

Developments of Law 23-05: Strengthening Prevention and Combating Drug Trafficking and Psychotropic Substances

مستجدات قانون 05-23 : تعزيز الوقاية ومكافحة الاتجار بالمخدرات
والمؤثرات العقلية

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الملخص:

يُعدّ القانون رقم 05-23 من أبرز الإصلاحات التي شهدتها الإطار التشريعي الجزائري في مجال مكافحة المخدرات، حيث جاء بمجموعة من التدابير المستحدثة ترمي إلى تشديد الرقابة والحد من هذه الظاهرة. فقد وسّع نطاق التجريم ليشمل أفعالاً جديدة ترتبط بالاتجار غير المشروع، واعتمد تقنيات تحقيق حديثة كالتسليم المراقب والمراقبة الإلكترونية لتعقب الشبكات الإجرامية المنظمة.

كما شددت العقوبات المقررة على الجريمة المرتبطة بالمخدرات، خاصة في حال ارتباطها بجماعات إجرامية منظمة، مع إيلاء اهتمام خاص لجانب الوقاية والعلاج، ودمج مقاربة اجتماعية عبر إشراك المجتمع المدني. ويمتاز هذا النص القانوني بتبنيه مقاربة مزدوجة تجمع بين الطابع الردعي والوقائي، مع مراعاة مبادئ حقوق الإنسان، ما يجعله خطوة متقدمة في تكيف السياسة الجنائية الجزائرية مع التحديات المعاصرة المرتبطة بمكافحة المخدرات.

الكلمات المفتاحية: مكافحة المخدرات، السياسة الجنائية، الوقاية، العلاج، التسليم المراقب.

Abstract

Law No. 23-05 represents a major reform within Algeria's legislative framework on drug control, introducing modernized measures aimed at strengthening oversight and curbing drug-related offenses. It broadens the scope of criminalization to encompass new illicit trafficking behaviors and authorizes advanced investigative tools such as controlled delivery and electronic surveillance to dismantle organized criminal networks.

The law also increases penalties, particularly in cases involving organized crime, while giving due attention to prevention and rehabilitation mechanisms. Additionally, it integrates a social approach by involving civil society in combating this phenomenon. By combining deterrent and preventive strategies while upholding fundamental rights, the law marks a progressive step in aligning Algeria's criminal policy with contemporary challenges in the fight against narcotics.

Keywords: Drug control, criminal policy, prevention, treatment, controlled delivery.

Introduction:

It is universally agreed that crime is one of the most pressing issues that deeply concern the people of the world. It has been associated with human existence since ancient times, even if its forms and causes differ from one society to another.

Despite the tremendous progress humanity has made and the diversity of methods used to fight crime, it continues to evolve alongside life itself, taking on various forms and employing different means of commission.

Today, the world is suffering from one of the most dangerous forms of human destruction, namely the widespread illegal trafficking and use of drugs and psychotropic substances, along with circle of addiction, which is progressively expanding. This leads to the squandering of public health, the destruction of individuals, families, and societies, and the rise in crime, violence, and corruption rates.

The problem of drugs and psychotropic substances is no longer confined to a single country but has become a global scourge with multiple repercussions and effects. Despite its global nature, the degree of its severity and spread differs from one country to another. Some countries suffer from production issues, others face trafficking and distribution problems, some are challenged by transit-related issues, while others are dealing with consumption and addiction¹.

The phenomenon of drug and psychotropic substance abuse is one of the most serious afflictions affecting Algerian society, similar to many other countries. This phenomenon poses a great threat to mental health due to accumulated social, economic, and psychological factors, in addition to both internal and external influences. In light of this situation, the Algerian state has adopted various strategies, including preventive and therapeutic measures aimed at protecting and treating addiction victims, alongside strict punitive measures to punish those involved in these crimes.

