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أسس وضوابط التجريم والعقاب لجرائم المخدرات والمؤثرات العقلية في ظل القانون رقم 25-03

Basis and regulations for criminalization and punishment of drug and psychotropic substance crimes under Law N°25-03

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ملخص:

أدى التصاعد الكبير لمعدل جرائم المخدرات والمؤثرات العقلية إلى فرض ضرورة تظافر جل الجهود الدولية والاقليمية للتصدي لها على المستويين الدولي و الوطني، ولقد حاول المشرع الجزائري وضع استراتيجية قانونية تقوم على مبدأ التدابير الوقائية وكدا التدابير من خلال سنه لترسانة قانونية كان آخرها القانون رقم 25-03 والدي جاء بنصوص ردعية تصل فيها العقوبات الى السجن لمدة ثلاثون سنة وفي بعض الحالات تصل الى عقوبة السجن المؤبد رغبة منه في سد الثغرات التي كانت ضمن القوانين السابقة، لهدا فالهدف من هده الدراسة هو تسليط الضوء على اسس التجريم والعقاب التي جاء بها المشرع الجزائري في ظل القانون رقم 25-03 والوصول الى تقيم نجعتها في ارض الواقع.

كلمات مفتاحية:

مخدرات؛ مؤثرات عقلية؛ سياسة تشريعية؛ تجريم؛ عقاب.

Abstract:

The significant escalation in the rate of drug and psychotropic substance crimes has necessitated the concerted efforts of international and regional entities to combat them at both international and national levels. The Algerian legislator has attempted to establish a legal strategy based on the principle of preventive measures as well as

enforcement measures through enacting a legal arsenal, the most recent of which is Law N°25-03, which introduced deterrent provisions with penalties reaching up to thirty years imprisonment and in some cases extending to life imprisonment, in an effort to address the gaps that existed in previous laws. Therefore, the aim of this study is to highlight the foundations of criminalization and punishment introduced by the Algerian legislator under Law N°25-03 and to evaluate their effectiveness in practice.

Keywords:

Narcotic Drugs; Psychotropic Substances; Legislative Policy; Criminalization; Punishment.

Introduction:

The modern world has seen technology evolve while digital systems expanded which brings about criminal activities and society now faces more frequent and dangerous offenses that endanger human safety and national security. The number of drug and psychotropic substance offenses has risen during recent times which now endangers family units because these crimes have expanded from local offenses into worldwide criminal activities. The emergence of this situation requires lawmakers to create new laws which will replace existing drug offense statutes that fight drug crimes which occurred in times past.

Algeria is among the countries that have suffered, and continue to suffer, from the scourge of drug-related crimes, particularly in recent years. This situation has prompted the legislature to initiate legislative reform processes aimed at addressing these challenges, especially after the ineffectiveness of the previous Law No. 04-18 of 25 December 2004, which concerns the prevention of narcotic drugs and psychotropic substances and the suppression of their illicit use and trafficking.

The first of these reforms was enacted through Law No. 23-05 in May 2023, which introduced extensive amendments to substantial portions of Law No. 04-18. These reforms were subsequently completed by the promulgation of Law No. 25-03 on 1 July 2025, through which the legislature sought to remedy existing gaps and deficiencies, while keeping pace with the serious and evolving challenges posed by drug-related crimes.

Accordingly, the problematic arises:

To what extent are the foundations of criminalization and punishment established by the Algerian legislature effective in suppressing drug and psychotropic substance offenses under Law No. 25-03?

We will attempt to answer this problem as follows:

1. The Foundations for the Criminalization of Narcotic Drugs and Psychotropic Substances under Law N°25-03

The distribution of technology throughout human society has generated beneficial results yet it has produced various detrimental effects. Criminal activities

across different categories have expanded because of this situation which includes crimes that cross international borders. The worldwide expansion of narcotic drug offenses together with psychotropic substance offenses has become a major criminal problem which particularly affects Algeria.

The Algerian legislator has sought to confront this crime by establishing a well-structured legislative policy aimed at combating it, accompanied by numerous amendments intended to avoid loopholes and address deficiencies that hinder its eradication or at least its reduction. The most recent of these amendments was introduced by Law N°25-03. The new law requires drug definitions to become more precise because it makes drugs illegal and we want to check how well this law works.

