening of financial systems, and the promotion of international cooperation. These instruments include the Vienna Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances¹, the United Nations Convention against Transnational Organized Crime, commonly referred to as the Palermo Convention², and the United Nations Convention against Corruption, commonly referred to as the Mérida Convention³.

Algeria, like other States, sought to implement its international obligations by ratifying the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 1995⁴, the United Nations Convention against Transnational Organized Crime on 5 February 2002⁵, and the United Nations Convention against Corruption on 19 April 2004⁶. As a consequence of those ratifications, Algeria undertook to bring its criminal legislation into conformity with the relevant conventions. Law No. 04-15 amending the Penal Code therefore introduced Article 389 bis, which sets out conduct constituting the offence of money laundering⁷, while Law No. 05-01 of 6 February 2005 addressed the prevention and combating of money laundering and terrorist financing⁸. Because banking institutions receive and hold funds that may constitute proceeds of crime, and because the legislature considered that such offences may often involve the participation of a bank, Article 51 bis of the Penal Code, as amended by Law No. 04-15, established the criminal liability of legal persons. This rule subjects public and private, domestic and foreign banks to criminal accountability insofar as they are entities endowed with legal personality and governed by commercial law⁹.

The question of a bank's criminal liability is important from two perspectives. Practically, banks play a major role in the stability of the financial system and in sustaining economic development, yet they may also constitute a threat to the national economy where their involvement in economic crime is established. Academically, the subject contributes to the development of legal scholarship through research concerning the criminal responsibility of banking institutions.

The central research question is therefore as follows: what are the legal foundations and governing rules of the criminal liability that the Algerian legislature has attributed to banks?

To answer this question, the study adopts a descriptive and analytical methodology based on an objective reading and close analysis of the relevant national legislative provisions. The article is divided into two parts. The first examines the legal grounds for attributing criminal liability to banks, while the second addresses the rules governing such liability.

Part One: Legal Grounds for Attributing Criminal Liability to Banks

The notion of criminal liability of legal persons has gradually secured a recognized place in legal doctrine. It is generally treated as a form of legal responsibility located within public law and oriented toward social justice and the protection of values shared among members of society, in contrast to civil liability in private law, which is primarily directed toward corrective justice between individuals.¹⁰

A doctrinal controversy consequently arose between supporters and opponents of the criminal liability of banks as legal persons, each side advancing its own arguments. The law itself did not recognize this form of liability in an absolute manner, but developed it progressively through successive legislative interventions. It is therefore necessary first to review the doctrinal positions that laid the theoretical foundations of the issue, and then to examine the legislative approach that ultimately resolved the debate.

Section One: Doctrinal Foundations for and against Attributing Criminal Liability to Banks

Attributing criminal liability to a bank was not an uncomplicated matter. The legal construction of the concepts of the legal person and legal personality developed over a long period. Although the concept has roots in Roman law, the modern understanding of legal personality does not appear to derive fundamentally from Roman law, in part because there was no comparable need at that time to establish strong and enduring entities or associations linking individual owners.

Legal doctrine became divided into two principal positions. The first recognizes the criminal liability of the bank as a legal person, whereas the second denies that a bank can possess the status of a "person" for purposes of criminal law.

First: The Doctrine Supporting the Criminal Liability of Banks

Supporters of this position recognize the criminal liability of banks on the basis that a legal person constitutes a genuine rather than a fictitious legal reality.¹¹ In this view, legal personality reflects an entity having a real and independent existence recognized by law. Such an entity may be created by human action, as in the case of companies and associations, and may acquire a social value of its own that justifies its entry into legal life. Once recognized, the legal person possesses an independent legal existence and a legal status enabling it to acquire rights and assume obligations. Its will is not a condition for the existence of personality itself, but rather a condition for its capacity to undertake administrative and legal acts.