The penal system crisis has worsened with the escalating phenomenon of drug addiction, which has spread rapidly and particularly affected the youth. Many young people have turned to consuming these toxic substances in various forms. With this widespread use, the factors contributing to crime have intensified, and the risks have increased. Due to the high cost of drugs, an addict finds himself with limited options: either resorting to theft or robbery to secure money, or becoming a new dealer who contributes to spreading this epidemic in order to obtain his daily dose. Thus, the addict becomes a dangerous element that threatens societal security and directly contributes to disturbing public order².

Based on what has been previously mentioned, and given the worsening phenomenon of drugs and psychotropic substances, and recognizing that solutions are not limited to punitive measures alone, but also require a focus on prevention, the Algerian legislator has highlighted the importance of adopting therapeutic measures targeting addicts who can still be saved.

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In this context, Law 23-05 dated May 7, 2023³, which amends and supplements Law 04-18⁴ related to the prevention of drugs and psychotropic substances and the suppression of their illicit use and trafficking, represents a significant step toward strengthening the state's efforts in combating this phenomenon. The law includes important legislative developments in terms of preventive, therapeutic, and punitive measures, reflecting a new approach in addressing this escalating problem.

The controversy surrounding certain medications that were misused and became substitutes for drugs and psychotropic substances has also been resolved. Drug barons exploited these substances to make huge profits under the pretext that they were not classified among the prohibited materials, which allowed them to escape punishment.

In addition, the Algerian legislator adopted exceptional additional procedures for those in charge of investigating these crimes, expanding the scope of criminalization to include certain involved parties, and tightening penalties for some of the acts stipulated in this law.

Despite the efforts made, the question remains as to how effective these new legislative measures are in achieving their intended goals, especially in light of the continuous evolution of drug trafficking methods and the rising rates of addiction.

To what extent has Law 23-05 succeeded in developing mechanisms to combat drugs and psychotropic substances in Algeria? And has this law managed to establish a comprehensive criminal policy based on prevention, treatment, and deterrence to ensure effective protection of society?

To answer this issue, we adopted a descriptive and analytical approach, in which the new provisions introduced by Law 23-05 are described and analyzed, along with an evaluation of their effectiveness in achieving the intended legislative objectives.

The study is divided into three sections:

1-The New Definitions in Law No. 23-05

Law 23-05 introduced new and precise definitions compared to Law 04-18, in order to keep up with current developments in the fight against drugs and psychotropic substances. Below are the key new definitions included in Article 2 of Law 23-05:

1.1- The National Office for the Fight Against Drugs and Drug Addiction:

The National Office for the Fight Against Drugs and Drug Addiction is a public administrative institution responsible for addressing and following up on drug-related issues. It was established by Executive Decree No. 97-212 dated June 9, 1997⁵, and was officially launched on October 2, 2002. Its supervision was transferred from the Prime Minister's Office to the Ministry of Justice⁶. The Office collaborates with relevant authorities to develop and propose the national policy for combating drugs and drug addiction, with a focus on prevention, treatment, and reintegration, and ensures the implementation of these policies⁷. Although the Office has been legally established since 1997, Law 04-18 on combating drugs and psychotropic substances did not include it in its definitions. Given the crucial role this

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institution plays in addressing the drug problem, the legislator corrected this omission by including it in Law 23-05. This move reflects the state's determination to strengthen the preventive and therapeutic role of the Office, thereby enhancing the effectiveness of national drug control policies, as will be demonstrated later.

1.2- Definition of Narcotic Drug:

A narcotic drug is defined as any natural substance or a combination of substances listed in Schedules I and II of the Single Convention on Narcotic Drugs of 1961⁸, as amended by the 1972 Protocol⁹, as well as any substance nationally classified as a narcotic drug¹⁰. Law 23-05 introduced an important development by granting the competent authorities the power to classify any substance as a narcotic, without being limited to the two aforementioned schedules.

This allows for adaptation to newly manufactured narcotic substances and ensures their inclusion within the scope of criminalization, thereby protecting society.