1.1 The Concept of the Crime of Narcotic Drugs and Psychotropic Substances

1.1.1 The Jurisprudential Definition of Narcotics and Psychotropic Substances

The current medical field lacks a single definition which all experts agree upon to describe narcotic drugs in their entirety. The terminology system contains multiple definitions which explain the same concept using different words. Some scholars have defined them as: “a compound that functions to disrupt or alter the nervous system of any living organism” (Mazloum, 2014, p. 14).

The definition of narcotics becomes challenging because different people attempt to explain these substances based on their impact on human bodies when people take them through eating or breathing or injecting or other methods which medical experts have studied (Idris, 2016, pp. 24-25).

From a medical perspective, narcotic drugs encompass several meanings and concepts, the most significant of which is that “a narcotic is a substance that weakens the function of the nervous system or temporarily suppresses it (Rus, 2003, p. 84).”

In addition, narcotics are fundamentally characterized as stimulating substances susceptible to excessive consumption that produce states of dependency due to their effects on the brain and its functions, as well as on the psychological system as a whole.

Psychotropic substances, on the other hand, are compounds that place their users in various states such as stimulation, lethargy, or sedation, among others, through their influence on the nervous system and the brain. They may likewise be consumed by ingestion, inhalation, or through the bloodstream, and these substances ultimately lead the user into a state of addiction (Saab, 2007, p. 42).

1.1.2 Legislative Definition of Narcotic Drugs and Psychotropic Substances

The Algerian legislature did not provide a definition of drugs and psychotropic substances in Law No. 25-03. (Law No 25-03 Amending and Supplementing Law No 04-18, 2025). However, by reference to Law No. 23-05, it is evident that such definitions are set out in Article 2 thereof. Under this provision, a *drug* is defined as any composition of substances listed in Schedules I and II of the Single Convention on Narcotic Drugs, as amended in 1971, as well as any substance of a natural narcotic character, in addition to any substance classified nationally as a narcotic.

As for a *psychotropic substance*, it is defined as any natural or synthetic substance, or any naturally produced substance, included in Schedule I, or in Schedules II, III, or IV of the Convention on Psychotropic Substances of 1972. Likewise, any substance nationally designated as a psychotropic substance is considered to have the same legal status (Article 2 of Law No 23-05 Amending and Supplementing Law No 04-18, 2023).

1.2 The Elements of the Crime of Narcotics and Psychotropic Substances

The commission of any crime fundamentally depends on the presence of its principal elements: the material element, the moral element, and the legal element. In order to determine and define the legal structure of the crime of narcotics and psychotropic substances, it is necessary to address these three elements.

1.2.1 The Material Element

The establishment of the material element of any crime requires the presence of three essential components. The existence of a crime depends on having all required elements except for specific situations which the law allows. The system contains three main components which include criminal conduct and the resulting outcome and the established connection between cause and effect. The legislature views narcotics-related offenses as finished crimes when all required elements for such offenses exist. The element of result does not appear in every scenario which includes these three components. The law sets clear boundaries for criminal activities through specific behaviors which it deems illegal without needing to assess the outcome of those actions. The legal system identifies conduct crimes as offenses which focus on the actions people perform rather than requiring any additional criminal elements. Some legal experts classify narcotics offenses under this category because the law recognizes dangerous conduct which endangers protected rights or interests even when no actual damage occurs (Hussein, p. 51)

The material element refers to the commission of an act or the omission of an act through which the crime is revealed and its components are formed. The material element serves as the foundation for criminal offenses because crimes cannot exist without physical evidence which enables rights violations against people and their communities.

The law defines it as the act or external conduct which a person produces. The act itself contains all required elements to establish this essential component. The act serves as the physical expression of human actions which stem from personal choice to either perform or avoid actions that affect protected legal interests and rightful property rights.

A. Criminal Conduct:

Criminal conduct is defined as an act or an omission, emanating from the will of a person, that results in consequences constituting an infringement upon an interest or a right protected by law.

The conduct committed by the perpetrator of the offence constitutes one of the essential conditions required for the existence of a crime; otherwise, the legislator would not intervene to prescribe punishment.