Accordingly, the legal person possesses a legally recognized will expressed through its representative, either pursuant to statutory rules or in accordance with its constitutive instrument. The principal arguments advanced by this school include the following:

First, pursuant to the principle of the personal nature of punishment, the legal person should bear responsibility for acts attributable to it, whether civil or criminal. Although those acts are carried out materially by natural persons employed by or acting for the entity, such persons may act in implementation of the legal person's will and instructions. The legal person may therefore be capable of bearing criminal liability.¹²

Second, if accountability for an offence ordinarily requires punishment of the perpetrator, establishing criminal

liability for a legal person requires adaptation of the available sanctions, particularly by replacing custodial penalties with financial or other penalties compatible with the nature of a legal entity.¹³

The capacity of legal persons to commit offences and to receive sanctions compatible with their legal nature therefore reinforces the position recognizing the criminal liability of banks.

Second: The Doctrine Opposing the Criminal Liability of Banks

The opposing doctrine emerged during the nineteenth century and the first third of the twentieth century.¹⁴ It proceeded from the view that the legal person is merely a legal fiction and therefore lacks an independent physical existence. On that basis, it cannot itself perform the conduct constituting the material element of an offence and lacks an autonomous will; the acts attributed to it are in reality committed by the natural persons who manage or direct it.

This position has nevertheless been criticized. A legal person derives its personality from the law and is constituted for a defined purpose; it has a separate patrimony, a distinct will, and interests of its own, and it may incur civil liability. It is therefore problematic to attribute all offences committed in its name and for its benefit exclusively to the natural persons who act as its organs or use its resources. Moreover, to deny criminal liability by invoking the principle of specialization risks diminishing the legal capacity already recognized for a legal person in relation to the activities for which it was established.¹⁵

A further doctrinal argument against such liability is that the principal criminal sanction—deprivation of liberty—cannot be applied to a legal person. Even where sanctions such as fines or confiscation can be imposed, their effects may ultimately fall upon shareholders, members, or other natural persons who did not participate in the offence, thereby raising concerns under the principle of the personal nature of punishment.¹⁶

Section Two: Legislative Foundations for Attributing Criminal Liability to Banks

This section examines, first, the international recognition of criminal liability of banks and, second, its recognition in Algerian domestic law.

First: International Recognition of the Criminal Liability of Banks

The criminal liability of legal persons for economic offences became an important subject in United Nations congresses on crime prevention and the treatment of offenders, which urged Member States to give appropriate consideration to this principle in their criminal legislation. This development reflected the growing involvement of certain banks, brokerage and exchange companies, businesses, and other institutions of the financial system. It therefore became necessary to subject those institutions themselves—not merely the employees or members acting in their name—to criminal liability. One of the principal international initiatives in this field is the United Nations Convention against Transnational Organized Crime, which recognized the principle of liability of legal persons; Article 110 of the Convention provides for the liability of legal entities.¹⁷

Within this broader international context, the Algerian legislature recognized the criminal liability of banks in relation to money laundering in order to combat the offence and reduce the risk of bank complicity, notably through Law No. 05-01 on the prevention and combating of money laundering and terrorist financing.

Second: Domestic Recognition of the Criminal Liability of Banks

Traditional criminal legislation did not generally recognize the criminal liability of legal persons and, for a considerable period, treated such liability as legally unacceptable.

For example, the German Penal Code of 1871 rejected corporate criminal liability on the ground that, unlike civil liability, it was conceptually impossible.¹⁸ Concerns were also raised as to whether imposing criminal liability on a legal entity might conflict with the principle of *ne bis in idem*, namely the prohibition against being tried twice for the same conduct.¹⁹ The laws of the Scandinavian States also developed along distinct lines, while socialist legal systems adopted different approaches. Russian law, for example, recognized forms of liability of legal persons during the imperial period and later within the legal framework that followed.

In Arab legal systems, a number of criminal laws have recognized the criminal liability of banks as legal persons. This form of liability is often explained through the acts of representatives who commit offences in the name and for the account of the entity. Lebanese criminal law, for example, provides that legal entities may be criminally liable

for acts committed by their directors, members of management, representatives, or employees where such acts are carried out in the name of the entity or through its means.

