

Legal guarantees for the minor during the implementation process in the light of Algerian legislation

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Abstract :

The trial stage falls within the stage of studying and reviewing everything required in the Code of Criminal Procedure for the purpose of conducting the public case, as the competent and legally authorized judicial authorities must consider the charges against the accused, whether he is an adult or a minor, and discuss the evidence for or against, from which a ruling can be concluded or A penal decision stipulates either acquittal or conviction, and after noting that the trial stage is the crucial and decisive stage; The accused was provided with a set of legal guarantees that seek to ensure the implementation of a fair and equitable trial, and the latter were numerous as an effort to achieve a fair trial, including: established guarantees vis-à-vis the judicial authority, including those related to the conduct of trial procedures and the construction of the final judicial ruling.

key words :

Criminal implementation; Legal guarantees; Judgment or penal decision; Code of Criminal Procedure.

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I. Introduction :

The pursuit of a fair trial has become a sovereign right of Fundamental Rights aimed at enshrining and embodying the principle of the rule of law, and this right has been relied on in many international and regional instruments, as it is worth noting in the recognition of many constitutions, national laws and the establishment of new mechanisms, entrenching and pouring into their legal consciousness, in order to reform the justice system adjudication of the case.

The reason for choosing the topic is due to its familiarity with protecting individuals and ensuring their rights and personal freedoms as a result of a fair and just trial, whether they are accused adults, minors, or even victims, and going through it in Algerian justice in dedication to the principle of equality and social justice among individuals; its absence becomes similar to intimidation, restraining the accused, obliterating their rights and taking away their personal freedoms, which is due to the issuance of Cairo criminal judgments and decisions against individuals (accused).

The curriculum in the study of this subject is based on the independent legal approach, which is mainly based on the analysis of a number of legal texts pursuant to the code of Criminal Procedure, Law No. 18_14 amended and supplemented by Order No. 71_28 containing the code of military justice; hence the problem posed in this context :

- What is the necessary legal observance of the minor during the course of the execution process manifested in the authority of Algerian law

To answer this problem, this study was divided into two researchers for each of the two requirements:

- **The first topic** : activating the legal guarantees for the adult defendant.
- **The first requirement**: general guarantees for the accused at the trial stage.
- **The second requirement** : the legal protection of the accused associated with the conduct of the trial with the issuance of the verdict.
- **The third requirement**: the legal care of the accused in litigation at two degrees.
- **The second topic** : the legal exceptions contained in the execution of the penalty on the minor.
- **The first requirement**: the penal provisions containing the implementation of protective and disciplinary measures.
- **The second requirement** : the penal provisions including the implementation of penalties.
- **The third requirement** : the penal provisions including the implementation of financial penalties.

First: activating the legal guarantees for the adult defendant.

The accused shall be brought before Justice and a case shall be brought against him to prove his conduct in committing the crime against members of society, and legal proceedings shall be taken against him, in which punishment shall be imposed on him; after all evidentiary and investigative measures have been taken, which are due to collecting as much data as possible about the crime and the accused, and here comes the trial stage after he comes before the competent judicial authority to decide on the subject of his claim, and issue a verdict on it that will convict him if evidence of guilt or innocence is available, and at this stage the accused enjoys a set of guarantees that preserve his right to a fair trial free from injustice and arbitrariness.

On this basis, we will discuss the legal definition of criminal enforcement in the first requirement, and the competent authority to implement the criminal provisions in the second requirement.

1. General guarantees for the accused at the trial stage .

From this submission, we will look forward to clarifying the elements of the guarantees established for the accused during the trial, which are as follows :

1.1. observance of the right of the accused to reasonable terms at trial .

This can be achieved by prosecuting the accused within a reasonable period of time and not by slowing down its procedures, and this is what the jurists describe in enshrining the right of the accused to a fair trial (falighat khalilallah, 2022/2023)

The Algerian legislator noted the principle of trial within a reasonable time, including from the day the public case is initiated until the final verdict is issued on its subject, including arrest procedures for consideration; search; temporary detention (faliga khalilallah, 2022/2023); judicial supervision; and alternatives to criminal trial; highlighting the provisions of the Criminal Procedure Law before it was amended in 2017 by Law No. 17_07 (Law No. 17_07, 29/03/2017) speedily approved the trial procedures implicitly by setting deadlines for all follow-up and investigation procedures and related to restricting the freedom of the accused (faligha khalilallah, 2022/2023).