The general rule in criminal law holds that criminal conduct manifests in two forms:

- **Positive form:** This is represented by the active behavior of the perpetrator, consisting of the commission of an act criminalized by law.
- **Negative form:** This is represented by the passive conduct of the perpetrator, consisting of the omission to perform an act that the person was legally obliged to perform, such as a physician's failure to provide assistance to a patient.

Accordingly, the forms of conduct in drug-related offences are varied and multiple, manifesting through the offender's activity in obtaining or selling narcotic substances, among other forms. Thus, positive conduct differs from negative conduct in that it involves the commission of an act criminalized by legal provisions, and most crimes arise from a positive act resulting from the free will of the offender (Hosni, p. 273).

Negative conduct, however, has been defined by certain jurists as the voluntary abstention of an individual from performing an act that the law obliges him or her to perform (Hosni, p. 274).

Accordingly, manifestations of negative conduct arise when an individual refrains from performing an act mandated by law or custom, and such abstention is grounded in the will of the perpetrator (Saleh, p. 69).

Law No. 04-18 has specified the forms of criminal conduct in offences related to narcotic drugs and psychotropic substances, in both their positive and negative manifestations, as stipulated in Articles 12 to 22. These may be summarized as follows:

- The consumption or purchase of narcotic drugs or psychotropic substances.
- Their personal use in the form of possession or delivery.
- Facilitating the use of narcotic drugs or psychotropic substances.
- Administering such substances to a consumer without his or her knowledge through food or drink.
- Resorting to medical prescriptions in order to obtain them.
- Using violence or threats to obtain them.
- Any conduct involving the cultivation of these substances.

It should also be noted that the legislator has penalized accomplices to this offence, as well as individuals who meet the conditions of recidivism and those who incite the commission of the offence, which will be clarified subsequently.

B. Criminal Result:

The criminal result constitutes the outcome derived from the criminal conduct issued by the offender and the effects that follow from it, the substance of which lies in the infringement of a right or interest protected by law. Accordingly, legal scholarship has classified it into two categories: result crimes and endangerment

crimes, whereby the result is associated with the material act itself (Sarraj, p. 124). The result is manifested in the harm affecting the right or interest protected by legal provisions.

However, some results possess a tangible external manifestation, such as causing the death of a person through the administration of an excessive dose of narcotic substances. Conversely, certain harmful results lack a tangible external manifestation, such as the failure to report a crime involving the export or import of narcotic substances by airport police officers. Thus, the harmful result constitutes a legal reality that is distinct from material harm.

This legal reality is represented by the moral harm affecting a right whose protection necessitates legal intervention. In the offense of refusing to provide testimony before the judiciary in a drug-related case, the refusal of witnesses constitutes an infringement of the right. Some jurists have not confined themselves to this form of moral harm; rather, they have emphasized that certain offenses do not necessarily produce confirmed moral harm but instead manifest a risk or potential harm. On this basis, they have conceptualized the offense as one constituted merely by the existence of danger.

C. Causal Relationship:

The causal relationship is the moral link whose successive elements connect the chain of criminal intent to the harmful result. Consequently, for the material element of the offense to be established, it is not sufficient that criminal conduct be committed by the offender and that a harmful result occur; rather, this result must be attributable to that conduct. This requirement applies specifically to material crimes involving a result, as opposed to those offenses in which the law requires that no result occur, such as formal offenses.

Accordingly, the causal relationship refers to the connection between cause and effect, that is, the relationship through which the link between the result and the conduct becomes evident; without the act, the result would not have occurred. This is commonly referred to as material attribution. The causal relationship constitutes a fundamental pillar underlying an important principle of human rights, namely that no person shall be held accountable except for his or her own act, for conduct personally undertaken without the involvement of others during the process of accountability.

The causal relationship thus refers to the link established between criminal conduct and the material result of any offense, the substance of which lies in the fact that criminal conduct is the cause leading to the occurrence of the criminal result, thereby enabling the offender to be held criminally and civilly liable. The criminal responsibility of an individual is therefore founded upon the result produced by his or her criminal conduct, and there can be no basis for criminal prosecution unless the element of a causal relationship between the act and the result is established. This is referred to as material attribution, that is, the attribution of the result to a specific individual (Al Fadel, p. 263).

