

The New Criminal Policy Introduced by the Algerian Legislator to Combat Forgery and the Use of Forged Documents under Law No. 24-02

السياسة الجنائية المستحدثة من المشرع الجزائري لمكافحة جرائم التزوير واستعمال المزور في ظل القانون 02-24

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الملخص:

تعد جرائم التزوير واستعمال المزور من المواضيع الهامة في الوقت الراهن، بالنظر لتفشي واستفحال هذه الجريمة التي تهدف إلى زعزعة الثقة العامة وتغيير الحقيقة ومنح مزايا لغير مستحقها في الواقع، مما أدى إلى صعوبة الكشف عن هذه الجرائم وكذا صعوبة إثباتها، وهذا ما دفع بالمشرع الجزائري لإلغائها من قانون العقوبات وإصدار القانون الجديد 02-24 المتعلق بمكافحة التزوير واستعمال المزور؛ الذي يحتوي على أحكام خاصة بالتجريم والعقاب بما يوائم الواقع وما هو موجود عمليا، من خلال تجريم بعض الأفعال المستحدثة التي لم تكن مجرمة في قانون العقوبات، واعتماده على سياسة مشددة في التصدي لهذه الجرائم.

الكلمات المفتاحية: السياسة الجنائية؛ المشرع الجزائري؛ مكافحة؛ التزوير؛ استعمال المزور.

Abstract:

Crimes of forgery and the use of forged documents are among the most significant issues today, given the growing prevalence of this phenomenon, which aims to undermine public trust, alter the truth, and grant benefits to those who do not deserve them. This has made the detection and proof of such crimes increasingly difficult. Consequently, the Algerian legislator repealed the relevant provisions from the Penal Code and enacted the new Law No. 24-02 on combating forgery and the use of forged documents. This law introduces specific provisions on criminalization and punishment that better reflect current realities and practical circumstances by criminalizing certain newly emerging acts that were not previously addressed in the Penal Code, while adopting a stricter policy to confront these crimes.

Key words: criminal policy; Algerian legislator; combating; forgery; use of forged documents.

Introduction:

The crimes of forgery and the use of forged documents are considered crimes that have taken on serious dimensions in recent times, which prompted the Algerian legislature to remove these crimes from the Penal Code, which was regulated in articles 197 to 253 bis 5 and 375 thereof, which were repealed by the text of article 83 of Law 24-02 issued on February 26, 2024 on combating forgery and the use of forged documents, and to work to address them within this special and independent law, which includes special criminalization provisions and a new policy in line with the modern criminal policy Through which the Algerian legislature seeks to provide penal protection for various documents, documents and pillars to eliminate various manifestations of fraud, due to the extent of their danger to society and public trust.

The importance of the study is evident in addressing the specificity of the criminal policy introduced by the Algerian legislature to combat the crimes of forgery and the use of forged documents through the adoption of a special law that criminalizes various forms of this crime and the introduction of new crimes that were not previously known in the legal arena, and the extent to which criminal deterrence is achieved through this law.

The regulation of this law aims to combat forgery and the use of forged documents, with the aim of eliminating the manifestations of fraud to obtain various services, maintaining the integrity of documents and records, as well as contributing to the preservation of ethical principles in transactions and enhancing trust among members of society, in order to achieve equality between individuals before the law, and to achieve these goals, the Algerian legislator has worked to organize a special chapter in which criminalization provisions are defined to combat forgery and the use of forged documents. forgery and the use of forged documents, as well as determining the penalties applicable to them.

Accordingly, the study of the criminal policy introduced by the Algerian legislature to combat the crimes of forgery and the use of forged documents under Law 24-02 aims to shed light on the specificity of the criminalization policy introduced and adopted under this law, to clarify the status of the moral element of these crimes, as well as to clarify the position of the Algerian legislature on the penal response to these types of crimes.

In order to study this subject, the problem was raised: **What are the dimensions of the criminal policy introduced by the Algerian legislature to confront the crimes of forgery and the use of forged documents in the light of Law 24/02?**

To study this problem, the descriptive-analytical approach was relied upon, through the adoption of the descriptive approach to clarify the dimensions of the crime of forgery according to what was introduced by the Algerian legislator, and the analytical method to analyze the various legal texts related to criminalization and punishment within the framework of the provisions of Law 24/02.

Accordingly, this topic has been divided into three main axes:

Axis One: the specificity of criminalization according to Law 24-02

Axis Two: the position of the moral element in the crimes of forgery and the use of forged documents

Axis Three: Punitive Response (Scope of Punishment)

1-Tilte I: the specificity of criminalization:

The Algerian legislature used to regulate the forgery of documents and the determination of the forms of forgery crimes in documents and forged documents and the use of forged documents in the Penal Code within articles 197 to 253 bis 5 and 375 thereof.

While the Algerian penal legislature relied under Law 24-02 on a fragmented, detailed and expanded policy in the provisions of criminalization, especially in terms of criminal conduct and the scene of the crime, and the organization of the crimes of forgery and the use of forged documents within six sections, each of which has special forms of criminalization and special elements **(first)**, which made Law 24-02 **have the specificity of expanding the scope of criminalization** (second).