1.2 introduction of legal mechanisms that enshrine the principle of speedy trial .

The increasing frequency of crimes has become an enormous burden on the burden of justice, this is what has been depleted in the slowness of trial procedures, and this is the issue that prompted the criminal policy to include new legal mechanisms to adjudicate criminal cases and address their seriousness more quickly and effectively, and this is due to reducing the burden on the judicial authority on the one hand and enshrining the principle of trial in reasonable time on the other hand (faligha khalilallah, 2022/2023).

The activation of the trial within reasonable deadlines according to two legal systems are : the Penal Order; and the immediate appearance, as the legislator approved by the amendment of the Criminal Procedure Code in 2015 Order No. 15_02 on the two systems : the Penal Order and the immediate appearance as updated alternatives to the normal trial procedures, to rely on the remote trial system under the amendment of the Criminal Procedure Code in 2020 in response to the epidemic crisis, which is active in the world known as : coronavirus (covid-19) (order no : 20_04, 31/08/2020).

2. Legal protection of the accused associated with the conduct of the trial with the verdict.

The criminal policy was not limited to adopting the speed of trial procedures only, but also approved that its Sessions should be publicly open to the public, in which the opponents and those present to follow up all the discussions and pleadings, statements and clarifications presented at the session, measures and procedures taken, and judgments and decisions issued.

This work would give clarity and transparency to the judicial work, as opposed to the secrecy of the hearings, which is tainted by suspicion and suspicion towards judges, and the latter would undermine the confidence of members of society in the judicial system. It is on this basis that we will put forward the special care that the accused should enjoy during his trial.

2.1 the protection contained in the right of the accused to a public trial.

The public trial is one of the most important guarantees that reflect the image of the judiciary, but sometimes its application collides with another principle, the "right to privacy", and as such, the trial judge remains the authority to estimate this based on the data contained in the case file, the discussions taking place at the hearing, and the requests and petitions submitted by the parties.

This declaration was issued in the text of Article 169 of the Algerian constitution, amended in 2020, "judicial rulings shall be pronounced in public sessions" (faliga khalilallah, 2022/2023).

The Algerian Legislature sought to conform the provisions of the Criminal Procedure Code to constitutional principles, so the public trial sessions were approved within the Criminal Procedure Code, however, after full persuasion about the public trial and the conduct of the session in a direct manner, the governing body used a number of Legal Exceptions in which the session is confidential because of the violation of Public Order and public morals that lies in the case of an attack on the privacy of the accused or victim (drisi Jamal, less than a year); however, it left the judge discretion in balancing conflicting interests and deciding what he deems appropriate between the opening of the session to the public, and conducted in secret conditions in which non-parties are prohibited Witnesses and lawyers from her presence (faliga khalilallah, 2022/2023).

In this study, we use the study of the trial of juveniles, which is the subject of our study, most of the Penal legislations have indicated that the trial of persons who have not reached the age of majority (18 years) should be held in a secret session, and the principle of secrecy of the trial of juveniles has been approved under the provisions of Law No. 15_12 on child protection in Algerian Legislation (Law No. 15_12, 19/07/2015); and the following law has been adopted : criminal proceedings (order no.: 66_155, 2007).

The trial proceeds from verifying the identity of the juvenile accused, interrogating him and conducting the final investigation at the hearing until the case is put into deliberations. it is prohibited to attend the trial except for the juvenile himself; his legitimate representative; his relatives to the second degree; witnesses of the incident; the victim, and, if necessary, representatives of associations and organizations that practice activity for the protection and care of children, and taking care of the confidentiality of the trial. Article 137 of Law No. 15_12 on child protection stipulates this principle (Law No. 15_12, 19/07/2015).

2.2 preservation of the right of the accused to cause the verdict issued in his favor.