Algerian law historically did not establish a single general rule governing the criminal liability of banks as legal persons. Instead, it provided specific rules in exceptional situations where special legislation authorized criminal sanctions, precautionary measures, or security measures against the legal person, provided that a legal text criminalized the relevant conduct. Among the sanctions referred to in the Penal Code is the prohibition of a legal person from continuing its activity, even under another name or through other directors or board members, with liquidation of its assets while safeguarding the rights of bona fide third parties.²⁰

The development of criminal liability of legal persons in Algerian law may be described in three stages. Initially, the legislature did not expressly establish such liability, but neither did it entirely exclude it. The inclusion of dissolution of a legal person among supplementary penalties that courts could impose in felony and misdemeanor cases suggested an implicit recognition of the concept, although the absence of practical application and the continuing emphasis on the individualization and personal nature of punishment limited its effective scope.

At a second stage, the legislature began to recognize the criminal liability of legal persons in specific statutes. Ordinance No. 75-37 of 29 April 1975 concerning prices and price-control offences expressly recognized criminal liability of legal persons, although it was subsequently repealed by Law No. 89-12. Ordinance No. 96-22 of 9 July 1996 concerning violations of exchange-control legislation and movements of capital to and from Algeria likewise expressly recognized the criminal liability of legal persons committing the offences covered by that ordinance. This amounted to recognition of criminal responsibility for legal persons governed by private law, excluding the State, local authorities, and public administrative institutions.

A third stage followed with Ordinance No. 95-06 of 25 January 1995 on competition. Its provisions defined the scope of application of competition law to production, distribution, and service activities performed by natural or legal persons.²¹

The process culminated in Law No. 04-15 of 10 November 2004 amending and supplementing the Penal Code, which expressly established criminal liability of legal persons in Article 51 bis.

Part Two: Rules Governing the Criminal Liability of Banks

For a bank to be prosecuted criminally, legal conditions must be satisfied for attribution of liability, and the constituent elements required for the establishment of criminal responsibility must also be present. The first section therefore examines the legal conditions for attribution, while the second addresses the constituent elements of liability.

Section One: Legal Conditions for Attributing Criminal Liability to Banks

The conditions governing the criminal liability of a bank must be identified by reference to the general provisions of the Penal Code. Article 51 bis limits such liability to two principal conditions.

First: Commission of the Offence for the Account of the Bank

A bank incurs criminal liability only where the offence is committed for its account. Article 51 bis expresses this requirement by providing that the legal person is criminally liable for offences committed “for its account.” The meaning of this expression raises interpretive difficulties. Liability should not arise where a representative, although acting in the course or on the occasion of exercising his or her functions, acts exclusively for a personal interest and even to the detriment of the legal person. Conversely, criminal liability of the legal person presupposes that the representative has acted in its name and for its benefit. That benefit may consist in obtaining a financial gain or avoiding a loss. The requirement that the offence be committed for the account of the legal person therefore implies a benefit to the collective interest of the entity. The legislature did not expressly require a material advantage, and the benefit may also be non-pecuniary.²²

Accordingly, a legal person may incur liability as an accomplice where the conditions of participation defined in Article 42 of the Algerian Penal Code are satisfied, including assistance or aid in the commission of preparatory, facilitating, or executing acts. A legal person may also incur liability for an attempted offence committed by its

representative or one of its organs even where execution is interrupted after commencement.

The criminal liability of the legal person does not exclude that of the natural person acting as principal offender or accomplice in relation to the same acts. Article 51 bis, paragraph 2, expressly provides that the criminal liability of the legal person does not prevent the criminal prosecution of a natural person as a principal offender or accomplice in the same conduct.