Section One: Forms of Forgery Crimes and the Use of forged documents

The Algerian legislature regulates the crimes of forgery and the use of forged documents in its various forms in chapter IV of Law 24-02 on combating forgery and the use of forged documents,¹ and divided them into six main sections in which it relied on the details in terms of the place of crime and the regulation of criminal behaviors specific to each type of documents in order to control the material element of the crimes of forgery and the use of forged documents, regulated by articles 22 to 70 of the same law, which represent the legal scope of crimes. These legal texts are legislative texts to embody the principle of the legality of crime and punishment, as there is no crime, punishment or security measures without law.²

Whereas, criminal conduct is represented in the crimes of forgery and the use of forged documents in a set of criminal behaviors that aim to change the truth, i.e., replace it with something that contradicts it, violate public trust,³ and grant rights to those who do not deserve it,⁴ and is based on changing the truth, where the crime takes place once the truth is changed, regardless of whether the forged thing is used or not;⁵ Forgery is done either by adding data that did not exist in the first place, deleting necessary data, or changing data by deleting a statement or adding another one in its place.⁶

The Algerian legislature has defined the scope of application of Law 24-02 in terms of the place of criminalization in the text of Article 02 thereof, which applies the law to forgery of documents and records, forgery to obtain subsidies, public aid and exemptions, forgery of money and financial bonds, counterfeiting of state seals, stamps, stamps and marks, false testimony and oaths, and plagiarism or misuse of offices, titles or names.⁷

The forms of criminalization under Law 24-02 are as follows:

1. Crimes of forgery of documents and records: Referring to Law 24-02, we find that the Algerian legislature has distinguished between official and public documents in the crimes of forgery of documents and records and forgery of administrative documents and certificates, forgery of commercial, customary and banking documents and the regulation of criminal behaviors specific to each type of forged documents and records.⁸ In accordance with these crimes stipulated and punished in Articles 22 to 37 of Law 24-02 on Documents and records (Defined in Marginalization), where did the Algerian legislator distinguish in this chapter in terms of criminal behaviors and the object of the crime into two branches, each of which relates to the forgery of administrative documents and certificates and the forgery of public or official documents,⁹ criminal conduct is considered the external manifestation of the crime, as the criminal text does not punish intentions and thinking without the realization of the act and

conduct stipulated in its criminalization, where the forms of crimes of forgery of documents are reviewed The documents are¹⁰ as follows:

A. Forgery of administrative documents and certificates:

Criminal behaviors in this form are limited to administrative documents and certificates,¹¹ which are regulated by articles 22 to 30 of Law 24-02, so the object of this crime is the administrative documents and certificates on which many criminal behaviors can occur to form their physical element, the most important of which are:

- **Counterfeiting, forgery, forgery, or unlawful acquisition of administrative documents and certificates:**

According to the text of Article 22 of Law 24-02, this crime is the counterfeiting, forgery or counterfeiting¹² of licenses, certificates, books, cards, leaflets, receipts, service orders, documents, identity documents, traffic permits, residency documents or other documents issued by public administrations or institutions.¹³ A public administration or institution is considered to be the object of this type of crime, and administrative documents and certificates are among the most important documents that are vulnerable to the crime of forgery and are the most widespread compared to some other forgery crimes, especially after the technological development, the use of artificial intelligence, and the digitization of administrative certificates.¹⁴

- **Unlawful access to administrative documents or certificates:**

Referring to the text of article 23 of Law 24-02, the offence is ascertained by the offender obtaining any administrative document or certificate issued by a public administration or institution, without any right;¹⁵ In which it is conceived that this crime is committed by anyone.

In.Forgery of public or official documents: The Algerian legislature has singled out public or official documents for special criminal behavior, in accordance with the provisions of articles 31 to 34 of Law 24-02, whether in terms of criminal acts or the status of the offender, in which he differentiated between the ordinary person and some high-ranking officials in the state, the criminal image that can carry out many criminal acts according to what the Algerian legislator has criminalized either by imitation, forgery, writing or signature, or by fabricating agreements, texts or obligations and many¹⁶ other criminal acts that are in the position of public or official documents, such as the intentional forgery of public or official documents by a judge, official or public officer in the course of the performance of his duties in accordance with the provisions of article 32 of Law 24-02.

Whereas, we note that the Algerian legislature relied in the new Law 24-02 on the details of the crimes according to the scene of the crime in terms of regulating special forms of criminalization for this type of documents, and a distinction has been made between the crimes of forgery in their different classifications and the crime of using a forged public or official notary, in application of the text of Article 34 of Law 24-02, as it punishes anyone who uses a forged public or official notary in accordance with the acts stipulated in Articles 31, 32 and 33 of Law 24.02 With the condition that his knowledge of this document is forged.¹⁷

B. Forgery of customary, commercial or banking documents: The Algerian legislature has regulated this criminal form in articles 35 to 37 of Law 24-02, where this crime

may be carried out in accordance with the criminal conduct of the crime of forgery of documents stipulated in article 31 on customary, commercial or banking documents mentioned above, where the scene of the crime has been determined by customary, commercial or banking documents.¹⁸ Forgery of cheques is considered one of the crimes of forgery of banking and commercial documents, and this crime involves forging or forging a cheque, or accepting and receiving it knowing that it is forged.^{19,20}

