

Alternatives to public action within the framework of transitional justice in light of the new Code of Criminal Procedure No. 25-14

Dr. Benmessaoud Hayet¹, Phd. student. Larouci Rachid²

¹ University of Abdelhamid IBN Badis, Mostaganem, Algeria.

Email: benmessaoud.hayet27@gmail.com

² Faculty of Legal and Political Sciences, University of Nouakchott, Mauritania.

Email: laroucirachid87@gmail.com

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Abstract:

In the context of strengthening transitional justice trends based on the consecration of human rights principles, the Algerian legislator has rushed, through the new Code of Criminal Procedure No. 25-14, to introduce alternatives to public criminal proceedings that guarantee the protection of the rights and freedoms of individuals and aim to reform the judicial system by simplifying trial procedures and speeding up the adjudication of simple cases, such as the criminal order and immediate appearance. It also expanded the scope for negotiated justice based on mutual consent by implementing a system of mediation and prior notice, as well as postponing criminal prosecution of legal persons.

Keywords: Public lawsuit, new Code of Criminal Procedure, mediation, criminal order, immediate appearance, Public Prosecution.

Introduction:

The state's exercise of its right to punishment may sometimes constitute an infringement on rights and freedoms, given that the public interest of society prevails over the private interest of individuals, which may make contemporary penal policy conflict with an important constitutional principle of protecting rights. Therefore, it has become necessary to search for new procedural mechanisms that guarantee the protection of the rights and freedoms of individuals by bringing about a qualitative shift in the judicial system aimed at speeding up the adjudication of cases and simplifying trial procedures in support of the justice reform program and strengthening the role of the Public Prosecution by granting it new mechanisms for conducting public lawsuits.

In the context of strengthening the principles of penal policy based on the enshrinement of human rights in their various dimensions, the Algerian legislator issued the new Code of Criminal Procedure No. 25-14, in which it introduced several systems that enable the parties to reconcile at the initiative of the Public Prosecution, which plays an important role in enforcing this mechanism as it is of an optional nature.

Based on this standpoint, studying the issue of alternatives to public litigation is of great scientific importance due to its modernity and its line with the trends of modern penal policy that has moved from traditional penal justice to consensual justice, so this study will contribute to evaluating the extent of the effectiveness of the newly developed mechanisms in achieving effective penal justice, which is based on Reconciling the achievement of deterrence and the protection of individual rights and freedoms on the other hand, by changing the course of traditional lawsuit procedures.

The practical importance lies in the fact that the establishment of these mechanisms may contribute to opening up a greater scope for negotiated justice based on mutual consent, which in some cases aims primarily to spare the suspect from the risks of a criminal trial, as is the case in the mediation and pre-prosecution alert system and the postponement of criminal prosecution of the legal person, on the one hand, It contributes to achieving the principle of speed in trials without compromising litigation guarantees, which ultimately leads to reducing the judicial burden, as is the case with the criminal order and immediate appearance systems.

The main problem through which we will begin to address this issue revolves around the following: **What mechanisms has the Algerian legislator introduced in accordance with the Algerian Code of Procedure No. 25-14 as alternatives to general criminal proceedings to achieve transitional justice directives?**

To answer the problem raised above, we decided to follow a two-pronged plan in which we discuss alternatives to the public lawsuit before initiating it (**the first axis**), and then discuss alternatives to the public lawsuit after initiating it (**the second axis**).

The first axis: Alternatives to the public lawsuit before initiating it

Initiating a public lawsuit is the first procedure undertaken by the Public Prosecution in order to transfer the lawsuit from a state of rest to a state of movement by presenting it before the judicial authority by following a set of procedures that have the nature of an accusation (Hosni, 1995, p. 109).

However, the Algerian legislator has introduced some new systems as alternatives to the public lawsuit, represented by the warning system before prosecution (**first**) and the postponement of criminal prosecution of the legal person in some serious financial crimes (**second**), as well as the criminal mediation system in some specific crimes exclusively (**third**).