This principle has an important procedural consequence. Where both the natural person acting as representative and the legal person are prosecuted simultaneously for the same acts, a conflict of interest may arise because the natural person cannot reasonably defend the legal person in a manner detrimental to his or her own position. Article 65 bis 3 of the Algerian Code of Criminal Procedure therefore provides that where a legal person and its legal representative are prosecuted at the same time, the president of the court, at the request of the Public Prosecutor's Office, appoints another representative from among the employees of the legal person. Moreover, although the criminal liability of a legal person does not shield the natural person who acted for its account, prosecution of the natural person is not a necessary condition for prosecuting the legal person.²³

Second: Commission of the Offence by an Organ or Representative of the Bank

Criminal liability of a legal person presupposes the commission of materially criminal conduct. Because a legal person cannot perform such conduct physically by itself, the act is carried out indirectly through identified natural persons who constitute its organs or lawful representatives.

1. Commission of the Offence by an Organ of the Bank

The concept of an organ of the bank generally presents no difficulty where it is understood by reference to the legislation or internal legal regime defining the institution's organs and their membership. Such persons are those legally empowered to speak and act in the name of the entity. Depending on the legal form concerned, they may include the board of directors, manager, chief executive officer, management board, supervisory board, or general meeting of partners or members. For associations and trade unions, the concept may include the president, members of the executive bureau, and the general assembly.²⁴

2. Commission of the Offence by a Representative of the Bank

Representatives of a legal person are natural persons vested with authority to act in its name, whether that authority is statutory or contractual. The representative may be the general manager, administrative director, or chair of the board of directors. An organ may therefore also constitute a representative, although the two notions are not identical in every case, as illustrated by a temporary administrative manager.²⁵

The concept also includes court-appointed representatives entrusted with conducting liquidation proceedings following a judicial decision dissolving the legal person.²⁶

The person responsible for effective management is generally a natural person, typically the manager actually directing the bank. Personal liability may arise where the offence results from that person's breach of the duties attached to effective management. Such a breach may constitute the material contribution to the offence committed through the legal person. Where the manager knew of the offence and failed to prevent it, the elements of eventual or indirect criminal intent may also be established, giving rise to personal criminal liability without prejudice to the direct criminal liability of the legal person itself.²⁷

The representative of a legal person may also incur liability where authority has been delegated and all conditions of criminal liability are satisfied. The French Court of Cassation has held in several decisions that a natural person who receives a delegation of powers from the organs of a legal person may constitute its representative.²⁸ This differs from a doctrinal position according to which delegation to a plant or unit manager should not necessarily bind the legal person because the delegate may remain an employee or subordinate.²⁹ A related question concerns whether the perpetrator or accomplice in the predicate offence may also be the perpetrator of the subsequent money-laundering offence. The Strasbourg Convention addressed this issue in a manner that leaves the matter to the domestic law of the States Parties, reflecting the sensitivity of the question.³⁰

It follows that the criminal liability of the legal person may arise without prejudice to the criminal liability of the natural person. Algerian law therefore recognizes, in principle, dual criminal liability for the same conduct:

responsibility of the legal person does not exclude responsibility of the natural person, and each may be punished independently according to his, her, or its position as principal offender or accomplice, provided that the relevant conditions of criminal liability are satisfied. The French Court of Cassation has likewise held that a natural person receiving a delegation of powers from the organs of a legal person may constitute its representative.³¹

Section Two: Constituent Elements of the Criminal Liability of Banks

Under the general rules of criminal responsibility, three basic elements must be present before a bank may be regarded as criminally liable.

First: Fault

Modern criminal legislation proceeds from the principle that a person cannot be held responsible for a criminal event unless that event can be attributed to conduct connected with that person. Fault therefore constitutes the first element of criminal responsibility and reflects the material link between the offender and the punishable event, a relationship sometimes described as material attribution.³²

In ordinary language, fault denotes conduct contrary to what is correct; in legal usage, it may be understood as a deviation from the conduct expected of an ordinary person with awareness of that deviation, or as a breach of a general or specific duty.