2. Crimes of forgery for the purpose of obtaining subsidies, public aid, and exemptions: The Algerian legislature has criminalized this type of crime within the provisions of Articles 38 to 43 of Law 24-02, where we find that the criminal activities mentioned in this section, with their various forms and criminal behaviors, were specifically committed by the Algerian legislator with a specific goal, which is to obtain various subsidies, assistance, and financial exemptions, such as exempting some destitute groups from social security contributions to benefit from health compensation, grants or benefits. Such as school scholarships and unemployment grants, such as obtaining housing or real estate from the State, exemptions in the social field, grants or benefits of any nature,²¹ as the Algerian State always aims to meet the needs and social services of citizens in many areas,²² In line with the provisions of the criminalization of this crime, we refer to some of the criminal behaviors through which the material element is achieved:

- A. Making false statements or using false or incomplete information and continuing to take advantage of it.²³
- B. Forgery of residency or shelter documents, tax or health documents and other documents that can be used to obtain such subsidies and assistance from the State;²⁴
- C. Submission of forged documents to obtain full or partial exemptions from taxes or fees and if the purpose is to recover the VAT fee.

Any employee who provides assistance to any person in order to obtain such subsidies illegally or to assist him in submitting documents and making them an independent crime in its own right, and even assisting in the forgery of documents is punishable.²⁵

1. Crimes of counterfeiting money and bonds: The Algerian legislature criminalized this type of crime within articles 44 to 48 of Law 24-02 and regulated them in several forms, most notably:

Counterfeiting, counterfeiting, or counterfeiting coins or banknotes of a legal rate in the National Territory or outside the National Territory, or a digital currency with a legal rate in the National Territory, or any bonds or shares issued by the Public Treasury, which is the aggravated form of counterfeiting money or securities where the legislature has punished them with a penalty of life imprisonment, and anyone who knowingly contributes to the issuance, distribution, sale or introduction of counterfeit or counterfeit bonds or shares shall be punished. The²⁶ manufacture or possession of materials or tools intended for the manufacture and counterfeiting of money, in accordance with the provisions of Article 48 of Law 24-02, has also been criminalized.

We would also like to point out that the Algerian legislature does not punish those who receive these money or banknotes when they believe they are valid and offer them for circulation while they are unaware that they are counterfeit.²⁷

2. The crime of counterfeiting seals, stamps, stamps and marks

This crime is considered one of the most serious crimes because it is related to the place of criminality, which is the state seals, stamps, stamps, and marks, and it takes many criminal forms:

- A.** Such as imitating the seals of the state or using an imitation ring on the condition that there is knowledge that this ring is counterfeit,²⁸ and it is considered one of the most serious crimes by law, as it was punished by the Algerian legislature with life imprisonment, as the purpose of imitation is to create a seal identical to the original seal, in order to benefit from illegal privileges.²⁹
- B.** Counterfeiting or using any national stamp, state hammers, stamps or stamps of gold or silver materials with knowledge that they are forged, or counterfeiting or forging official publications, postage stamps, tax stamps, or using them with knowledge that they are counterfeit or forged, or obtaining such materials illegally,³⁰ and other forms of criminalization provided for in Articles 51 to 55 of Law 24-02.

3. The crime of perjury and false oath

The Algerian legislature criminalized this type of crime in articles 56 to 62 of Law 24-02, where the Algerian legislature considered perjury to be a crime of forgery because there is a change in fact based on statements made by the witness based on what he saw, heard, or perceived with one of his senses, which he is legally conceived to have committed according to the criminalization texts of this crime through many forms:

- A.** Such as perjury in the articles of felonies, misdemeanours and violations, whether against or for the accused, or in the civil and administrative articles of the public prosecution, and the penalty shall be increased in all cases if the person who made the false testimony receives money, reward or receives promises.
- B.** The use of promises, gifts, pressure, threats, or deception to induce or induce others to make a false declaration or false testimony, whether or not it results in any change of fact.³¹
- C.** Any translator who deliberately distorts the essence of the statements or documents he translates orally into penal, civil or administrative articles is punishable by perjury, and the crime is committed even if such distortion is based on the written translation, or by an expert appointed by the judicial authorities who expresses orally or writes a false opinion or endorses facts that he knows to be inconsistent with the truth.³²
- D.** Perform false oaths in civil matters.³³

4. The crime of impersonating positions, titles, or names, or the misuse thereof:

The Algerian legislature regulated this crime within the provisions of articles 63 to 70 of Law 24-02, which included many criminal forms, the most important of which are:

- A.** Interfere in public functions (civil or military) in an unauthorized capacity, or perform any of these functions, or use titles related to a legally regulated profession.³⁴
- B.** Wearing in public clothing similar to the uniform of the People's National Army, National Gendarmerie, National Security, Customs Department, Prison Department, Forestry Department, judicial control or civil protection personnel, and that may cause confusion to the public, or use this to obtain benefits of any nature.³⁵

- C. Impersonation of a title or honorary rank in an ordinary form or in an official act that is thought to be legal by impersonating a false identity in a public or official document or in an administrative document in order to present it to the public authority, or by impersonating the name of a third party in circumstances that led to the registration of a judgment in the case law sheet of that third party;³⁶ Pursuant to Articles 68, 69 and 70 of Law 24-02.