1.3- Definition of Psychotropic Substances:

Psychotropic substances are defined as any natural or synthetic substances, or any natural product listed in the four schedules of the 1971 Convention on Psychotropic Substances¹¹, as well as any substance nationally classified as a psychotropic¹². Through Law 23-05, the ongoing debate regarding the classification of certain substances—considered as medications but widely used among drug users, especially youth, due to excessive or illicit use—has been resolved. Drug traffickers exploited this legal loophole caused by the lack of classification of such substances, prompting them to use them as alternatives to drugs and psychotropic substances. This led the Minister of Health to issue a decree on 14/02/2024¹³. The annexed schedules to the decree included¹⁴ a reclassification and reorganization of plants and substances classified as drugs or psychotropic substances. On page 26 of the decree, Schedule II lists substances and medications with psychotropic properties, which have been proven to carry risks of excessive use, addiction, or misuse, according to national classification. These include: Pregabalin, Tramadol, and Trihexyphenidyl. Additionally, Clonazepam was reclassified and reorganized on page 24 under Schedule II, titled Psychotropic Substances Listed in Schedule IV of the 1971 Convention, with serial number 13. This was done in accordance with Law 23-05, specifically Article 03, which states the following: “All plants and substances classified as drugs, psychotropic substances, or precursors shall be listed by a decision of the Minister of Health in four (4) schedules according to their danger and medical benefit. Any amendment to these schedules is subject to the same procedures.

The plants and substances shall be registered under their international name, or if not possible, their scientific name or the internationally or nationally recognized name. The schedules mentioned in this article and their amendments shall be published in the Official Gazette. The classification and updating of plants and substances as drugs, psychotropic substances, or precursors shall be carried out in accordance with the terms and conditions set by regulation.”

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Subsequently, Executive Decree No. 24/112, dated 13/03/2024, was issued¹⁵. Article 4 of this decree clearly states: “The national classification of narcotics, psychotropic substances, and precursors is determined and updated by the National Committee for Substances and Medications with Psychotropic Properties, established under the Minister in charge of pharmaceutical production. The national classification includes substances and medications with psychotropic properties that have been proven to carry risks of excessive use, addiction, and misuse.”.

1.4-: Definition of Precursors

This includes all chemical products used in the manufacture of narcotic drugs and psychotropic substances listed in Schedule I or II of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. It also includes products nationally classified as precursors¹⁶.

2- Preventive and Therapeutic Measures as the Basis for the New Criminal Policy under Law 23-05

The increase in cases related to drug use and addiction has highlighted the failure of the previous criminal policy in addressing this phenomenon. It is no longer effective to treat addicts and users as criminals. Instead, it has become necessary to view them as patients who require treatment and psychological and physical support. For this reason, Law 23-05 gives significant importance to preventive and therapeutic policy rather than relying solely on punishment.

2.1- Introduction of Preventive Measures to Combat the Phenomenon of Drugs and Psychotropic Substances

Preventive measures form an essential stage in addressing criminal phenomena, as modern criminal laws now include specific provisions for them as a proactive step before resorting to criminal penalties. The legislator adopted this approach in Law 23-05, dedicating the newly added Chapter I bis (revised through this amendment) to organizing these measures.

- Strengthening the preventive strategy of the National Office for Combating Drugs and Addiction:

Law 23-05 came to reinforce the central role played by the National Office for Combating Drugs and Addiction in addressing the drug phenomenon. It focused on strengthening preventive measures, improving coordination mechanisms between concerned institutions, and updating the legal framework for combating this issue. This was done through the following actions¹⁷:

- Assigning the Office the task of preparing a draft national strategy for the prevention of drugs and psychotropic substances, and ensuring its implementation after approval by the government.
- Coordinating among various stakeholders and actors involved in drug and psychotropic substance prevention, in order to promote cooperation in curbing their spread. The Office supports them with guidance plans to help them carry out their preventive duties.