Fault may arise in intentional and unintentional offences. In certain cases, an offender may be held responsible for a result even if that precise result was not intended. Non-intentional fault may involve negligence producing a specified harm, while in other cases the law may punish the prohibited conduct itself because of the risk of harm. In all cases, the accused must have participated in the offence as principal offender or accomplice in accordance with the applicable legal rules.³³

Fault is therefore used here in a broad sense that encompasses both intentional and non-intentional forms. A fundamental principle of criminal legislation is that liability is founded upon fault.³⁴

Second: Damage

Damage constitutes the second element of a bank's criminal liability. It refers to injury suffered by a natural or legal person in property, reputation, or other legally protected interests. Damage may range from psychological suffering to physical injury or death and may also affect property. For purposes of liability, the damage must be established rather than purely hypothetical, personal to the claimant, and connected with a legally protected interest. Damage may be material or non-material. In the banking context, material damage may include actual loss and loss of profit, as well as future damage where its occurrence is certain. Purely possible damage is not compensable until it materializes. Non-material damage may arise, for example, where a bank fails to execute a customer's instruction to transfer funds and that failure harms the customer's reputation. The right to compensation for non-material damage does not automatically pass to heirs unless the damage has been determined by agreement or the customer instituted proceedings before death. Damage is direct where it constitutes the natural consequence of the bank's fault and could not reasonably have been avoided by the bank through appropriate diligence.³⁵

Third: Causal Link

Intervening factors may arise between the accused's conduct and the criminal result, potentially breaking the causal link and preventing criminal responsibility. Unlike civil liability, opinions differ as to causation in criminal liability. One view holds that the causal link is not broken and that the offender is liable whenever the conduct is the direct cause of the criminal result, as in French law. Another view considers it sufficient that the accused's conduct constitutes one of the causes contributing to the result, even if it would not have been sufficient by itself to produce it.

A further view holds the accused responsible even where the result is not the direct consequence of the act, provided that it is an indirect consequence thereof. In Egypt, the offender is liable so long as the result was probable and foreseeable, even where other causes intervened between the act and the result.³⁶

Conclusion

After a period of hesitation over punishing legal persons under criminal law, owing to concerns that criminal

proceedings—particularly those brought against banks—might become excessively complex, the imposition of criminal liability on legal persons gained support from the fact that the possibility of prevention was considerably greater in offences committed by banks than in traditional criminal activity by individuals. This contributed to a change in the position of the international community and subsequently of domestic legislation, both of which came to regard the criminal liability of banks as an important component in combating what is known as the shadow economy or informal economy. It may therefore be concluded that the system of liability applicable to banks has become almost comprehensive, as it recognizes both the criminal liability of the bank as a legal person and the criminal liability of the natural person working within the bank when that person commits unlawful acts.