The crime of using a forged document or prop is realized according to the text of Article 71 of Law 24-02 by the offender using the forgery, which is punishable by the same punishment prescribed for the crime of forgery, unlike the cases of use stipulated in a special provision such as the use of the forged document mentioned above. This is to combat forgery (forgery is a presumption of the use of the forger and the alteration of the truth).³⁷

Section Two: The Specificity of the Broad Scope of Criminalization under Law No. 24-02:

The specificity of the expansion of the scope of criminalization under Law 24-02 is first demonstrated by the law itself, which is considered a special law for this type of crime, through which the Algerian legislature relied on the criminalization of many criminal forms, whether for acts of forgery or the use of forged documents, or the adoption of a policy of division and detail at the scene of the crime and the allocation of special corners to each shop, which is due to the prevalence of forgery crimes in society, the change of facts and the granting of rights to those who do not deserve them.

First: In terms of criminal behavior:

In accordance with Law 24-02, the Algerian legislature adopted³⁸ a ³⁹policy of detailing and multiplying criminal behaviors in terms of each image separately so as not to impair the offender;⁴⁰ Here we find that the Algerian legislature criminalized the act of aiding and abetting the act that it regulates in the general provisions for participation in the crime, whereas here the perpetrator was considered to be an original perpetrator.

However, in view of the criminal seriousness of these crimes, the Algerian legislature has decided to criminalize these behaviors as preventive provisions and work to address the crimes of forgery through them,⁴¹ as well as the criminalization of non-reporting of forgery crimes.⁴²⁴³ The introduction of electronic and digital counterfeiting crimes, such as the crime of offering counterfeit money for circulation through social media, and the counterfeiting of digital money at the legal rate in Algeria, in view of the digital transformation witnessed by electronic transactions in various fields, which led to a change in legal concepts in line with technological development, where cybercrimes have become widespread, and⁴⁴ thus the expansion of the circle of criminalization, contrary to what was criminalized in the Penal Code.

We note that these expansions reflect how the Algerian legislature has developed its legislation for the purpose of combating counterfeiting in line with the current digital and social revolution, expanding the scope of criminalization to include both traditional and modern acts.

Second: In terms of the scene of the crime:

In regulating the rules of criminalization and punishment under Law 24-02, the Algerian legislature worked to divide the crimes of forgery and the use of forged documents in terms of

their place, especially in documents, since the legislature singled out administrative documents and certificates with special criminalization texts, and public and official documents, as well as customary, commercial or banking documents, each have special elements and special texts in terms of criminalization, which differ from what was in force in the Penal Code, where they were governed by public elements that included different forms to some extent.

Referring to Law 24-02 on combating counterfeiting and the use of counterfeits, the crimes of forgery have been organized into six main sections, each of which has its own sections.⁴⁵

Third: The Prevalence of Forgery Crimes in Reality and Changing the Truth:

The crime of forgery can only be realized if there is a change in the truth, depending on the scene of the crime or the pillar on which the act of forgery occurred, as the alteration of the truth is limited to the substitution of what contradicts it, and this requires that its essence is lying and falsification in the content of the forged thing (the subject of the crime),⁴⁶ where the scope of changing the truth is determined by infringing on the rights of others and taking advantages unjustly, and thus the change of the legal truth is achieved, i.e., infringement of the rights of others or their fixed legal positions;⁴⁷ In order to be in front of the crime of forgery in various forms of criminalization regulated by the Algerian legislator in chapter IV of Law 24-02 under the title of criminalization, which was studied above.

We find that one of the motives of the Algerian legislature for the introduction of a new law to combat the crimes of forgery and the use of forged documents and the multiplicity of these forms of this crime is due to the enormous spread and the great prevalence of forgery crimes in reality, which makes things go to those who do not deserve them, and the emergence of electronic or digital forgery, which has become affecting various fields, thus working to confront and confront the prevalence of forgery crimes that are reflected in the prevalence of forgery crimes in reality, where they have become affecting many fields.

2-Title I: the specificity of the moral element in the crimes of forgery and the use of Forged Documents:

The crimes of forgery and the use of forged documents are considered as intentional crimes that must be carried out to achieve the moral element, as most of the crimes of forgery and the use of forged documents are based on the general criminal intent, i.e. the existence of the elements of knowledge and will,⁴⁸ where the criminal intention is the decisive factor in the crime of forgery and the use of forged documents, as legislative and judicial forgery crimes are considered intentional in the first place, in the sense that they are based only on the existence of a deliberate will to change the truth in a document, document, or any other support that is forged, and there are other forms of forgery crimes The Algerian legislature stipulates a special criminal intent, which is clarified by examining the availability of the general criminal intent and the requirement that the specific criminal intent be achieved.

Section one: Availability of General Criminal Intent

The purpose⁴⁹ of criminalizing acts of forgery and the use of forged documents is to protect public confidence in documents of all kinds, and to eliminate various manifestations of fraud in order to obtain benefits of any kind, where the Algerian legislator stipulated the

element of knowledge, as knowledge of changing the truth reflects the will of the offender to achieve The crime of forgery.