The criminal sentence issued against the accused is considered whether the accused is innocent or guilty, and it is issued in its spoken form after studying and examining the case file with its statement of facts, procedures, evidence and proof, and to formulate a criminal sentence as it determines the fate of the accused after replacing the accusation with restriction of his freedom, in which the sentence is wrong. The triggering of criminal sentences is one of the most important guarantees imposed by the law on judges, so that it is considered a mechanism to exercise control over their actions, and a judicial tool to block the way to their arbitrariness; the matter requires that the sentence be reasoned and legally reasoned on the grounds on which the operative judgment was based, whether it was a conviction or an acquittal.

The legal basis for the causation of judgments can be determined by the Algerian legislator adopting the element of causation as a constitutional principle to which all substantive and procedural laws are subject, in which the provision that judicial judgments must be caused is declared in the Algerian constitution in its Article 144, which reads as follows : "judicial judgments are reasoned, and pronounced in a public hearing" (faligha khalilallah, 2022/2023).

With regard to the code of Criminal Procedure, the Algerian Legislature has obliged judges to give reasons for sentences and explain them in accordance with article 379 of the code of Criminal Procedure (Code of Criminal Procedure, 2007). It is also stated in the text of Article 521 of the same law that : "the judgments of the Supreme Court shall be reasoned" (order no.: 66_155, 2007).

If the judge finds that evidence has been accepted, he must justify the reason for persuading him by seeking to present the evidence for discussion at the trial session, as meant by Article 212/02 of the code of Criminal Procedure by saying that : "the judge is not justified to base his decision only on the evidence presented to him in the exhibition and the pleadings that took place in front of him" (Order No.: 66_155, 2007) and (drisi Jamal, under a year).

3. The legal care of the accused in litigation is at two degrees.

On the part of the jurists, he refers to the meaning of the principle of litigation at two degrees as a dispute that is submitted to the judiciary to adjudicate on its subject by a preliminary ruling, and the opponents have the right after that to raise the dispute a second time before a higher judicial body to adjudicate it again and review it aiming at the accuracy and integrity of the judgment issued by the first instance, and finally to issue a final decision on the subject of the case, including credibility and the power of authority in the face of those issued against them (faligha khalilallah, 2022/2023); the legal basis of the principle of litigation should be two degrees with direct actions to consecrate this principle.

3.1 the legal basis of the principle of two-degree litigation.

In the fifth and two thousandth year, the judicial organization law was issued, stipulating in its Article 10 that : "the court is the first instance for litigation"; and Article 05 of the same law accepted it as : "the Judicial Council is an appellate body for judgments issued by the courts" (law No. 05_11, 17/07/2005).

In accordance with the provisions of Article 160 of the constitutional amendment of 2016, article 160 of it stipulates that : "the law guarantees litigation at two degrees in criminal matters", and in its second paragraph of the constitutional amendment of 2020, it stipulates that : "the law guarantees litigation at two degrees, and specifies the conditions and procedures for its application" (faligha khalilallah, 2022, 2023).

Following the promulgation of Law No. 17_06 dated March 27, 2017, amending Organic Law No. 05_11 on judicial organization, as amended by Law No. 05_11 on judicial organization, Article 18 stipulates that: "there is a criminal court of First Instance and an appellate criminal court at the seat of each Judicial Council" (faligha khalilallah, 2022/2023).

3.2 methods of challenging criminal judgments as a procedure in enshrining the principle of two-degree litigation.

It is the right of the parties to the opponents to raise the dispute a second time before another judicial body of a higher degree to adjudicate it again, review and study the accuracy and integrity of the judgment issued by the first instance, and issue a final decision in the

content of the case to be a title of truth enjoying strength and authority in the face of those issued against him.

The effective purpose of relying on the principle of two-stage litigation is to indicate that the appeal would submit the dispute a second time to a judicial body with more experienced, more senior, more numerous and older judges, to consider the subject matter of the case from their side, allowing for correcting mistakes, correcting lapses, and filling the gaps in the judgment issued by the first instance, and be adjudicated by a ruling that carries the force and authority that does not exist in the first judgment (faligha khalilallah, 2022/2023).

In this context, the methods of appealing against criminal sentences are considered a legal practice in ensuring the accused a fair trial within the conditions and procedures stipulated in Article 495 and subsequent articles of the code of Criminal Procedure (drisi Jamal, under one year).

Second: the legal exceptions contained in the execution of the penalty against the minor.