First: Alert before continuing

In the context of strengthening alternatives to public lawsuits, the Public Prosecutor may resort to the pre-prosecution alert procedure in order to preserve kinship and neighborhood ties. This is a new procedure used in cases that are (Barak, 2010, p. 99) described as a low-risk violation or misdemeanor punishable by a fine or imprisonment for a period not exceeding three (3) years, such that he issues an alert to the perpetrator himself or through a judicial police officer to put an end to the crime. If the perpetrator complies with the warning after the victim hears about it, the Public Prosecutor may issue a decision to close the file (Khalfi, 2025, p. 192). This procedure is defined by the Algerian legislature in accordance with Article 57 of the Code of Criminal Procedure, within the framework of Law 24-15 of 3 August 2025.

Second: Postponing the criminal prosecution of the legal person

This procedure is considered an alternative to a public lawsuit that aims to resolve the dispute by following simple procedures by concluding an agreement between the public prosecutor and the legal person subject to private law who has been proven to have committed, as a perpetrator or accomplice, specific crimes in the text of Article 106 of the same law, the subject of which is postponing criminal prosecution against him in exchange for his return of the disposed funds, property and proceeds or Transferred outside the national territory or what represents its value, payment of public treasury rights and the rights of affected public parties, and this is what is specified in Article 105 of the Criminal Procedure Code.

The legislator has specified the crimes that carry the description of a misdemeanor and through which a legal entity can benefit from the postponement of criminal prosecution in the text of Article 106 of the Criminal Procedure Code, which are:

- Misdemeanor of intentional negligence leading to the loss of public funds (Article 119 bis of the Penal Code).
- Misdemeanor of obstruction of investment (Article 418-419 of the Penal Code)
- Misdemeanors included in the Anti-Corruption Prevention and Control Law, except for the crime of bribery
- Misdemeanors included in the Exchange Law and the movement of capital to and from abroad,
- Misdemeanors included in the Anti-Smuggling Law,
- Misdemeanors included in the Billing Law,
- Misdemeanors included in monetary and banking law,
- Misdemeanors included in the Transferable Values Exchange Law,
- Misdemeanors included in the Customs Law,
- Misdemeanors of tax fraud and smuggling.

A- Conditions for postponing criminal follow-up

- The commission of the crime by a legal person subject to private law who has been proven to have committed, as an original perpetrator or accomplice, crimes specified in the text of Article 106 of the Civil Code. A legal person subject to private law means all private legal persons specified in the text of Article 49 of the Civil Code, represented by civil and commercial companies, public associations and institutions (economic, industrial and commercial), as well as endowments and any group of persons or funds granted by law a legal personality (Hanane, 2026, p. 218).

- If the preliminary investigation concludes that sufficient burdens have been collected to convict the legal entity of the acts attributed to it, and the option of postponing the prosecution achieves the desired results of the trial and provides the time for that, with the possibility of assessing the damage caused to the public treasury and other public institutions, and the interest in collecting the debts is better than criminal prosecution, in accordance with the text of Article 1/2/3/4/5/105 of the Criminal Procedure Code.

- If the legal person expresses his cooperation in order to put an end to the crime, by taking disciplinary measures against the natural person who commits the crime in his name and for his benefit and informs the judicial authorities of this (Hanane, 2026, p. 219).

B- Obstacles to applying postponement of criminal follow-up

The Algerian legislator has identified several obstacles that prevent the application of the procedure for postponing criminal follow-up, which are as follows:

- If it is proven that the establishment of the legal person itself was for fraudulent or criminal purposes,

- Criminal recidivism: If it is proven that the legal person previously committed the crimes mentioned in the text of Article 106 of the Criminal Procedure Code, on the basis of which he would have benefited from postponing prosecution, this path cannot be taken (Hanane, 2026, p. 219).

C- Procedures for concluding an agreement to postpone criminal follow-up

The Public Prosecutor shall determine a time period for implementing the follow-up agreement according to a timetable that takes into account the amount of the fine or compensation on

the one hand and the financial situation of the legal person on the other hand, provided that it does not exceed 4 years (Article 8/107 of the Criminal Procedure Code).