1.2.2 The Moral Element

The establishment of any crime in Algerian legislation does not depend solely on the existence of its material element; in addition to this, the law requires that the act be committed by the will of the offender himself. This relationship that links the material act to the perpetrator is referred to as the moral element of the crime (Bousquiaa, 2007, p. 105).

The moral element is defined as "the knowledge of the elements of the crime and the will to commit it (Ibrahim, p. 119)." The moral element in drug-related offenses is realized in any material act committed intentionally by a person whom the legislator has not authorized to use narcotic drugs or psychotropic substances. It is also required that the offender possess criminal intent in both its general and specific forms, despite being aware that the law prohibits such conduct (Idris, 2016, p. 29).

Elements of Criminal Intent in Drug Offenses: According to the previously stated definition, general criminal intent consists of two elements:

- **Knowledge:** In Algerian criminal law, knowledge means that the offender is aware of the elements of the crime he commits (Ibrahim, p. 120). Knowledge is therefore linked to the material aspects of the crime and to the criminal activity carried out by the offender. In drug-related offenses, knowledge is established when the offender is aware in advance of his criminal activity, namely the unlawful use of narcotic drugs, once the result materializes in one of the various forms legally defined—such as consumption, possession, sale, and others—which he intended to achieve prior to commencing execution. If the result does not occur, criminal intent is negated and the act constitutes an unintentional offense. Thus, a person who intends to narcotize another but fails to do so may be held liable for the offense of attempt, particularly where the elements of premeditation and ambush are present. The jurisprudence of the Supreme Court has affirmed the principle of the offender's knowledge (Ibrahim, p. 121).

  Knowledge, in its broad sense, requires the judge—when establishing its existence—to examine whether its essential elements are present, namely:

  - that the perpetrator of the drug offense is aware of the right he is infringing;
  - that he recognizes the danger posed by narcotic drugs and psychotropic substances to the lives and rights of others;
  - that he is aware of the consequences resulting from these acts.
- **Will:** This refers to the activity undertaken by the offender and represents a psychological state directed toward the realization of the criminal act. Will constitutes one of the fundamental elements of criminal activity aimed at achieving a particular result. In the absence of will, criminal intent is likewise absent; when the offender's will is established, the offense is considered intentional.

  Specific Intent: The legislator may sometimes require, in addition to general intent, the presence of specific intent for certain offenses. The existence of such intent may result in the imposition of either a more severe or a more

lenient penalty than that prescribed in cases involving only general intent (Hosni, p. 76).

1.2.3 Attempt in the Crime of Narcotics and Psychotropic Substances

The offense of attempt arises after the stages of contemplating the criminal act and preparing its material means, in the sense that the roles are undertaken by the same individual. At this stage, the offender's will is directed toward the actual execution of the crime in reality. However, for the act to acquire the legal characterization of an attempt, the criminal result must not occur for reasons beyond the offender's will. This is what distinguishes an attempt from a completed crime in factual terms. Legally, however, both contain the legal elements of the criminal act. Accordingly, attempt is defined as "the criminal attempt, which constitutes a legally complete offense but one whose result remains factually incomplete (Amar, p. 49)."

A. Elements of Attempt in Narcotics and Psychotropic Substance Offenses under Law No. 25-03

The Legal Element: This element is determined, in addition to the provisions of Law No. 25-03 and Law No. 23-05, by Articles 30 and 31 of the Penal Code, which define the rules governing attempt and determine the circumstances under which it is punishable.

The Material Element of Attempt in Narcotics and Psychotropic Substance Offenses: The material element of the offense of attempt requires the presence of two essential components:

- The commencement of execution through unequivocal acts aimed at committing one of the forms of narcotics offenses specified in Articles 12 to 22 of Law No. 04-18.
- The interruption of execution as a result of circumstances beyond the offender's control.