These exceptions were limited to the minor category in society, hosted in the field of juvenile delinquency, whether at the national or international level, by making a modern contemporary criminal policy for juveniles whose purpose is to address and eradicate the causes of delinquency to protect the juvenile from delinquency, and this can only be achieved by taking into account the preventive, objective and procedural aspects of the executive of everything related to the policy of criminalization and punishment for this category, the Algerian Legislature began early legislative treatment through an integrated system of laws, including : the Penal Code amended and supplemented by order no.: 66_156 (command number : 66_156, 2012); the Criminal Procedure Code amended and supplemented by Order No. 66_155 (Order No. 66_155, 2007); Order No. 72_03 on the protection of children and adolescents (Law No. 72_03, 22/02/1972); and the promulgation of Law No. 15_12 on Child Protection (Law No. 15_12, 15/07/2015), which introduced new mechanisms, all of which were in the framework of supporting the trends of contemporary criminal policy related to the implementation of alternatives to punishments.

On this basis, in order to study this topic, we will discuss in the first requirement : "penal provisions including the implementation of protective and disciplinary measures"; passing to the "penal provisions including the implementation of penalties" in the second requirement.

1. Penal provisions involving the implementation of protective and disciplinary measures.

The juvenile judge ends the trial of the juvenile delinquent by issuing a verdict, and if his guilt is proven, he decides by a decision of a judge, causing one of the measures of protection and discipline provided for in Article 444 of the code of Criminal Procedure, and these measures carry in their folds the means of education, treatment and Correction, and not like penalties, which represent the general deterrence opposite to the measure given to reform the juvenile and return him in the community safe from delinquency.

The measures of protection or politeness intended by the Algerian legislator were provided for in Article 444 of the code of Criminal Procedure before the issuance of Law No. 15_12 on the protection of the child, Article 86 of which contained some changes (Mohamed Tawfik Kadiri, on 04 and 05 May 2016), as the code of Criminal Procedure defined article 444 of the code as: "in the articles of crimes and misdemeanors, only one or more of the

following measures of protection and politeness may be taken against a juvenile who has not reached eighteen (Nabil burmani, June 2017) :

- Handing him over to his parents, guardian, or a trustworthy person (Jilali dalali, 2021)؛
- The application of the system of releasing him while putting him under surveillance (najimi Jamal, 2019)؛
- Placement in a public or private organization or institution intended for training and professional training that is qualified for this purpose؛
- Placement in a qualified medical or medical-pedagogical institution for this؛
- Put it in the public interest charged with helping؛
- Placing him in a boarding school suitable for housing juvenile offenders of school age " (Nabil burmani, June 2017).

The modern penal policy has touched upon the system of electronic monitoring as an alternative to the custodial sentence; that is, replacing short-term custodial sentences before their execution with electronic monitoring or release before the end of the sentence and subject to the monitoring system; this system contributes significantly to reducing the overcrowding of penal institutions and the overcrowding of prisoners inside them (Zarif Shoaib, June 2019).

1.1 measures must be implemented as soon as they are issued.

Disciplinary measures shall be implemented immediately, in accordance with Article 446 of the code of Criminal Procedure, which introduced the measure of reprimand in respect of a juvenile who commits a violation accompanied by a fine; however, a juvenile who does not exceed the age of thirteen (13) years; only a reprimand can be taken against him with the referral of the file to the juvenile judge if necessary.

It is desirable that it be issued in the presence of the juvenile in order to have the desired effect on his psyche; that is, it should be in the form of blaming and scolding the juvenile for his deviant behavior, warning and warning him not to return, and the clerk of the hearing proves what was done in the minutes of the hearing; provided that this measure is not characterized by violence or harsh the Observer, which is stipulated by Article 462 of the code of Criminal Procedure (Nabil burmani, June 2017).

1.2 inadmissibility of suspending the implementation of measures.

The pursuit of the implementation of measures of protection and discipline of juvenile delinquents, due to the specificity and nature of the category is so immature that the tendency to punishment is possible only with an exception, and this is in accordance with the requirements of Article 444 of the.E.C; according to the case of necessity dictated by circumstances or required to deal with the personality of the juvenile offender; the preference of the correctional method over the purely punitive, the direction of juvenile delinquents is re-education, reform and Correction more than the punitive aspect.