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- Assisting public administrations, institutions, and local authorities in developing sector-specific and cross-sectoral programs for the prevention of the use and illicit trafficking of drugs and psychotropic substances.
- In order to facilitate its mission, the law grants the Office the authority to establish a database concerning the measures taken in the field of prevention.
- Preparing an annual report on the prevention of drugs and psychotropic substances to be submitted to the President of the Republic, in addition to the report it submits to the Minister of Justice, Keeper of the Seals.

- Involving All Social Actors in the Prevention Policy:

Given that drugs and psychotropic substances pose a national threat affecting all segments of society, the legislator ensured the involvement of all social actors in the efforts to prevent and raise awareness about their dangers. In this regard, Law 23-05 emphasized the importance of coordination among all concerned parties, whether official institutions, civil society, or the media, with the aim of ensuring the implementation of a comprehensive national strategy to combat drugs, through:

*** Coordination between official institutions and the National Office for Combating Drugs and Addiction**

Article 5 bis 3 of Law 23-05 stipulates the necessity for public administrations, institutions, and local communities to cooperate with the National Office for the Fight Against Drugs and Addiction in order to develop sectoral and intersectoral programs aligned with the National Strategy for Drug Prevention. This measure aims to ensure consistency in public policies and unify efforts in the areas of awareness and combating drug abuse.

*** Main Pillars of Prevention in the National Strategy**

The legislator has outlined a set of mechanisms on which preventive programs should be based, including:

- Emphasizing the importance of continuous awareness about the dangers of drugs and their impact on health and society¹⁸.
- Strengthening the role of mosques, cultural centers, and sports facilities in raising awareness, guiding young people, and steering them away from the dangers of drugs, as these are influential educational and cultural spaces¹⁹.
- Assigning educational and training institutions a primary role in spreading a culture of prevention, with a focus on the impact of drugs on academic performance and social behavior.
- The need to provide psychological and social support to individuals suffering from addiction, to ensure their effective reintegration into society.
- Involving civil society in the design and implementation of preventive programs, as it is a key partner in combating drugs.

*** The Role of Media in Drug Prevention :**

The media is playing a central role in raising awareness about the dangers of drugs and in prevention efforts, due to its powerful influence on public opinion and its wide

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reach in disseminating information. The Algerian legislator has recognized the importance of this role, as Law 23-05 obliges media outlets to include awareness programs on the prevention of the illicit use and trafficking of drugs and psychotropic substances within their content²⁰.

– Establishing a Notification Mechanism:

In order to tighten control over the dispensing of substances and medications with psychoactive properties, the legislator has required doctors to include mandatory information in their prescriptions, as specified by Executive Decree No. 19-379, which outlines the procedures for monitoring such substances²¹. The law also mandates that the prescription must be issued in three copies, with the doctor keeping one for two years, and imposes obligations on pharmacists and their assistants regarding the handling of these substances.

To ensure the effectiveness of preventive measures and to limit any illegal use of these drugs, Article 5 bis 7 of Law 23-05 requires pharmacists to immediately notify the competent regional health authorities of any prescription that does not meet the standards specified in Executive Decree 19-379, under penalty of criminal liability²².

– Creation of a National Electronic Index of Prescriptions Related to Narcotic Drugs and Psychotropic Substances:

The National Electronic Index of Prescriptions related to narcotic drugs and psychotropic substances is an advanced digital tool designed to regulate and control the dispensing of medications that contain narcotic or psychoactive substances. This index is part of national efforts to combat the illegal trafficking of these substances. It provides a centralized system that allows the recording and tracking of all related medical prescriptions. The index aims to enhance medical and legal oversight by giving access to necessary data to judicial authorities, criminal police, healthcare practitioners, health inspection services, and customs in order to regulate the circulation of these substances and ensure they are dispensed legally and safely²³.