Commencement of Execution:

The prevailing view in most criminal legislations is that preparatory acts do not fall within the scope of attempt, except when they directly lead to the commission of the crime and clearly embody the criminal intent. Accordingly, an attempt exists only when the perpetrator performs an act through which he moves from the stage of preparation to the stage of execution. The question therefore arises as to how it can be determined whether the acts specified in Articles 12 to 22 of Law No. 04-18 fall within the stage of execution or remain within the preparatory stage. Legal doctrine has been divided on this issue into two schools of thought.

The Material Doctrine of Attempt in Offences Related to Narcotic Drugs and Psychotropic Substances

Proponents of this approach maintain that the criterion distinguishing preparatory acts from acts constituting the commencement of execution lies in the material harm inflicted upon a right protected by law. In their view, acts that qualify as a punishable attempt are those that represent the beginning of the execution of the material act constituting the offence and that involve an infringement upon a protected right.

For example, in the offence of consuming or purchasing narcotic drugs or psychotropic substances, the crime is not realized unless the offender takes possession of the narcotics, begins to consume them, or delivers the narcotic substances to another person for the purpose of consumption and the latter receives them. In such a case, this constitutes the offence of attempting to facilitate the use of narcotic drugs or psychotropic substances, even if the substances are not ultimately consumed by the concerned person.

Accordingly, under this doctrinal approach, material acts that precede the commencement of execution of the material element of the offence do not constitute a punishable attempt, regardless of how closely such acts approximate the actual commission of the crime (Amar, p. 50).

Critique of the Material Doctrine

This doctrine is criticized for confining the concept of criminal attempt in general, and in drug-related offences in particular, within a narrow scope that fails to provide adequate protection for society against an offender whose conduct demonstrates that he has come close to achieving the intended criminal result after exhausting the preparatory means at his disposal. It may therefore be argued that the Algerian legislator, by defining attempt in crime and equating it with the completed offence in terms of punishment, has rejected the adoption of this doctrine.

The Subjective Doctrine in Offences Related to Narcotic Drugs and Psychotropic Substances

Supporters of this approach place the criminal intent of the offender at the forefront of criminal acts, considering it the source of danger posed by individuals with professional criminal tendencies that threaten society's security and the stability of social life. This perspective views the offender as having commenced the execution of the punishable act constituting an attempt whenever he performs an act that reveals the criminal dangerousness inherent in his psychological disposition.

Moreover, the offender himself must believe that his act will immediately and directly lead to the realization of the intended result. Thus, an act may constitute the commencement of execution even if it precedes the acts forming the constituent elements of the offence, provided it can be asserted that such an act would lead the offender to commit the crime if left to his own course and that he would not desist from committing it. Any act falling short of this threshold is regarded merely as a preparatory act.

An example of this would be placing narcotic substances in food or drink without the consumer's knowledge in a place where the victim customarily consumes his meals. According to this doctrine, such conduct constitutes the commencement of the offence, and the determining factor is not the time at which the narcotics are consumed but rather the act of placing them.

Critique of the Subjective Doctrine

This doctrine is criticized for expanding the concept of attempt to such an extent that it leaves no room for repentance by the offender, as the mere manifestation of criminal inclinations suffices to attribute a criminal character to the acts. On the other

hand, it contradicts this very premise by requiring proximity between acts constituting the commencement of execution and the actual commission of the offense, whereas such proximity is not required between the acts marking the beginning of execution and the completion of the crime, which does not align with the conceptual distinction between attempted and completed offenses. Despite these criticisms, the Algerian legislator has adopted the ideas of the subjective doctrine without requiring temporal proximity between the commencement of execution and the actual completion of the offense, as may be inferred from most of the provisions contained in Articles 12 to 22 of Law 04-18.

B. Cessation of Execution Due to a Circumstance Beyond the Offender's Control in Drug or Psychotropic Substance Offenses

In addition to the requirement of the commencement of execution, attempt also presupposes that such execution ceases so that the criminal result does not occur for reasons beyond the offender's will. In other words, the offender must not voluntarily abandon the intention to achieve the result. An example of this would be resorting to medical prescriptions in order to obtain narcotic drugs or psychotropic substances, where the pharmacist becomes aware of the matter, or undertaking acts and conduct intended to cultivate narcotic plants, but the land is burned or the activity is discovered.