Then, an agreement is concluded to postpone the criminal prosecution of the private legal person with his legal representative, who must not be involved in the crimes attributed to him. After approval and the legal representative of the public treasury and the affected public institutions being informed of it within 5 days, he is notified of the executive formula and is considered an executive document. The agreement must not be considered a prior conviction of the legal person (Article 109 of the Criminal Procedure Code).

The statute of limitations for the public lawsuit shall cease to run during the period of implementation of the deferred prosecution agreement. If the private legal entity implements all of its obligations, the public lawsuit shall expire and it and the rest of the parties shall be notified of this (Article 3/2/110 of the Civil Procedure Code). However, in the event of non-implementation of all or some of the obligations, the Public Prosecutor shall notify the legal representative of the legal entity of the cessation of implementation of the deferred prosecution agreement (Article 112 of the Criminal Procedure Code).

Third: Mediation system

Criminal mediation means: *"an attempt to reconcile and reconcile the parties to the case by a neutral person based on their agreement for the purpose of putting an end to the state of turmoil caused by the crime by the victim obtaining sufficient compensation for the damage that occurred to him, as well as rehabilitating the perpetrator"* (Barak, 2010, p. 99).

After reviewing the provisions of the Code of Criminal Procedure, we find that the Algerian legislator considered the mediation system a means of resolving disputes between persons, and organized it into ten articles that it assigned to the Public Prosecutor, as well as the criminal mediator authorized by the Public Prosecutor and appointed by him (Article 3/59 of the Criminal Procedure Code), and it also assigned it to the judicial police officer appointed by the Public Prosecutor when it comes to juveniles.

The mediation system can be applied to all violations and some misdemeanors punishable by imprisonment or a fine, unlike the French legislator who distinguished between Médiation pénale and Composition pénale mediation, as he permitted the latter for misdemeanors punishable by law for less than or equal to 5 years, and for violations related to them. The French legislator also excluded, according to Article 2/41 of this settlement, some acts such as press misdemeanors, manslaughter misdemeanors, and political misdemeanors Algerian law permits it for some misdemeanors that do not affect public order, and it is specified exclusively in Article 61 of the Criminal Procedure Code, as follows:

✓ Crimes against persons

Crimes of defamation (Article 297 of the Penal Code), slander (Article 296 of the Penal Code), assault on private life (Article 303 bis of the Penal Code), crime of threat (Articles 185, 186, and 187 of the Penal Code), false denunciation (Article 300 of the Penal Code), misdemeanor of leaving the family (Article 330 of the Penal Code), intentional failure to pay alimony (Article 331 of the Penal Code), and crime of failure to extradite a child (Article 328 of the Penal Code), Crimes of unintentional assault and battery (Article 289 of the Penal Code), and the misdemeanor of assault and battery without premeditation or ambush, even using weapons (Article 264 of the Penal Code).

✓ Money crimes

It concerns the misdemeanor of issuing a check without funds (Article 374 of the Penal Code), breach of trust (Article 376 of the Penal Code), the misdemeanor of fraudulently seizing the entire inheritance or part of it before dividing it, or joint funds or joint items (Article 363 of the Penal Code), theft between relatives and in-laws up to the fourth degree (Article 350 of the Penal Code), and concealment between relatives and in-laws up to the fourth degree (Article 363 of the Penal Code) Fraud between relatives and in-laws up to the fourth degree (Article 372 of the Penal Code) Misdemeanor of trespassing on real estate property Misdemeanor of vandalism and intentional destruction of the property of others (Article 407 of the Penal Code) Misdemeanors of destroying crops and grazing on the property of others (Articles 413 and 413 bis of the Penal Code) Consuming food or drinks or benefiting from other services through fraud, which are crimes stipulated in the Penal Code in Chapter Four under the title of fraud in Selling goods and fraud in food and medical materials.

When it comes to juvenile crimes, mediation is permissible in all violations and misdemeanors except felonies, in accordance with Article 11 of Law No. 15-12 relating to child protection.

A - Mediation parties

In order to control the concept of the mediation system, this requires identifying the parties authorized by law to conduct the mediation method.