After the trial of the juvenile delinquent ends with the issuance of a verdict, and if the conviction is proved against him, a reasoned decision shall be ordered by one of the final measures prescribed in Article 444 of the criminal code.E.C (order no.: 66_155, 2007), these measures are disciplinary corrective measures and not penalties, so that the punishment aims

at general deterrence, as opposed to the measure based on reforming the juvenile and returning him to society safe from deviation.

Therefore, it should be noted that the measures prescribed for juvenile delinquents, in terms of their content, are educational and disciplinary measures, and have been decided in a way that is appropriate and commensurate with the event, and the process of reforming the juvenile is far from the idea of pain contained in the punishment, and from this rostrum; seeking to paralyze these measures at an early age for the juvenile before he reaches the age of penal majority, so he punishes him, but rather helps him with a measure that understands the event at this age that it is for his benefit, for his treatment and for his discipline (L'awarm Wahiba, September 2018).

2. Criminal provisions involving the implementation of penalties.

If the deviant behavior issued by the juvenile is characterized by the criminal gravity and the circumstances of his commission of the crime, the legislator authorized the juvenile judge to supplement or replace the measures prescribed in Article 444 of the article.E.C the penalty of deprivation of liberty or a fine according to the criminal conduct and the assessment of its seriousness (order no : 66_155, 2007); followed by Article 445 of the same law stating : " the sentencing authority May, on an exceptional basis for juvenile delinquents over the age of 13, replace or supplement the measures provided for in the decision of Article 444 with a custodial sentence or a fine provided for in Article 50 of the Penal Code, if it deems it necessary for the circumstances or the personality of the criminal juvenile delinquent, provided that this is by a decision explaining his reasons specifically on this point " (Aya Al-Wasif, 24/05/2023 ad).

2.1 establishment of penalties for deprivation of Liberty.

Similar to the provisions of the law; the Child Protection Law No. 15_12 in its Article 85 (Law No. 15_12, 15/07/2015), and the Penal Code in Article 50 of the law, the Algerian legislature applied the penalties of deprivation of liberty upon conviction of a juvenile delinquent aged 13 to 18 years, by issuing a ruling that either apply one of the precautionary measures contained in the child protection law or replace and supplement Algerian sanctions (law no.: 15_12, 15/07/2015), and this is what we will explain in the following elements :

2.1.1 execution of a custodial sentence.

Article 50 of the Penal Code stipulates that: "if a minor who reaches the age of 13 to 18 years is sentenced to a penal sentence, the penalty imposed on him shall be as follows (order no.: 66_156, 2012) :

- If the penalty imposed on him is the death penalty or life imprisonment, he shall be sentenced to imprisonment from ten to twenty years.
- If the punishment is imprisonment or temporary imprisonment, he is sentenced to imprisonment for a period equal to half of the period that should have been sentenced if he was an adult " (arabuz Fatima Al-Zahra, September 2017).
- If a crime is punishable by imprisonment from 10 ten years to 20 twenty years or from 05 five years to 10 ten years; it is replaced by a custodial sentence that does not exceed the maximum sentence that would have been imposed on the juvenile if he was an adult; the verdict issued by the Juvenile Judge against the juvenile delinquent includes a penalty of deprivation of liberty if it becomes final; here the juvenile is

transferred to the specialized center for the re-education and reintegration of juveniles in accordance with Articles 28; 116 and the following from Law No. 05_04 dated : 06 February 2005 which includes the law on the organization of Prisons and the social reintegration of Prisoners (Law No. 05_04, 60/02/2005).

After transferring juvenile delinquents to their own centers, they receive professional moral and educational training from the competence of the re-education committee, which oversees the implementation of programs programmed for them by virtue of Article 128 of Law No. 05_04 containing the law on the organization of Prisons and social reintegration of prisoners, which is responsible for preparing education programs in accordance with the approved national programs (Law No. 05_04, 06/02/2005), and preparing annual programs for literacy and professional training (Khaled al-Omari and Mohammed Al-Arusi Mansouri, January 2018).

It should be noted that the Algerian legislator has a kind of compassion for the juveniles, whose goal is to punish the juveniles with reform and return them to society again.