2. The Foundations of Evidence and Punishment in Drug and Psychotropic Substance Offenses under Law 25-03

In order to confront this crime, the Algerian legislator established a comprehensive strategy to combat it in Law 25-03, both in terms of the mechanisms for proving such offenses and through the imposition of more severe penalties. This has prompted the need to clarify the foundations of the criminalization of narcotic drugs and psychotropic substances within this new law and to assess the extent of its effectiveness.

2.1 Methods of Proving Drug Offenses

It is not possible to address the penalties established by the Algerian legislator for drug and psychotropic substance offenses without first examining the methods through which such offenses are proven.

2.1.1 Ordinary Methods for Proving Drug Offenses

- **Presumptions:** These consist of the judge's inference of the fact to be proven from another fact established through evidentiary proof. For this reason, they are considered indirect means of proof, as they rely on deduction and induction by the investigating judge during the process of gathering evidence. A presumption alone is not sufficient to establish either conviction or acquittal; rather, it must be associated with other forms of evidence. Presumptions are of two types: legal presumptions derived from legislative provisions relating to the criminalization of narcotic drugs and psychotropic substances, and judicial presumptions.
- **Witness Testimony:** This constitutes one of the most important forms of evidence used to establish crimes in general, and drug-related offenses in

particular. This method of proof is recognized in all legal systems as one of the ordinary evidentiary means.

- **Search:** This refers to a procedural measure that forms part of either the preliminary investigation or the judicial investigation. It may only be carried out by the Public Prosecution or the investigating judge. Although this procedure is normally subject to precise rules and conditions governing its execution, the legislator has lifted these conditions when the matter concerns any form of drug-related offense.
- **Material Inspection:** This is a procedural measure within the preliminary investigation carried out by judicial police officers after the commission of a drug-related offense.
- **Interrogation and Confrontation:** Interrogation refers to the questioning of the accused regarding the commission of a drug-related offense by discussing the facts attributed to him and confronting him with the evidence obtained during the preliminary investigation. Confrontation, in certain circumstances, may also involve confronting the accused with another suspect or with a witness, based on the statements recorded in the preliminary investigation reports concerning the same incident.

2.1.2 Exceptional Methods of Proving Narcotics Offenses

The seriousness of crimes involving narcotics and psychotropic substances has led the legislature, within the framework of evidentiary rules, to depart from ordinary procedures and methods and to establish a set of special measures applicable to certain serious offenses. Among these are offenses related to narcotics and psychotropic substances:

- **Undercover Infiltration**: This refers to the concealment of a judicial police officer in the guise of a criminal and his infiltration into drug trafficking networks with the aim of monitoring them and attempting to identify and collect evidence concerning their criminal organization.
- **Recording of Conversations**: This is a procedural method that entails the covert infringement of the privacy of private communications.
- **Interception of Correspondence**: This involves intercepting messages before they reach the recipient, who, in such cases, is considered among the individuals suspected of committing narcotics-related offenses.
- **Taking Photographs**: The taking of photographs, whether in private or public places without authorization, is generally considered an act that the legislature has classified as a punishable offense. However, due to the seriousness of narcotics-related crimes, the legislature has authorized recourse to this form of evidentiary method in order to obtain proof and combat such offenses.

2.2 Penalties Prescribed for Narcotics Offenses

Punishment constitutes a sanction established by the legislature with the aim of limiting criminal activity, or at least reducing its occurrence, as well as achieving both general and specific deterrence. Accordingly, the penalties prescribed by law for

any offense may not be imposed except pursuant to a judgment issued by a competent court. Crimes involving narcotics and psychotropic substances are considered among the serious offenses addressed by the criminal legislation of most states. Law No. 25-03 has therefore established stringent penalties in order to curb such crimes or at least reduce their prevalence.

2.2.1 Principal Penalties

A. Principal penalties prescribed for natural persons:

Under Law No. 25-03, the legislator has defined the penalty for incitement in Article 16 bis (2), which provides for a sentence ranging from twenty to thirty years' imprisonment for any person who commits the offence of incitement to transport, possess, sell, offer for sale, or dispose of narcotic drugs or psychotropic substances, as well as for any unlawful use thereof, or for exploiting a minor or a person with special needs. This represents a departure from the provisions of earlier legislation, which stipulated that the penalty for incitement was identical to the penalty prescribed for the offence committed, as well as the penalty imposed on an accomplice, which was the same as that of the principal offender.