Article 59 of the Criminal Procedure Code stipulates that the Public Prosecutor may, prior to any criminal prosecution, decide, on his own initiative or at the request of the victim or the defendant, to conduct mediation when it would put an end to the breach resulting from the crime or compensate for the damage resulting from it. He may also assign a mediator to conduct mediation.

However, when it comes to misdemeanors or violations committed by juveniles, mediation is carried out at the request of the child, his legal representative, his lawyer, or automatically by the Public Prosecutor. If the latter decides to resort to mediation, he summons the child, his legal representative, and the victim or those with rights and seeks the opinion of each of them If the mediation is by a judicial police officer, he must submit the mediation report to the Public Prosecutor for approval and approval in accordance with the provisions of (Article 111 of the Child Protection Law).

B- Mediation procedures

The mediation session shall take place in the office of the Public Prosecutor or the office of one of his assistants in a session not made public by them or by the authorized mediator, but in all cases the mediation shall take place at the court headquarters (Article 6/59 of the Criminal Procedure Code)and it may also take place in the office of the judicial police officer when it concerns juveniles In it, an agreement is reached to resolve the dispute. If no agreement is reached, the public prosecutor, the authorized judicial mediator, or the police officer, as the case may be, shall prepare a report of the disagreement and take the necessary measures to initiate the public lawsuit in accordance with the principle of appropriateness (Khalfi, 2025, p. 229).

In the event of reaching an agreement, a report of the agreement shall be drawn up, which includes the identity and address of the parties, with a brief presentation of the actions, along with the legal articles applied in this regard, the content of the mediation agreement, and the deadlines for its implementation, with the minutes signed for the Public Prosecutor or the authorized mediator, the control secretary, and the parties (Article 62 of the Criminal Procedure Code) The mediation agreement must include the following:

- Either restore the situation to what it was when possible,
- Or financial or in-kind compensation for damage,
- Any other agreement not contrary to the law reached by the parties (Article 63 of the Criminal Procedure Code).

As for the child, Article 114 of the Child Protection Law stipulates that the mediation report must include the child's pledge, under the guarantee of his legal representative, to implement one or more of the following obligations: either to conduct medical supervision or undergo treatment, to continue studying or training a specialist, not to contact any person who might facilitate his return to crime, and the Public Prosecutor shall ensure the monitoring of the implementation of these obligations.

The second axis: Alternatives to the public lawsuit after it has been initiated

If slow justice constitutes a form of injustice, then the speed of criminal procedures is a goal of procedural criminal legislation, and no matter how fair the legal texts are, they are not sufficient in themselves to protect the system and the rights of individuals. Therefore, the Algerian legislator has strived to create new procedures for conducting public lawsuits for the purpose of simplifying trial procedures and avoiding their slowness, which are represented in: the criminal order system (**first**) and the immediate appearance system (**second**).

First: The penal order system

The criminal order has not received a consensus among jurists on a unified definition, although their difference is formal. However, it is usually defined as: *"a judicial order imposing the prescribed penalty without investigation or pleading, and issued without following the rules related to the trial procedures and the final investigation necessary for the criminal judgment"* (Salama, 2004-2005, p. 334).

The names of this system have varied in comparative legislation. Algerian legislation agrees with Iraqi and Kuwaiti legislation in calling it the **"penal order"** (Nasser, 2016, p. 263) ; while in Jordanian, Syrian, and Lebanese legislation it is called the **"summary principles"** As for Egyptian, Libyan, and Italian legislation, it is called the **"criminal order"** Moroccan legislation is distinguished by calling it the **"judicial order"** (Salama, 2004-2005, pp. 16 -17).

A - Features of the criminal order

✓ **Its application is limited to minor crimes**

Article 531 of the Criminal Procedure Code stipulates that the application of the penal order shall be in crimes with simple facts that are established on the basis of their material examination and are not likely to provoke a valid discussion. On the other hand, referral under the penal order procedures is not possible in serious crimes such as important misdemeanors or felonies, and therefore its application is limited to violations or misdemeanors punishable by a fine or imprisonment for a period equal to or less than two years.