The general criminal intent is based on the elements of knowledge and will, as it is a required element that the offender knows that these acts constitute crimes of forgery and the use of forged documents, and yet his will is directed to commit one of these acts that constitute the crime of forgery or the use of forged documents, so it requires the offender to be aware that the acts of forgery aim to change the truth or take advantages unjustly and that this criminal act is likely to result in actual damages. The circumstances of the crime are those who are aware of the truth and that they intend to change them by means of acts of forgery, and that their act is focused on changing the content⁵⁰ and content of an official or public document or an administrative, customary, commercial or banking document, or any other pillars that are the subject of forgery crimes in accordance with Law 24-02, and he knows that this would result in harm, whether he actually knew about it or not.⁵¹ committing the crime,⁵²

Since forgery does not require the use of the forged document, the person who commits the forgery is presumed to be the one who will use this forged document and will work to change the truth, so the acts of forgery have been criminalized and the use of the forgery has been criminalized, so the legislator has stipulated that the offender has knowledge that this document or prop is forged, and yet his will is directed to use it.⁵³

Section Two: Requirement of Special Criminal Intent

Special criminal intent is that criminal intention that aims to achieve a certain result as a result of the commission of the criminal act and which is linked to the penal objective stipulated by the legislator in the text of criminalization and punishment, without which the crime cannot be achieved with the same intention and elements, and a violation of the crime may be committed in a different way.⁵⁴

The jurists differed in defining the nature of the specific criminal intent in the crimes of forgery, some of them considered it to be the intention to harm others or the intention to cheat, and some of them excluded the harm from the legal model of the crime,⁵⁵ and the most likely thing is determined by the purpose of the offender of forgery, which is the use of the forgery document, and we note through the Algerian legislator's policy in criminalizing the acts of forgery and the use of forged documents that there is a difference between forgery and the use of forged documents. As an element of the crimes of forgery so as not to impair the perpetrators of forgery, because if a special intention is stipulated in the crimes of forgery, the crime only achieves that intention, such as the use of a forged notary, for example.⁵⁶

Referring to Law 24-02, we find that there are some criminal forms in which the legislator stipulates a special intention or a specific purpose,⁵⁷ where a specific intention is specified in which the purpose of committing the crime is determined so that the crime can carry out its same elements.

Such as forgery, counterfeiting or falsification of administrative documents and certificates for the purpose of proving a right, identity or status or granting permission in accordance with article 22 of Law 24-02, where the Algerian legislature has defined here the purpose of committing the act of forgery for the purpose of proving a right, identity or capacity or granting permission, thus stipulating that the will of the offender should be directed to this legally defined intention, which reflects the criminal intention of the offender.

Committing the offences of forgery in various forms with the intention of harming the public treasury or a third party, which is punishable under the provisions of article 29 of Law 24-02, which is punishable according to the nature of each crime, the commission of intentional forgery of official or official documents by a judge, official or public officer in the course of the performance of his duties;⁵² The criminal intention to forge these documents must be possessed by the officer, judge or public officer, as well as the specific criminal intent specified in the crimes of forgery in their various forms stipulated and punished in the provisions of Articles 38 to 43 of Law 24-02, which are mainly aimed at obtaining subsidies, public aids and exemptions, i.e. the offender must have the intention to obtain such assistance.

We point out that it is difficult to prove the criminal intent of the offender, especially when the crime of forgery is committed, even if the offender has not yet achieved the intended purpose of the crime and has been revealed.

3- -Title I: Suppression of crimes, punitive response, and determining the scope of punishment:

In the face of the crimes of forgery and the use of forged documents, the Algerian legislature has relied on a strict punitive policy through the sanctions prescribed for it, in which it has relied on a policy of aggravation by stipulating general and special strict conditions.

Section one: Penalties for Crimes of Forgery and the Use of forged documents

Referring to Law 24-02, we find that the Algerian legislature adopts a policy of harsher punishment in order to combat the crimes of forgery and the use of forged documents, and in view of the deterrence of these crimes in terms of the penalty prescribed for them, the legislator has classified them into simple and less severe misdemeanors, mainly aggravated misdemeanors, and felonies, in which the penalty is determined by original penalties and supplementary penalties.

1. Original Penalties:

The original penalties were categorized on the basis of minor and less aggravated misdemeanors, mainly aggravated misdemeanours and felony articles, according to the Criminalization and Punishment Provision.

- **Minor and less aggravated misdemeanors:** The Algerian legislature has set the penalties for minor misdemeanours and less severe misdemeanours by reducing the minimum penalty for these crimes in all forms of criminalization in which the penalty ranges from two months imprisonment to a fine of 20,000 DZD, or one year imprisonment and a fine of 100,000 DZD, or 03 years imprisonment and a minimum of 300,000 DZD with a maximum of 05 years imprisonment and a fine of 500,000 DZD; or 07 years imprisonment and a fine of 700,000 DZD, or 10 years imprisonment A maximum fine of 1,000,000 DZD is imposed on a case-by-case basis and according to aggravated cases as prescribed and punishable by Law 24-02.⁵⁸
- **Aggravated misdemeanors:**

This is due to the prevalence of forgery crimes and proof that the crime of forgery and the use of forged documents has become one of the most serious crimes because it targets changing the truth and granting rights to those who do not deserve it, as the penalties are

mainly determined in the aggravated misdemeanor articles by raising the minimum between 05 years imprisonment and 500,000 DZD, or 08 years in prison and 800,000 DZD, 10 years imprisonment and 1,000,000 DZD as a minimum of 1,000,000 DZD 12 years imprisonment and 12,000,000 DZD, or 20 years imprisonment and 20,000,000 DZD, depending on the forms of criminality and punishment, such as aggravated misdemeanor forgery of official or public documents from ordinary persons, punishable by imprisonment from 10 to 20 years and a fine of 1,000,000 DZD to 2,000,000 DZD according to the text of Article 31 of Law 24-02.