The penalty may be increased to life imprisonment if the offence is committed within or in the vicinity of any health or social institution, or within public bodies. It may reach the death penalty if the offence is committed within or near educational or training institutions, as stipulated in Article 7 of Law No. 25-03. It is noteworthy that the legislator has specifically singled out educational institutions within the framework of Law No. 25-03.

Article 21 bis of the same law provides for life imprisonment as well as fixed-term imprisonment in specifically enumerated cases related to synthetic drugs, also referred to as "hard drugs." In such cases, the penalty may reach up to thirty years' imprisonment, and in cases of recidivism the penalty may extend to the death penalty.

Furthermore, Article 21 bis (01) of the same law addresses the offence of facilitating the concealment of the source of funds derived from drug-related crimes, for which the prescribed penalty ranges from ten to twenty years' imprisonment.

B. Penalties applicable to legal persons:

Article 25 of the same law provides that, when legal persons commit this type of offence, they are subject to financial fines generally equivalent to five times the fine imposed on a natural person, in addition to the possibility of a judicial ruling ordering the temporary termination of their activities, either through closure or dissolution (Articles 13 14 15 16 and 17 of Law No 04-18 , 2004).

2.2.2 Supplementary Penalties

It is customary for principal penalties to be accompanied by supplementary penalties that complement those imposed by the judge. These include the following:

A. Ancillary Penalties:

In drug-related offenses, the supplementary penalties authorized by the legislator are provided for under Article 34 bis of Law 25-03, which permits the competent judicial authority to impose the penalty of deprivation of political, civil, and family rights. If the judge intends to apply the provisions of Article 34 bis, this must be

expressly stated in the judgment of conviction for one of the offenses stipulated in this law, as it constitutes a supplementary penalty to the principal sanction, which may consist of imprisonment, detention, or a fine (Article 34 bis of Law No 25-03 Amending and Supplementing Law No 04-18, 2025).

Furthermore Article 34 bis indicates that supplementary penalties generally include prohibition from practicing a profession, prohibition of residence, withdrawal of the passport and driving license, prohibition from possessing and carrying weapons, confiscation, and closure.

B. Mandatory Supplementary Penalties:

These include the confiscation of narcotic drugs and psychotropic substances, the confiscation of establi32-05shments and movable and immovable equipment, and finally the confiscation of monetary assets.

Conclusion:

It is evident that the Algerian legislature, in addressing the issue of combating drugs and psychotropic substances, has adopted an approach based on both preventive and deterrent mechanisms, with the aim of achieving justice and fairness simultaneously. It is equally clear that the legislature seeks to keep pace with the rapid developments of this criminal phenomenon through a series of legislative measures that provide clear and evolving legal provisions for judicial authorities and all state agents involved in the prevention and suppression of this form of criminality.

Among the most prominent of these legislative instruments is Law No. 25-03, which has been the subject of analysis in this research paper. Despite the merits of this law, it may be further enriched through several proposals, most notably:

- Activating preventive measures through effective participation in combating drug abuse at the levels of the family, school, university, and mosque.
- Raising awareness within civil society through all possible means, particularly via mass media and social networking platforms, with a special focus on youth and children, regarding the dangers and severe consequences of drugs.
- Establishing a national monitoring network to track the spread of drug use and psychotropic substances in schools, universities, and workplaces.
- Expediting the implementation of projects aimed at opening specialized clinics and institutions for the treatment of drug addicts, ensuring their availability in sufficient numbers and equipping them with qualified medical professionals, as well as psychological and social specialists.
- Requiring university students and employees to undergo annual testing to detect the use of drugs and psychotropic substances.
- Introducing stricter penalties for individuals who publish, through social media platforms, images or videos that directly or indirectly promote the use of drugs and psychotropic substances.
- Providing financial incentives to individuals who report drug traffickers and promoters.

- Strengthening and enhancing international cooperation in criminal matters to combat drug-related crimes, particularly due to their connection with terrorism, money laundering, and smuggling, as they constitute a form of organized crime.

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