✓ **Penal order is a passport procedure**

Implementing the criminal order system is permissible, as the Public Prosecution has the option of resorting to it when its conditions are met or this approach is not followed. It is also not considered a right of the accused and may not be adhered to (Al-Jabri, 2011, p. 26).

✓ **The penalty issued in the criminal order shall be in the form of a fine only**

A criminal order may not be issued with a custodial sentence or a supplementary sentence. Rather, the ruling must be limited to the fine as the original sentence only. However, the Algerian

legislator disagrees with many legislations that have permitted the issuance of supplementary sentences in addition to the fine as the original sentence, as is the case with the Egyptian legislator, which has permitted the judiciary to refund judicial expenses (Khalfi, 2025, p. 245).

✓ **Inadmissibility of following the general rules of trial**

This is the most important feature that distinguishes the criminal order system. The aim of simplifying procedures is to achieve the principle of speed and adjudication of the matter without harming the parties to the dispute. The procedures included in Article 531 and beyond differ from the procedures followed in regular disputes, such that the judge is satisfied with the preliminary investigation report and the evidence without specifying the trial session and without conducting a final investigation (Khalfi, 2025, p. 246).

What is noticeable about this system is that it lacks guarantees of a fair trial and wastes constitutional principles such as publicity, prestige, the right to defense, and depriving the victim of civil prosecution.

✓ **Failure to follow normal appeal rules**

The purpose of implementing this procedure is to simplify the procedures. Opening the door to appeal to the parties will prevent the achievement of its objectives, and therefore they cannot exercise the right to object or appeal. If the criminal order is objected to, it is considered as if it did not exist, and reference is made to the normal procedures, which are adjudicating before the competent court a preliminary ruling that is subject to appeal (Hussein, 2011, p. 25).

B- Penal order procedures

The public prosecutor at the court level may refer the follow-up file attached to his requests to the Violations or Misdemeanors Department for adjudication. The public prosecutor takes this path without the need to inform the accused of the date of the session, as the judge is satisfied with the minutes of the initial investigation to study the file. The competent judge decides without prior pleading with a criminal order ordering acquittal if he sees that the file is not supported by sufficient evidence. However, if he deems that the file does not meet the conditions specified in Articles 531 and 532 of the Criminal Procedure Code, as if it requires a proper discussion, he shall return the follow-up file to the Public Prosecution Office to take what it deems appropriate. He is not always obligated to respond to the Public Prosecution Office's request to adjudicate the incident pursuant to a criminal order, and this is what Article 533 of the same law stipulates.

The judge must indicate the accused's full identity and domicile, as well as the date and place of committing the crime, the legal classification of the incident, the applicable legal texts, and then the pronouncement of the order of conviction or acquittal, which shall be reasoned so that the parties have the right to object to it within 10 days for the Public Prosecution, calculated from the date of issuance of the order, and within one month for the accused, starting from the day of notification (Articles 534 and 1/2/535 of the Criminal Procedure Code).

In the event that the Public Prosecution and the accused do not object, the criminal order shall be implemented and all its effects shall be arranged. However, in the event of an objection, the case shall be presented to the Violations Section or the Misdemeanor Section (as the case may be), which shall decide on it with a ruling subject to appeal (Article 536 of the Criminal Procedure Code).

The accused may also explicitly drop his objection before opening the case. In this case, the criminal order regains its executive force and is not subject to any appeal (Article 537 of the Criminal Procedure Code).

Article 532 of the Code of Criminal Procedure excludes the application of a criminal order in the following cases:

- If the accused is a child,
- If the misdemeanor or violation is accompanied by a misdemeanor or violation that does not meet the conditions for applying the criminal order procedures,
- If there are civil rights that require proper discussion.

Article 538 of the Criminal Procedure Code also excludes resorting to a criminal order if the prosecution includes more than one person, with the exception of prosecutions that take place against a natural or legal person for the same acts.