- **Criminal Articles**

The Algerian legislature has classified some crimes of forgery as felonies, because of the seriousness of this type of crime in view of the scene of the crime and the circumstances of its commission, where the penalties are prescribed from 20 to 30 years in prison or life imprisonment, such as the crime of forgery of public or official documents of a judge, public servant or public officer, which is punishable by temporary imprisonment from 20 to 30 years, or a life sentence for the crime of counterfeiting money and bonds stipulated and punishable under the text of article 44. Punishment to life imprisonment for anyone who imitates the seals of the State in accordance with the provisions of Article 49 of Law 24-02.

One of the penalties prescribed for forgery crimes is the use of forged documents, because the legislator, contrary to what was in force in the Penal Code in most crimes, has raised the minimum and maximum limits.

2. Supplementary Penalties:

Supplementary sanctions are those that can only be imposed with an original penalty and may be mandatory or optional,⁵⁹ and are divided into mandatory **supplementary penalties** and optional supplementary sanctions.

The Algerian legislature has granted the Algerian legislature the authority to apply one or more of the supplementary penalties stipulated in the Penal Code to natural persons convicted of committing a crime of forgery,⁶⁰ or to one of the special supplementary penalties stipulated in Law 24-02, such as an order to publish the judgment.⁶¹

The order from the competent judicial authority is a supplementary and mandatory penalty represented in the confiscation of the means used in the commission of forgery crimes and the funds obtained,⁶² as well as the application of the penalty of restitution of subsidies, financial or in-kind aid, grants or exemptions obtained illegally or their value, and the confiscation of the funds obtained therefrom as a supplementary and mandatory penalty in the event of conviction of forgery crimes in order to obtain subsidies, public aid, and exemptions.⁶³

Section Two: Circumstances of aggravation: In view of the seriousness of forgery crimes and the degree of their prevalence in reality, the Algerian legislature has adopted through the introduction of a special law through which it has organized strict criminalization and punishment provisions to confront this crime, and this is shown through the tightening of the penalties related to them,⁶⁴ and it appears through the criminalization and punishment provisions within Law 24-02 that the Algerian legislator relied within this special criminal policy on the policy of aggravation by including many aggravating circumstances, where the

status of the offender will be highlighted as a circumstance Special tightening and considering the case of recurrence as a general aggravated circumstance.

1. Character of the offender:

Referring to Law 24-02, we find that in some crimes of forgery, the Algerian legislature has considered the status of the offender in the commission of the crime as a special aggravating circumstance, as it is considered a presumed element in some forms of aggravation. 02. To a person who knows that he has no right thereto, unless it constitutes a more severe offence punishable by imprisonment from 05 to 10 years in accordance with article 23, paragraph 2, or forgery of public or official documents of judges, officials or a public officer who intentionally commits the crime of forgery, which shall be punishable by temporary imprisonment from 20 to 30 years, in accordance with the provisions of article 32 of Law 24-02;

The commission of the offence of forgery of customary, commercial or financial documents by a banker or director of a company in accordance with the provisions of Article 35 (3) shall be considered a special aggravating circumstance without prejudice to the most severe penalties, as well as the aggravating circumstance relating to the employee who facilitates or assists in the forgery of documents (certificates of residence, accommodation, or other certificates that may be used to obtain subsidies) in accordance with the provisions of Article 43 (2), the employee who fails to report the cases of forgery, and other aggravating circumstances specific to each offence provided for Pursuant to Law 24-02.

2. Oud Status:

Recidivism is the repetition of the same act again, which is a circumstance specific to the offender who has been previously sentenced to a sentence that has become a crime and⁶⁵ subsequently committed another crime, in accordance with the legal conditions stipulated in⁶⁶ the Penal Code, since according to the text of Article 81 of Law 24-02, in the case of recidivism in the crimes of forgery and the use of forged documents, the penalty prescribed under this law shall be doubled.

Conclusion

We conclude from the study of this subject that the Algerian legislator relied on the policy of expanding the scope of criminalization in the face of forgery crimes and the use of forged documents through the multiplicity of forms of crimes and the introduction of new crimes that were not known before, and that these crimes require the existence of a general criminal intent to carry them out, but there are some crimes in which the law requires the special intention, which is the intended intention of the offender and the target of the act of forgery, which is stipulated by law. To confront these crimes.

Results:

Through the study of this topic, a number of results were reached, which are represented in the following:

- The expansion of the circle of criminalization by the Algerian legislature on a detailed policy in terms of criminalizing acts and behaviors related to forgery and the use of forgeries, and the multiplicity of criminal behaviors and classifications of crimes, especially in terms of the location of the crime, especially in the division of documents, in order to confront these crimes and to prevent the perpetrator from getting away with punishment.

This law worked to fill the legislative gaps that were tainted by the previous legislation, as the new law addresses emerging problems such as counterfeiting digital currency, the display of counterfeit money for circulation on digital platforms and the electronic editor, the criminalization of participation and incitement to forgery, and the forgery of documents and certificates to obtain public subsidies and aid.