2.2- Introducing Therapeutic Measures to Address Addiction

Law No. 23-05 represents an important milestone in the development of the Algerian legislative system related to combating drugs and psychotropic substances, as it brought about a qualitative shift in the approach adopted to address the phenomenon of addiction. The legislator moved from an almost exclusive focus on punitive measures to adopting a more comprehensive vision that prioritizes therapeutic measures and the social reintegration of addicts. This new orientation reflects an increasing awareness that addiction is not merely a criminal behavior, but rather a health and social issue that requires specialized therapeutic interventions in addition to legal procedures²⁴.

In this regard, the Algerian legislator has established several therapeutic measures aimed at treating addicts and providing them with the necessary healthcare. Among the most notable of these measures are:

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- Exemption from legal prosecution for addicts undergoing treatment: Article 6 of Law 23-05 stipulates that no criminal proceedings shall be brought against individuals who have consumed drugs or psychotropic substances if it is proven that they have undergone detoxification treatment or were under medical supervision since the time the alleged acts occurred.
- Mandatory treatment for minors suspected of drug use: Article 6 bis adds that the judicial police officer must subject any minor suspected of drug use to a medical test in the presence of their legal guardian. If the test reveals that the minor is addicted, the Public Prosecutor shall order them to undergo detoxification treatment, either within a specialized institution or outside it under medical supervision.
- Possibility of mandating treatment and education for the accused: Article 8 allows the competent judicial authority to require individuals accused of committing the offense of drug consumption to undergo detoxification treatment. It may also order them to participate in an educational program about the dangers of drugs and psychotropic substances in specialized institutions or associations active in the field of prevention.
- Exemption of juvenile offenders from penalties upon completion of treatment Article 8 bis stipulates that the competent judicial authority may exempt juvenile offenders accused of drug use from the prescribed penalties if it is medically proven that they have completed detoxification treatment.

3- New Deterrent Measures to Combat Drugs under Law 23-05

In addition to focusing on preventive and therapeutic aspects, the Algerian legislator paid special attention to amending legal provisions related to deterrence, as it is considered a fundamental pillar in the fight against drugs. Accordingly, the new developments introduced by Law No. 23-05 in this regard will be reviewed, whether from a substantive or procedural perspective.

3.1- Amendments introduced in the substantive criminal provisions to address drug and psychotropic substance offenses:

The actual application of Law No. 04-18 revealed a legislative shortcoming in the substantive provisions, which led to the worsening of the phenomenon of drugs and psychotropic substances. In order to address these issues and fill the gaps in the previous legislation, Law 23-05 was introduced as an attempt to correct these deficiencies and enhance the effectiveness of the legal system in combating this phenomenon. The national legislator introduced the following new amendments:

- The introduction of the offense of deliberately promoting drugs and psychotropic substances by any means²⁵.
- The introduction of the offense of obtaining or attempting to obtain drugs or psychotropic substances using violence, as such acts primarily target pharmacists. This criminalization came in response to the increasing risks threatening the safety of pharmacists due to these dangerous practices²⁶.

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- The introduction of the offense of the illegal cultivation of opium poppy, coca shrub, or cannabis plant, with the knowledge of such, for personal consumption²⁷.
- The tightening of criminal provisions related to drug and psychotropic substance offenses

This tightening came in response to the worsening of this phenomenon in the Algerian society. The legislator aimed to reinforce legal deterrence by imposing stricter penalties on those involved in the trafficking and illegal possession of drugs. Alongside this tightening, the legislator also sought to complete the preventive aspect through measures aimed at limiting the spread of drugs and reducing the risks associated with them. This reflects an integrated approach that combines strict punishment with effective prevention, as demonstrated by the following points:

- Raising the minimum fine from 5,000 DZD to 20,000 DZD.
- Introducing a new form of drug offense by criminalizing the purchase of drugs for personal use, whereas previously the law only criminalized possession and use²⁸.
- Increasing the severity of the legal classification of the offense by upgrading it from a misdemeanor to a felony, depending on the perpetrator's status. This applies when the crime is committed by a public official who used their position to facilitate it. It also includes members of associations active in the prevention of illegal drug use and trafficking, staff of specialized addiction treatment institutions, as well as health, pharmacy, or pharmaceutical industry professionals. In such cases, the penalty has been increased to a range of 20 to 30 years in prison, aiming to strengthen legal deterrence and firmly combat these crimes²⁹.
- Increasing the penalty for the crime of drug promotion to 10 to 20 years in prison and a fine ranging from 1,000,000 DZD to 2,000,000 DZD, if committed through:
 - Exploiting a minor, a person with disabilities, or someone undergoing addiction treatment
 - Committing the act in educational, training, health, or social centers, or within public institutions or facilities open to the public³⁰.

3.2- Newly Introduced Procedural Provisions to Combat Drug and Psychotropic Substance Offenses

Given the seriousness of drug and psychotropic substance crimes and the evolving methods of committing them, Law 23-05 came to establish an independent legal framework for combating them more effectively. In this context, the legislator introduced two new investigative methods: geolocation tracking and controlled delivery, with the aim of enabling the competent authorities to track criminals and dismantle criminal networks using modern techniques that align with developments in the world of crime.

– Geolocation Tracking:

Under Article 35 bis of Law 23-05, the legislator introduced a new investigative method to strengthen the special measures outlined in the Code of Criminal Procedure, namely geolocation tracking. This method authorizes judicial police officers and their assigned agents, under their responsibility, to determine the geographical location of the suspect, the

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accused, the means used to commit the crime, the goods, or any other item linked to the crime. This can be done using any information and communication technology, either through an information system or by setting up technical arrangements specifically designed for this purpose.

However, the legislator has required judicial police officers to meet several conditions when resorting to this procedure in order to ensure its legality and effectiveness, and to strike a balance between the needs of the investigation and the protection of rights and freedoms. These conditions are:

- a. There must be strong grounds for suspecting the commission of a drug or psychotropic substance-related crime.
- b. It is necessary to obtain prior authorization from the Public Prosecutor or the Investigating Judge, after the latter is notified by the Public Prosecutor.

On the other hand, the second paragraph of Article 35 bis addresses urgent situations, allowing the judicial police officer to use this special investigative method without the previously mentioned authorization. However, this is subject to two key conditions to ensure the legality of the procedure and prevent abuse:

- There must be an imminent danger likely to result in the loss of evidence or serious harm to individuals or property.
- The Obligation to Immediately Inform the Public Prosecutor or the Investigating Judge, who have the authority to authorize the continuation of the procedure and either provide the judicial police officer with written permission or issue instructions to stop the operation.

– International Controlled Delivery:

Controlled delivery is one of the investigative and detection techniques that allows an illicit shipment of drugs or psychotropic substances—after being detected by police or customs authorities—to continue its route, exit a country (or more than one country), transit through, or enter another country, with the knowledge and under the supervision of the competent authorities of those countries. The goal is to observe the offenses, identify the perpetrators and their accomplices, arrest them, and seize the drug and psychotropic substance shipments³¹.

According to Article 16 bis of the Code of Criminal Procedure, judicial police are authorized to use the method of controlled delivery, provided they notify the competent Public Prosecutor, who may object to it. This type of controlled delivery is limited to the internal scope of the state and cannot go beyond its borders.

As is known, controlled delivery is stipulated in Article 16 bis of the Code of Criminal Procedure, which grants the judicial police the authority to resort to this method unless the competent Public Prosecutor objects after being informed. This type of delivery is strictly domestic and does not extend beyond the borders of the state. However, the controlled delivery provided for in Law 04-18, as amended and supplemented

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by Law 23-05 in Article 36 bis, differs fundamentally from the one provided in the Code of Criminal Procedure. This form of controlled delivery is international, not domestic. According to the text of the article:

"The specialized judicial authority, within the framework of combating illicit trafficking of drugs and psychotropic substances, may authorize under its supervision the exit, transit, or entry into Algerian territory of such shipments for the purpose of detecting the offenses stipulated in this law."