Second: The immediate appearance system

The immediate appearance system has been introduced as a new mechanism for presenting cases to the court, which consists of referring the accused before the ruling authority immediately after presenting them before the Public Prosecutor, while ensuring respect for the rights of the defense. This procedure can be followed in misdemeanor cases prepared for dismissal that do not require a judicial investigation. The court alone was given the power to decide whether to leave the accused free (Khalfi, 2025, p. 236), subject him to one or more obligations of judicial oversight, or place him in detention (Article 483 of the Criminal Procedure Code).

A - Conditions for implementing the immediate appearance system before the court

The Code of Criminal Procedure has specified the conditions required to be met when implementing immediate appearance procedures prior to referral. We will attempt to state them as follows:

- The crime must be described as a misdemeanor, and must be prepared for adjudication in accordance with what is specified in Article 478 of the Criminal Procedure Code.
- The suspect must not provide sufficient guarantees to appear before the judiciary, Article 2/477 of the Criminal Procedure Code.
- This misdemeanor must not be a journalistic misdemeanor, a misdemeanor committed by children, or a misdemeanor for which prosecution is subject to special procedures (Article 488 of the Criminal Procedure Code).

It should be noted here that appropriate places have been allocated to implement immediate appearance procedures in each court at the national level to enable the accused to contact his lawyer, provided that these places are close to places of detention, and in this regard, the unilateral chamber procedure was adopted for the first time in Algeria pursuant to an instruction issued by the Ministry of Justice from the General Directorate of Judicial and Legal Affairs under No. 777 /15 dated September 29, 2015. Whereas the lawyer was prohibited from being alone with the suspect in court, the legislator wanted, through this procedure, to enable the latter to actually exercise his right to defense by seeking the assistance of a lawyer (Nawel, 2023, p. 137).

B- Procedures for immediate appearance before the court

Immediately after the occurrence of a serious crime, the judicial police shall take the exceptional measures stipulated in the Code of Criminal Procedure, including arresting the suspect and detaining him in places of detention for consideration, during or after which he shall be brought before the competent regional public prosecutor, after which charges shall be brought in accordance with what is legally stipulated. All of this is in compliance with a set of procedures specified in the law, which we will see successively by addressing two stages: the first, before the indictment,

revolves around presenting him before the Public Prosecutor, and the second, after the indictment and upon his compliance before his natural judge (Khalfi, 2025, p. 238)

✓ **Procedures for bringing the suspect before the Public Prosecutor**

When the suspect is brought before the competent public prosecutor, the latter verifies the identity of the suspect brought before him and confronts him with the acts attributed to him. He also informs him that he will appear immediately before the court, with the victim and witnesses being notified, if any (Article 479 of the Criminal Procedure Code). The suspect has the right to seek the assistance of a lawyer when he appears before the public prosecutor. In this case, he will be interrogated in the presence of his lawyer, and he shall note this in the interrogation report. Here, the presence of the lawyer is mentioned in the interrogation report prepared by the Public Prosecutor, and this procedure is stipulated in Article 480 of the Criminal Procedure Code.

In this regard, a copy of the procedures shall be made available to the lawyer appointed to defend his client, and he may freely contact the accused in private in a place prepared for this purpose. (Article 481 of the Criminal Procedure Code).

✓ **Procedures for the accused to appear before the head of the misdemeanor department**

After the suspect complies before the competent public prosecutor and is interrogated in the presence of his lawyer who can provide comments, and an interrogation report is prepared in this regard, the arrested accused remains under security guard and finally appears before the Misdemeanor Division. A session is held in this context and is called the immediate appearance session before the Misdemeanor Division, chaired by either the President of the Court or one of the judges of the Court, in the presence of all parties: the accused, his defense, the victim, his defense, and witnesses in a public session (Nawel, 2023, p. 139).

After the opening of the immediate appearance session of the accused, the President shall alert the accused that he has the right to a period of time to prepare his defense if the accused is not represented by a lawyer. The President shall note this alert and the accused's response in the judgment, and this is what is explicitly confirmed by Article 482 of the Criminal Procedure Code. If the accused uses his right to prepare his defense, the court shall grant him a period of at least three (03) days and he shall attend the immediate appearance session before the misdemeanor judge of the court. If the case is not prepared for adjudication, the court shall order its postponement to the earliest possible session to conduct the trial in accordance with what is stipulated in Article 3/482 of the Criminal Procedure Code. However, if the court decides to postpone the case to another session, it may, after hearing the requests of the prosecution, the accused and his defense, take the following measures in accordance with what is stated in Article 483 of the Criminal Procedure Code.