The crime of forgery has become dependent on modern media and communication technologies in line with technological development, and thus the development of new crimes such as electronic forgery that is replaced by a digital currency or an electronic editor has been highlighted.

Forgery crimes are crimes that require the existence of a general criminal intent, with the Algerian legislature requiring the achievement of the special intention in some crimes. Relying on a strict punitive policy by intensifying the penal response in accordance with the policy of deterrence and stiffening the punishment for crimes, in order to apply the ease of procedures and achieve penal deterrence through increased punishment.

- Considering the employee in many forms of criminalization as a special aggravating circumstance, and this is due to the employee's status in various administrative and public transactions.

Recommendations:

Based on the study of this topic, some recommendations are put forward:

In order for this law to achieve its objectives, it is necessary to strengthen cooperation between the authorities concerned to ensure the implementation of the law and to comply with the policy of the legislature in confronting these crimes.

It is necessary to rely on a strict punitive policy by emphasizing the penal response in accordance with the policy of delinquency and tightening the legal adaptation of crimes, in order to apply the ease of procedures and achieve penal deterrence through increased punishment.

The need to work on developing the means of detection and follow-up in electronic forgery crimes.

The need to spread awareness in the community by launching awareness campaigns and organizing seminars and studies aimed at studying the contents of Law 24-02.

Citations:

- 1-See Law 24-02 of 16 Shaaban 1445 (26 February 2024) on the Fight against Counterfeiting and the Use of Counterfeits, Official Gazette of the Republic of Algeria, No. 15.
- 2-See Article 01 of Decree No. 66-156 of 8 June 1966 containing the Algerian Penal Code, as amended and supplemented.
- 3- Ahsan Bouskaia, Al-Wajeez in the Special Penal Code, Part Two, 10th Edition, Dar Houma, 2010, Algeria, p. 357.
- 4- Abdallah Belkacem, The Special Nature of the Crime of Forgery in Electronic Documents, Journal of Comparative Legal Studies, Faculty of Law, Hassiba Ben Boulayed Chlef University, Volume 06, Issue 02, 2020, p. 983.
- 5-Ahsan Bou Sukaia, op. cit., p. 357.
- 6-Abdallah Belkacem, op. cit., p. 979.
- 7-Article 02 of Law 24-02 on combating counterfeiting and the use of counterfeiters.
- 8-Sahbi Mohamed Amin, The Legal Nature of the Crime of Forgery in Documents, Algerian Journal of Public Law and Comparative, Faculty of Law, University of Djilali Yabes, Sidi Bel Abbes, Volume 03, Issue 02, 2017, p. 49.
- 9-These documents, documents and records in accordance with Law 24-02 on combating counterfeiting and the use of forged documents contain: "Licenses, certificates, books, cards, leaflets, receipts, service orders, documents, secret documents, identity documents, traffic permits, residence documents or other documents issued by public administrations or institutions." 02 related to combating forgery and the use of forged documents, as we find that these administrative documents and certificates are not mentioned exclusively, but it is enough, for example, that they are issued by the administration or a public institution.
- 10-Abdallah Belkacem, op. cit., p. 984.
- 11-According to Law 24-02 of the Law on Counterfeiting and the Use of Counterfeits, the document is defined as: "correspondence, documents and historical documents created or obtained by the State, its legislative, judicial and executive institutions, public administrations, local communities, and any institution owned by the State in whole or in part of its capital or any institution that provides a public service, in the course of its activity, and those issued by legal persons under private law or by another State or international or regional organization", see Article 03 of the Law 24-02 Ibid.
- 12-Forgery: "Any change of fact by means of fraud in one of the documents, documents or forged documents that are the subject of the offences stipulated in Law 24-02 by any means, which may cause harm and aim or may result in the recognition of a right, character or fact that entails legal effects, and forgery includes the counterfeiting and forgery stipulated in the same law" See Article 03, paragraph 01 of Law 24.02, Forgery is also defined as the deliberate distortion and alteration of truth in words or deeds with the aim of harming others, see, Najimi Jamal, Crimes of Forgery in the Algerian Penal Code, 02nd edition, Dar Houma, Algeria, 2014, p. 07.
- 13-Article 22 of Law 24-02 on combating counterfeiting and the use of counterfeiters.
- 14- Nawal Shaabani, Manifestations of the Activation of the Rules for Combating Forgery Crimes Prescribed by Law 24-02 on Forgery and the Use of forged documents, Critical Journal of Law and Political Science, Faculty of Law and Political Science, University of Tizi Ouzou, Vol. 20, No. 01, 2025, p. 600.
- 15-Article 23 of Law 24-02 on combating counterfeiting and the use of forged documents.
- 16-Article 31 of Law 24-02 on combating counterfeiting and the use of forged documents.
- 17-Article 34 of Law 24-02 on Combating Counterfeiting and the Use of Counterfeiters.

18-According to the Algerian judiciary and the comparative judiciary, the commercial notary is considered to be everything related to commercial papers, bills of exchange, checks, invoices and other commercial papers, while the customary notary is any notary who is not considered a public, official, commercial or banking notary, and in which the law does not require a special form or character, for example, signing with a forged signature on a complaint or letter is considered forgery in customary documents, see Ahsan Bousguia, op. cit., p. 414.

19-Article 37 of Law 24-02 on forgery and the use of forged documents.

20-Nawal Shaabani, op. cit., p. 599.