2.1.2 punishment for work for public benefit as an alternative punishment to imprisonment.

In the Penal aspect, the Algerian legislature amended the Penal Code by virtue of Law No. 09_01 dated February 25, 2009, in Article 05 BIS 01 and BIS 06 (Law No. 09_01, 25/02/2009). This punishment is aimed at the age group of delinquent children between the ages of 16 and 18 and applies to them a penalty of deprivation of Liberty (Taghreed Jabr, July 2017) and (Faisal bourbala, July 2017).

Work for the public good is considered an alternative punishment to the punishment of short-term imprisonment according to the requirements of Article 05 BIS 01, in which the Algerian legislator insisted on the possibility of the judicial authority replacing the operative custodial sentence by the convict doing work for the public benefit without pay for a legal person of Public Law (habassi Abdelkader and qandousi Yahya, 2022), within two hours for each day of detention for a maximum of 18 months and for a period ranging from 20 to 300 hours for a minor (Law No. 09_01, the 25/02/2009) and (arabuz Fatima Zahra, September 2017).

In this context, the punishment of work for the public good and the system of placement under electronic surveillance are among the most important Alternatives introduced by the Algerian legislator to implement the punishment of deprivation of Liberty outside the walls of the penal institution because of the purpose they achieve for society (Shoaib Zarif, June 2019).

The media has become necessarily dependent on highlighting the importance of alternatives to penalties that are negative to freedom and their advantages, and this is through activating the role of civil society institutions in identifying the existence of alternatives to penalties that are negative to freedom, and demonstrating their positive effects on the accused and sentenced, their families and criminal justice agencies (recommendations of a seminar, 30/09/2023).

It should be noted that the juvenile judge is given discretion in the application of punishment, taking into account the conditions of its application, as a punishment more appropriate for the delinquent child, and the background purpose of this punishment is to reform and rehabilitate the latter and reintegrate him and make him a good person in the community. The important purpose of this punishment prescribed for the juvenile delinquent is to separate him by contact with criminals by placing him outside the penal institution and in

order to avoid acquiring new criminal behaviors and mindsets from them (arabuz Fatima Al-Zahraa, September 2017).

This punishment can be limited to the juvenile delinquent subject to the availability of the conditions provided for in Article 05 BIS 01 of the Penal Code, provided :

- The accused child must be judicially unprecedented; that is, the punishment is applied only to the novice juvenile.

- The juvenile delinquent must be at least 16 years of age at the time of committing the crime, in accordance with Article 15 of Law No. 90_11 on Labor Relations (Law No. 90_11, 21/04/1990).

- The penalty for the crime committed should not exceed three (03) years in prison; that is, the legally defined penalty is not the one pronounced by the judiciary, and this relates to both the violation and the misdemeanor.

- The sentence imposed shall not exceed 01 years of imprisonment (order no.: 66_156, 2012).

Among the conditions set by the Algerian legislature for this punishment is the approval of this punishment by the convicted person, and here it is required to inform the Juvenile of his right to accept or reject the work sentence for public benefit and indicate it in the operative part of the sentence and in the presence of his person or his legitimate representative, provided that he is alerted in case of violation of the obligations arising from the execution of this punishment, and the replaced imprisonment sentence is returned and executed on him (arabuz Fatima Zahra, September 2017).

On this basis, the punishment of labor for the public benefit is one of the most important alternatives that are likely to achieve positive results in the rehabilitation and rehabilitation of juvenile offenders, and sought to rationalize the penal policy without conflict with the rules of justice embodied by the Algerian legislature, which developed it as a strategic plan as an effective punishment aimed at reform and rehabilitation, noting the text of ministerial Publication No. 02_09 issued on : April 21, 2009 by the minister of Justice containing how to apply labor punishment for the public benefit : " Law No. 02_09 : 09_01 of February 2009 amended and supplemented the Penal Code on the possibility of replacing the punishment of short-term deprivation of Liberty with a labor sentence for the public benefit, to strengthen the basic criminal and penal principles that are based primarily on respect for Human Rights and achieve the social reintegration of the sentenced, a desire that is no longer based on the imprisonment of persons only, but its achievement depends on the extent of respect for the principle of diagnosing the punishment when pronouncing it, and on the other hand, the possibility of contributing to the final reform of the sentenced without excessive resort to coercion issues that may have negative effects on various aspects of their lives moreover, this alternative punishment To achieve this end, it also allows the participation of public bodies and institutions in the reintegration process " (Wiza belasli, April 2019).