Endnotes

1. Article 3(1) of the 1988 Vienna Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances identifies acts constituting laundering, including conversion or transfer of property known to be derived from drug-related offences, concealment or disguise of the true nature or location of such property, and acquisition, possession, or use of property known to be derived from offences covered by the Convention or participation therein. <https://www.unodc.org/romena/ar/convention-against-the-illicit-traffic-in-narcotic-drugs-and-psychotropic-substances-1988.html>
2. United Nations Convention against Transnational Organized Crime, 15 December 2000. <https://www.unodc.org/romena/ar/untoc.html>
3. United Nations Convention against Corruption, 31 October 2003. <https://www.unodc.org/romena/ar/uncac.html>
4. Presidential Decree No. 95-41 of 28 January 1995, ratifying with reservation the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Official Gazette of Algeria, No. 7, 15 February 1995.
5. Presidential Decree No. 02-55 of 5 February 2002, ratifying with reservation the United Nations Convention against Transnational Organized Crime, Official Gazette of Algeria, No. 9, 10 February 2002.
6. Presidential Decree No. 04-128 of 19 April 2004, ratifying the United Nations Convention against Corruption, Official Gazette of Algeria, No. 26, 25 April 2004.
7. Article 389 bis of Law No. 04-15 of 10 November 2004 amending the Penal Code, Official Gazette of Algeria, No. 71, 10 November 2004.
8. Law No. 05-01 of 6 February 2005 on the Prevention and Combating of Money Laundering and Terrorist Financing, Official Gazette of Algeria, No. 11, 9 February 2005.
9. Article 51 bis of Law No. 04-15 of 10 November 2004 amending the Penal Code, Official Gazette of Algeria, No. 71, 10 November 2004: “With the exception of the State, local authorities, and legal persons governed by public law, a legal person shall be criminally liable ...”.
10. Kotlán, Pavel, Miroslav Ondrůš, Alena Kozlová, Igor Kotlán, Pavel Petr, and Radim Kalabis. “Criminal Compliance Program as a Tool for Criminal Liability Exculpation of Legal Persons in the Czech Republic.” *Laws* 12 (2023), p. 2. <https://doi.org/10.3390/laws12020020>
11. This position is referred to in the source as the historical doctrine; the German jurist Savigny is identified among its proponents.
12. Abdel Fattah Suleiman, *Civil and Criminal Liability in Banking Operations in Arab Countries*, Anglo-Egyptian Bookshop, Cairo, 1st ed., 1986, pp. 87-88 [in Arabic].
13. See Al-Muntada Al-Qanuni [Legal Forum], periodical issued by the Department of Professional Competence for the Legal Profession, Faculty of Law, Mohamed Khider University of Biskra, Algeria, No. 2, June 2005, pp. 14, 16 [in Arabic].
14. This position is referred to in the source as the individualist doctrine; the French thinker Rousseau is identified among its proponents.
15. Abdel Fattah Suleiman, *op. cit.*, pp. 85-86.

16. Ahsen Bouskiaan, *A Concise Treatise on General Criminal Law*, 3rd ed., Houma Publishing House, 2006, p. 203 [in Arabic].
17. Mustafa Taher, *Legislative Responses to Money Laundering of Proceeds Derived from Drug Offences*, Police Printing and Publishing Press, Cairo, 2002, pp. 130-131 [in Arabic].
18. Dubber, Markus Dirk, and Tatjana Hörnle, eds. *The Oxford Handbook of Criminal Law*, 1st ed. Oxford and New York: Oxford University Press, 2014, p. 338.
19. Van Bockel, Bas, ed. *Ne Bis in Idem in EU Law*. Cambridge: Cambridge University Press, 2016, p. 13.
20. Abdel Fattah Suleiman, op. cit., pp. 91-92.
21. Ahsen Bouskiaan, op. cit., p. 203.
22. Ahsen Bouskiaan, op. cit., pp. 208-209.
23. French Court of Cassation, Criminal Chamber, judgment of 2 December 1997.
24. Gaston Stefani, Georges Levasseur, and Bernard Bouloc, *Droit pénal général*, 16th ed., Dalloz, 1997, p. 273.
25. Omar Salem, *Criminal Liability of Legal Persons under the New French Penal Code*, Dar Al-Nahda Al-Arabiya, Cairo, 1st ed., 1995, p. 33 [in Arabic].
26. Ahsen Bouskiaan, op. cit., p. 245.
27. El-Sayed Abdel Wahab Arafa, *The Crime of Money Laundering*, University Publications House, Alexandria, 2007, p. 78 [in Arabic].
28. French Court of Cassation, Criminal Chamber, Judgment No. 90-84931, 11 March 1993.
29. G. Stefani, G. Levasseur, and B. Bouloc, op. cit., p. 273.
30. Adel El-Sherbiny, *Practical Applications of the Crime of Money Laundering*, Dar Al-Fikr wa Al-Qanun, Cairo, 2007, p. 75 [in Arabic].
31. French Court of Cassation, Judgment No. 90-84931, op. cit.
32. Abdel Fattah Suleiman, op. cit., p. 2.
33. Ibid., p. 103.
34. Abdel Fattah Suleiman, op. cit., p. 96.
35. Ibid., pp. 57-58.
36. Ibid., p. 106.