21- Souad Ajaoud, "The Criminal Policy of the Algerian Legislator in the Face of Fraud Crimes to Obtain Subsidies, Public Aids and Social Exemptions in Light of the COVID-19 Pandemic", "An Analytical Study in the Light of Decree 20-06 Amending and Supplementing the Algerian Penal Code", Journal of Law and Political Science, Abbas University of Gharour, Khenchela, Volume 09, Issue 02, 2022, p. 289.

22-Nawal Sha'bani, op. cit., p. 604.

23-Article 38 of Law 24-02 on combating counterfeiting and the use of counterfeiters.

24-Article 39 of Law 24-02 on combating counterfeiting and the use of counterfeiters.

25-Article 41 and 43 of Law 24-02 on combating counterfeiting and the use of forged documents.

26-Article 44 of Law 24-02 on combating counterfeiting and the use of forged documents.

27-Article 46 of Law 24-02 on combating counterfeiting and the use of counterfeiters.

28-Article 49 of Law 24-02 on combating counterfeiting and the use of counterfeiters.

29-Nawal Shaabani, op. cit., p. 601.

30-Article 50 of Law 24-02 on combating counterfeiting and the use of former forgers.

31-Articles 56, 57, 58, 59 and 60 of Law 24-02 on combating counterfeiting and the use of counterfeiters.

32-Article 61 of Law 24-02 on combating counterfeiting and the use of counterfeiters.

33-Article 62 of Law 24-02 on combating counterfeiting and the use of forged documents.

34-Article 63 of Law 24-02 on combating counterfeiting and the use of counterfeiters.

35-Article 65 of Law 24-02 on combating counterfeiting and the use of forged documents.

36-66 and 67 of Law 24-02 on combating counterfeiting and the use of counterfeiters.

37-Ahsan Bouskaia, op. cit., p. 388.

38-Mohamed Sobhi Najm, Explanation of the Penal Code "Special Section", 06th Edition, Diwan of University Publications, Algeria, 2005, p. 26.

39-Nawal Shaabani, op. cit., p. 602.

40-Article 43 of Law 24-02 on combating counterfeiting and the use of counterfeiters.

41- Al-Qinai Ben Youssef, Mechanisms for Detecting Forgery Crimes and Identifying Their Perpetrators in the Light of Law 24-02, Algerian Journal of Law and Political Science, Faculty of Law, University of Tismesilt, Vol. 09, No. 02, 2024, p. 59.

42-Article 73 of Law 24-02 on combating counterfeiting and the use of forged documents.

43-Al-Qaina'i bin Youssef, op. cit., p. 19, cf. Article 76 of the Law.

44-Abdallah Belkacem, op. cit., p. 979.

45-The organization of forgery crimes in the fourth chapter under the title of criminalization was divided into six sections: the first section: the forgery of documents and records and its division into three branches so that each type of document includes its own special elements, the second section: forgery to obtain subsidies, public aid, and exemptions, the third section: the forgery of money and bonds, the fourth section: the imitation of seals, stamps, stamps, and

marks, the fifth section: false testimony and false oath, and the sixth section: Impersonation or misuse of positions, titles or names, see Law 24/02 on combating forgery and the use of forged documents.

46- Sahibi Muhammad Amin, op. cit., p. 55.

47- Abdallah Belkacem, op. cit., p. 985.

48- Sahibi Muhammad Amin, op. cit., p. 70.

49- Abdallah Belkacem, op. cit., p. 983.

50- Farag Alwani Hillel, Crimes of Forgery and Forgery, University Publications House, Alexandria, 1993, p. 204.

51- Mohamed Zaki Abu Amer and Suleiman Abdel Moneim, The Special Penal Code, University Foundation for Studies, Publishing and Distribution, Lebanon, 1998, p. 576.

52- Muhammad Sobhi Najm, previous reference, p. 33.

53- Article 34 of Law 24-02 on combating counterfeiting and the use of counterfeiters.

54- Abdallah Belkacem, op. cit., p. 987.

55- Hamri Nawal, Damage in the Crime of Forging Documents, Journal of Law and Society, Faculty of Law, Ahmed Draria University, Adrar, Vol. 01, No. 02, Algiers, 2013, p. 96.

56- Suad Ajoud, op. cit., p. 290.

57- Fawzia Abdel Sattar, Explanation of the Penal Code, Special Section, Edition 02, Dar Al-Nahda Al-Arabiya, Cairo, 2000, p. 288.

58- Refer to Articles 22, 23, 30, 31, 32, 33, 37, 38, 39, 40, 41 and 43 of Law 24-02 on Combating Counterfeiting and the Use of Counterfeiters.

59- Suad Ajoud, op. cit., p. 295.

60- Article 78 of Law 24-02 on combating counterfeiting and the use of forged documents.

61- Article 70, paragraph 1 of Law 24-02 on combating counterfeiting and the use of counterfeiters.

62- Article 74, paragraph 2 of Law 24-02 on combating counterfeiting and the use of counterfeiters.

63- Article 42 of Law No. 24-02 on combating counterfeiting and the use of forged documents.

64- Nawal Shaabani, op. cit., p. 598.

65- Suad Ajoud, op. cit., p. 296.

66- See articles 54 bis to 54 bis 10 of the amended and supplemented Algerian Penal Code.