- Leave the accused free,
- Subjecting the accused to one or more of the judicial control measures stipulated in Article 198 of the Criminal Procedure Code.
- Place the accused in temporary detention.

It should be noted that orders issued by the court may not be appealed in accordance with what was confirmed by the last paragraph of Article 483 of the Criminal Procedure Code.

Conclusion:

After the Ministry of Justice statistics monitored the accumulation of many criminal files on various judicial authorities, which constituted a burden on the judiciary in achieving the right of litigants to a speedy trial, the Algerian legislator took the initiative to create new systems such as the

criminal order and the immediate appearance system to reduce the volume of simple cases presented at the court level within the framework of respecting the basic rights of the citizen and establishing the principles of a fair trial that require a speedy adjudication of cases. In the same vein, and in order to achieve the trends of the modern policy based on consensual punishment, he quickly introduced some systems such as mediation, the warning procedure, and the postponement of criminal prosecution of a legal person.

After extrapolating these new systems and analyzing them legally, we reached some results, which we will present below:

Within the framework of developing the penal system and strengthening human rights and guarantees of individual freedom, the list of crimes that are subject to mediation was expanded pursuant to the new Law No. 25-14 to include the crime of breach of trust (Article 376 of the Penal Code), theft between relatives and in-laws up to the fourth degree (Article 350 of the Penal Code), concealment between relatives and in-laws up to the fourth degree (Article 387 of the Penal Code), and fraud between relatives and in-laws up to the degree Fourth (Article 372 of the Penal Code).

The scope of crimes covered by the criminal order procedure has been expanded, as in the previous law it was designated for misdemeanors punishable by a fine or imprisonment not exceeding two years, and pursuant to Article 531 of the Criminal Procedure Code, it has been expanded to include crimes of violations as well.

Despite the gains achieved by the criminal order at the level of the judicial bodies that suffer from the accumulation of cases, this system still lacks the guarantees of a fair trial and wastes constitutional principles, as it is tried based on the reports of the judicial police, which destroys the principle of "**nopunishmentwithout trial**", in addition to depriving the accused of his right to be represented by a defense, as well as depriving him of the principle of publicity of the sessions and the face of the trial.

-The criminal order system also deprives the victim of exercising his right to civil prosecution in the case, whether in pleading and building a conviction, or in the possibility of objecting to the order issued, whether acquittal or fine.

-The immediate appearance system measures were implemented to ensure the protection of the accused by reducing the period of detention for review, reducing temporary detention, and accelerating trial procedures. However, it neglected the rights of the victim compared to the accused, and this is evident in its failure to grant him the right to seek the assistance of a lawyer and its failure to stipulate that the head of the misdemeanor department must alert the victim of his right to prepare his defense.

Despite the efforts made by the Algerian legislator within the framework of reforming the judicial system by employing new mechanisms to change the traditional concept of initiating public lawsuits, these mechanisms are marred by some shortcomings that have become necessary to review. Therefore, we will propose some recommendations that will contribute to bridging these gaps, as follows.

- Expanding the scope of crimes to include the mediation system, such as minor misdemeanors that are not covered by current law.

- Using electronic media by activating digital platforms that allow holding mediation sessions and exchanging documents electronically to save effort and time.

- Valuing the criminal order system with fair trial guarantees such as face and publicity, and representing the accused with the right to defense on the one hand, and reactivating the role of the victim in the criminal dispute by granting him the right to object to the order issued, whether acquittal or fine.

- We call on the Algerian legislator to allow the child to be followed up with criminal order procedures and to enable him to be represented by a lawyer to defend him.

- Reconsidering the provisions for immediate appearance by supporting the rights of the victim as is the case with the accused, in order to achieve a fair trial through a balance between all parties to the criminal dispute.

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