Third: the penal provisions including the implementation of financial penalties.

The Algerian Legislature has enshrined the principle of correctional measures for the criminal treatment of children after reaching the age of 18, and has enabled a judge to sentence a reduced sentence, as an exception to face a special circumstance that the juvenile will be at trial or occurred after he was sentenced to a correctional measure, and therefore,

according to Article 86 of the child protection law, the juvenile judge may Correctional, its maximum limit should be identical to the mitigation under Article 50 of the Penal Code.

Articles 50; 51 of the Criminal Code spelled out the general rules of mitigation, as follows :

- With regard to violations, the Algerian legislator has abandoned the prison sentence and replaced it with a reprimand or a fine from 2000 to 20,000 DJ, which is the same as the amount prescribed for violations in public law, i.e. for adults; here, the Algerian legislator has not commuted the fine sentence imposed for children's crimes, because they are actually borne by the guardian or his caregiver; sentencing them is under the guarantee of his civil official; it is not legally permissible to force the child to execute, which leads to prejudice to the principle of the personality of punishment; the juvenile does not have an independent financial liability, as well as the matter of judicial expenses in the event of the conviction of the juvenile defendant (La'arem Wahiba, September 2018) and(zedouma Dryas '2007).

- With regard to misdemeanors, the Algerian constitution has stipulated that the reduction of penalties for a child who commits a crime between the ages of thirteen and eighteen should be as if the penalty is imprisonment or temporary imprisonment; he is sentenced to imprisonment for a period equal to half of the period that he should have been sentenced if he was an adult.

- As for felonies, if the penalty imposed on him is the death penalty or life imprisonment, he is sentenced to a prison sentence of 10 to 20 years(famous beard, 2011).

From this rostrum, when Article 83/02 of law no.: 15_12 on child protection was introduced (law no.: 15_12, 15/07/2015), the Algerian founder determines the parties who have the right to attend the hearing and hear the case (zidouma Dryas, 2007), and Article 84 of law no.: 15_12 on child protection allowed to hear the operative part of the judgment, whether it was in the conviction of the juvenile delinquent or his innocence, as well as determining the appropriate punishment or measure (law no.: 15_12, 15/07/2015).

I. Conclusion :

It is clear from the study of this topic that the judiciary, in its procedures, trial and conviction, in order to achieve its status in specialized centers and institutions for the care of juveniles, passes on this strategy in a flexible, non-intractable and strict manner with juvenile offenders, and the offender receives a light sentence similar to the accused who is over the age of 18, and gets a fair and equitable trial in re-education and reform to return to society again.

From this place, a number of suggestions and solutions are put forward as follows:

- The definition of a special chapter on the procedure for criminal enforcement under the Penal Code; the code of Criminal Procedure.

- Facilitating and speeding up the process of criminal enforcement, as opposed to prolonging the litigation procedures before the courts and Judicial Councils, the weight of time and slowness in the application of procedures for the implementation of criminal sentences leads to.

- Introducing new developments, especially in the issue of implementation, with the need for adequate implementation of new legal texts.

- Juvenile delinquency has been imposed on his civil official to bear the expenses of his punishment, whether it is a family penalty or a fine, and even judicial expenses of the court

where the convicted person is; in this process, when he bears these judicial expenses, the juvenile delinquent remains the same by virtue of the fact that he is committing an illegal act and the judiciary does not impose a fine on him, but on his civil official.

- Indifference of the juvenile delinquent during the partial absence of the law to his full criminal liability.

- Conditional release for a juvenile delinquent has become like paying his hotel expenses, which emboldens him to another criminal process, no matter how serious it costs, due to his failure to adopt the punishment, and his dependence on his civil official to work in paying the fine penalty and other legal financial implementations.

List of references :

- **List of legal texts :**
- **Legislative acts :**
 - Law No. 72_03, dated February 10, 1972, on the protection of children and adolescents, C.R, for the people's Democratic Republic of Algeria, P: 15, issued on: February 22, 1972.
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