References

International Conventions

- [1] Vienna Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 28 December 1988. <https://www.unodc.org/romena/ar/convention-against-the-illicit-traffic-in-narcotic-drugs-and-psychotropic-substances-1988.html>
- [2] United Nations Convention against Transnational Organized Crime, 15 December 2000. <https://www.unodc.org/romena/ar/untoc.html>
- [3] United Nations Convention against Corruption, 31 October 2003. <https://www.unodc.org/romena/ar/uncac.html>

Legislation

- [1] Law No. 04-15 of 10 November 2004 amending the Penal Code, Official Gazette of Algeria, No. 71, 10 November 2004.
- [2] Law No. 05-01 of 6 February 2005 on the Prevention and Combating of Money Laundering and Terrorist Financing, Official Gazette of Algeria, No. 11, 9 February 2005.

Presidential Decrees

- [1] Presidential Decree No. 95-41 of 28 January 1995, ratifying with reservation the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Official Gazette of Algeria, No. 7, 15 February 1995.
- [2] Presidential Decree No. 02-55 of 5 February 2002, ratifying with reservation the United Nations Convention against Transnational Organized Crime, Official Gazette of Algeria, No. 9, 10 February 2002.
- [3] Presidential Decree No. 04-128 of 19 April 2004, ratifying the United Nations Convention against Corruption, Official Gazette of Algeria, No. 26, 25 April 2004.

Books

- [1] Bouskiala, Ahsen. A Concise Treatise on General Criminal Law. 3rd ed. Houma Publishing House, 2006 [in Arabic].
- [2] Arafa, El-Sayed Abdel Wahab. The Crime of Money Laundering. University Publications House, Alexandria, Egypt, 2007 [in Arabic].
- [3] El-Sherbiny, Adel. Practical Applications of the Crime of Money Laundering. Dar Al-Fikr wa Al-Qanun, Cairo, Egypt, 2007 [in Arabic].
- [4] Salem, Omar. Criminal Liability of Legal Persons under the New French Penal Code. Dar Al-Nahda Al-Arabiya, Cairo, Egypt, 1st ed., 1995 [in Arabic].
- [5] Taher, Mustafa. Legislative Responses to Money Laundering of Proceeds Derived from Drug Offences. Police Printing and Publishing Press, Cairo, Egypt, 2002 [in Arabic].
- [6] Suleiman, Abdel Fattah. Civil and Criminal Liability in Banking Operations in Arab Countries. Anglo-Egyptian Bookshop, Cairo, Egypt, 1st ed., 1986 [in Arabic].

Foreign-Language Sources

- [1] Dubber, Markus Dirk, and Tatjana Hörnle, eds. 2014. The Oxford Handbook of Criminal Law. 1st ed. Oxford and New York: Oxford University Press, p. 338.
- [2] Kotlán, Pavel, Miroslav Ondrůš, Alena Kozlová, Igor Kotlán, Pavel Petr, and Radim Kalabis. 2023. "Criminal Compliance Program as a Tool for Criminal Liability Exculpation of Legal Persons in the Czech Republic." *Laws* 12, p. 2. <https://doi.org/10.3390/laws12020020>
- [3] Stefani, Gaston, Georges Levasseur, and Bernard Bouloc. *Droit pénal général*. 16th ed. Dalloz, 1997, p. 273.
- [4] Van Bockel, Bas, ed. 2016. *Ne Bis in Idem in EU Law*. Cambridge: Cambridge University Press, p. 13. ISBN 978-1-316-09184-5.

Case Law

- [1] French Court of Cassation, Criminal Chamber, Judgment No. 90-84931, 11 March 1993.
- [2] French Court of Cassation, Criminal Chamber, judgment of 2 December 1997.