According to Article 02 of Law 06-01 on the Prevention and Fight Against Corruption, controlled delivery is defined as a procedure that allows illicit or suspicious shipments to leave the national territory, pass through it, or enter it with the knowledge and under the supervision of the competent authorities, with the aim of investigating crimes and identifying the perpetrators.

- Activation of International Judicial Assistance:

Drug-related crimes and those involving psychotropic substances are often characterized by their complex and transnational nature due to their connection with criminal networks spread across several countries. This makes their suppression and combat a difficult matter that requires cooperation among the judicial authorities of multiple countries. For this reason, the legislator provided for the possibility of resorting to international judicial assistance concerning these crimes, as stipulated in the most recent amendment under Article 36 bis.

The concept of judicial assistance includes any procedure carried out by a state in order to facilitate investigation and trial procedures in another state. This includes the arrest and extradition of criminals, hearing the statements of the accused, witnesses, and experts, as well as searches and the seizure of illicit shipments, among other procedures.

It is worth noting that Article 36 bis, paragraph ¾, has set restrictions on the execution of requests for international judicial assistance. Compliance with such requests depends on the requesting state having specific legislation on the protection of personal data, or on the condition of maintaining the confidentiality and privacy of the provided information or not using it beyond what is stated in the request.

Furthermore, such requests must be rejected if they could infringe on national sovereignty or public order.

Conclusion:

It is clear from the study of the recent updates in Law 23-05 amending Law 18-04 that the Algerian legislator has adopted a comprehensive and integrated approach to combating drugs and psychotropic substances, based on three fundamental pillars: prevention, treatment, and deterrence. This amendment reflects an increasing awareness of the seriousness of the phenomenon and the necessity to develop legal and institutional mechanisms to confront it

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more effectively, especially in light of the growing threats associated with illicit trafficking and the spread of addiction among youth.

Findings:

1. The significant legislative development reflected in the inclusion of precise and updated definitions that align with international standards, which addresses many previous legal loopholes.
2. The enhancement of preventive and therapeutic roles at the expense of purely punitive approaches, reflecting a modern understanding of addiction as a health and social issue.
3. The involvement of institutional and social actors in prevention and awareness efforts, along with the regulation of follow-up and reporting mechanisms.
4. The introduction of new investigative tools such as geolocation and controlled delivery, providing more effective means to combat criminal networks.
5. The tightening of penalties and the expansion of criminalization to include new categories and aggravating circumstances, demonstrating a genuine intent to increase deterrence.

Recommendations:

1. Support and develop the capacities of the National Office for Combating Drugs and Drug Addiction by providing sufficient technical and human resources.
2. Strengthen international judicial and security cooperation, especially in the areas of controlled delivery and judicial assistance, due to the cross-border nature of these crimes.
3. Intensify awareness campaigns through media, educational, religious, and cultural institutions, with a focus on vulnerable groups.
4. Strengthen social reintegration programs for addicts and support them after treatment to ensure no relapse and their effective return to society.

Citations:

- 1-Nacerdine Marouk, Drug Crimes in Light of Laws and International Conventions, no edition, Houma Publishing House, Algeria, 2007, p. 7.
- 2-Ahmed Majhouda, The Crisis of Clarity in Criminal Guilt in Algerian and Comparative Law, Volume One, First Edition, Houma Publishing House, Algeria, 2004, p. 15.
- 3 -Official Gazette No. 32, dated May 9, 2023.
- 4 Dated December 25, 2004, Official Gazette No. 32.

- 5 -Executive Decree No. 97-212, dated June 9, 1997, establishing the National Office for the Fight Against Drugs and Drug Addiction, Official Gazette No. 41 issued on June 15, 1997.
- 6 -Presidential Decree No. 06-181, dated May 31, 2006, amending Executive Decree 97-212, Official Gazette No. 31 issued on March 31, 2006.

- 7 -National Office for the Fight Against Drugs and Drug Addiction, 2003, Master Plan for the Fight Against Drugs and Drug Addiction, Algeria, p. 9.
- 8 -Ratified under Decree No. 63-343, dated September 11, 1963, Official Gazette No. 66 issued on September 14, 1963.
- 9 -Ratified under Presidential Decree No. 02-61, dated February 5, 2002, approving the Protocol amending the Single Convention of 1961 on Narcotic Drugs, adopted in Geneva on March 25, 1972, Official Gazette No. 10 for the year 2002.
- 10 -Article 2, Paragraph 2 of Law 23-05 previously mentioned.
- 11-Ratified under Decree No. 77-177, dated December 7, 1977, approving the Convention on Psychotropic Substances concluded on February 21, 1971, Official Gazette No. 80 for the year 1977.
- 12- Article 2, Paragraph 3 of Law 23-05 previously mentioned.
- 13- Decision dated February 14, 2024, amending and supplementing the decision dated February 18, 2022, concerning the classification of plants and substances as narcotics, psychotropic substances, or precursors, Official Gazette No. 37 dated 05-06-2024.
- 14 - See the annexed tables of the ministerial decision dated February 14, 2024, from pages 24 to 26.
- 15 -Executive Decree No. 24-112, dated March 13, 2024, determining the conditions and procedures for the classification and updating of narcotic drugs, psychotropic substances, and precursors, Official Gazette No. 19 issued on 18-03-2024.
- 16 See Article 2, Paragraph 4.
- 17 - Article 5 bis 2 of Law No. 23-05 previously mentioned.
- 18 - Karima Nait Abdessalam, Methods of Raising Awareness Among School Students Against Drug Use, Journal of Prevention and Ergonomics, Volume 06, Issue 3, 2012, p. 41.

- 19-Yacine Boudjerda, The Role of the Mosque in Building a Value System, Journal of Research and Human Studies, Volume 17, Issue 01, 2023, p. 50.
- 20- See Article 5, Paragraph 4 of Law 23-05 previously mentioned.
- 21-Executive Decree No. 19-379, dated December 31, 2019, specifying the methods of administrative, technical, and security control of substances and medicines with psychotropic properties, Official Gazette No. 01, issued on January 5, 2020, amended and supplemented by Executive Decree No. 21-196, dated May 11, 2021.

22- Khadija Ammiour, Penal Policy in the Fight Against Drugs: A Reading of Legal Amendment 23-05, Journal of Legal and Political Research, Faculty of Law and Political Sciences, University of Mohamed Seddik Ben Yahia, Jijel, Volume 09, Issue 01, June 2024, p. 219.

23 -See Article 5 bis 8 of Law 23-05 previously mentioned.

24- Ahmed Khadir, Recent Developments in Legal Protection of Child Drug Addicts: A Reading of Law No. 23-05, Journal of Legal and Political Thought, Faculty of Law and Political Sciences, University of Omar Telidji – Laghouat, Volume 8, Issue 2, 2024, p. 397.

25- See Article 16 bis 1 of Law 23-05 previously mentioned.

26 -See Article 16 bis, same source.

27 -See Article 20, same source.

28- See Article 12, same source.

29-See the second paragraph of Article 17 of Law 23-05 previously mentioned.

30 -Article 16 bis 1, second paragraph, of Law 23-05.

31- Salah Abdelnouri, International Cooperation in the Field of Controlled Delivery of Narcotic Drugs, Naif Arab University for Security Sciences, Al-Academiyoun Publishing and Distribution, Amman, 2014, p. 102.