

The New Powers of the Public Prosecution and Their Impact on Criminal Justice under Law 25-14

GATTAL Mounir *

university center of aflou (algeria), m.gattal@cu-aflou.edu.dz

Received: 24/03/2026 Accepted: 04/06/2026 Published: 30/06/2026

Abstract:

This study analyzes procedural reforms introduced by Algeria's Law No. 25-14 amending the Code of Criminal Procedure. It examines expanded powers of the Public Prosecutor's Office, changes to preliminary and judicial investigations, and reforms affecting adjudication bodies and sentence enforcement. The findings show these measures aim to modernize the penal system, enhance prosecutorial efficiency, strengthen supervision of judicial police, and improve investigative quality. The study further shows that reforms to court organization, reasoning of judgments, and sentencing mechanisms help accelerate case resolution, reinforce fair trial guarantees, and balance deterrence with protection of rights and freedoms. It concludes that Law 25-14 marks an important legislative step toward a more effective criminal justice system, but its success depends on proper implementation, consistent judicial interpretation, and continuous professional training for justice sector actors. These reforms reflect a strategic shift toward efficiency, accountability, and institutional coordination within Algeria's evolving criminal justice framework.

Keywords: Criminal procedure, Public Prosecution, Authority of the Public Prosecutor.

INTRODUCTION

The Algerian penal system has undergone significant legislative developments, embodied in Law No. 25-14, the Code of Criminal Procedure. This law was enacted to keep pace with legal and institutional transformations aimed at enhancing the effectiveness of criminal justice and ensuring respect for fundamental rights and freedoms. These reforms have impacted all stages of criminal proceedings, from initiating public prosecution through the preliminary and judicial investigation phases, to the adjudication and enforcement of judgments.

One of the most prominent features of this law is the expansion of the Public Prosecutor's powers. The legislator strengthened its role in supervising and directing criminal proceedings, ensuring the speed and efficiency of procedures and achieving a balance between the requirements of protecting public order and guaranteeing the rights of the defense. The law also introduced important changes to the preliminary investigation conducted by the judicial police under the supervision of the Public Prosecutor, and to the judicial investigation conducted by the investigating judge within a framework of legal safeguards and judicial oversight.

The reforms were not limited to the investigation and prosecution phases but extended to include the organization of judicial bodies, the regulation of sentencing procedures, and the modernization of sentencing mechanisms, in line with modern criminal policy based on deterrence and social reintegration. Therefore, studying these amendments and analyzing their impact on the effectiveness of criminal justice under Law 25-14 is crucial.

Research Problem : Based on the above, this article's central question is:

Do the new powers granted to the Public Prosecutor's Office enhance the effectiveness of criminal justice under Law 25-14?

Study Objectives : This study aims to achieve a number of scientific and practical objectives that align with the nature and

importance of the topic in the current legal context. These can be summarized as follows:

1 .To analyze the new legal framework of the powers granted to the Public Prosecutor's Office under Law 25-14, by deconstructing the relevant legal texts and clarifying their content and scope of application, whether related to its powers to initiate public prosecutions or to supervise the investigation phase. 2. Assessing the impact of these expanded powers on the effectiveness of criminal justice by measuring their contribution to expediting case resolution, enhancing the efficiency of criminal prosecution, and improving the quality of investigations, while also identifying any problems that may arise from this expansion of powers.

3 .Highlighting the new developments introduced by the new law in the preliminary and judicial investigation phases, and analyzing how the relationship between the Public Prosecution and investigating judges, on the one hand, and between the Public Prosecution and the judicial police, on the other, is organized within a framework of oversight and control.

4 .Examining the new organization of judicial bodies and the procedural rules governing the issuance of judgments, particularly those related to the public nature of hearings, the reasoning behind judgments, and the timeframes for their pronouncement, and demonstrating the role of these safeguards in strengthening the principle of a fair trial.

5 .Shedding light on the mechanisms for implementing criminal judgments under Law 25-14, the role of the Public Prosecution in supervising this implementation, and how alternative sanctions and parole can contribute to achieving the objectives of modern criminal policy based on deterrence, rehabilitation, and reintegration .

Methodology: To achieve the stated objectives and to encompass the various aspects of the subject, this study relies on two complementary methodologies, as follows:

1 .Descriptive Methodology: This method is primarily used to present and analyze the legal texts contained in Law No. 25-14 concerning the powers of the Public Prosecution and the stages of investigation, judgment, and execution. This necessitates a precise description of these texts, an explanation of their content, and a clarification of the procedures that govern them, without initially evaluating them.

2 .Analytical Methodology: This method forms the backbone of the study, where the legal texts are analyzed in depth to reveal the legislator's philosophy and the objectives he sought behind each amendment. It also includes an analysis of the effects of applying these texts on the rights of parties in criminal proceedings, and the extent to which they achieve the desired balance between the requirements of effective justice and the protection of rights and freedoms.

Previous Studies: An article by writers Toumi Am Djellali and Abassa Taher, entitled "Pretrial Detention under Law 25-14 Containing the Code of Criminal Procedure," published in the Journal of Legal Studies, 2025, which deals with pretrial detention and a comparison between the old and new procedures.

1. New Powers of the Public Prosecutor's Office and Developments in Preliminary and Judicial Investigations

Defining the powers of the authorities responsible for initiating public prosecutions and investigating crimes is a fundamental pillar for achieving effective criminal justice. The Algerian legislator, through Law No. 25-14, which includes the Code of Criminal Procedure, has given special importance to strengthening the role of the Public Prosecutor's Office and modernizing the mechanisms of preliminary and judicial investigations, in line with the requirements of speed and efficiency in procedures, while preserving the legal guarantees established for the rights of the defense.

Based on this, this axis examines the new powers granted to the Public Prosecutor's Office, as well as the most important developments introduced by Law 25-14 in the preliminary and judicial investigation phases, highlighting the impact of these amendments on the proper conduct of criminal proceedings and achieving a balance between the requirements of criminal prosecution and the guarantees of a fair trial.

1.1 New Powers of the Public Prosecutor's Office in Initiating and Conducting Public Prosecutions

The Public Prosecutor's Office is the cornerstone of public prosecution, as it represents society and holds the original jurisdiction to initiate and conduct such proceedings. The Algerian legislator has strengthened this role through Law No. 25-14 by expanding the Public Prosecutor's powers and granting it broader discretionary authority in determining the outcome of public prosecutions, thus serving the effectiveness of criminal justice.¹

According to the provisions of the new law, the Public Prosecutor now has the authority to direct public prosecutions either directly to the court or to the investigating authority, depending on the nature, seriousness, and complexity of the facts. This reflects the legislator's intention to streamline procedures and expedite the resolution of criminal cases. The law also grants the Public Prosecutor's Office expanded powers to oversee the actions of the judicial police and ensure the legality of search and investigation procedures, thereby guaranteeing respect for the principle of procedural legality.²

It is noted that this expansion of the Public Prosecution's powers aims to enhance its effectiveness in combating crime, especially complex and economic crimes, without compromising the legal guarantees established for the accused, which reinforces the balance

between the requirements of public order and the rights of the defense.³

The legislator introduced an innovative legal mechanism in the form of a warning, an optional procedure exercised by the public prosecutor before initiating public prosecution, according to Article 57. In cases classified as minor offenses or misdemeanors (punishable by imprisonment for a term not exceeding three years), the public prosecutor may issue a warning to the perpetrator to cease the offense, with the aim of preserving kinship or neighborly relations. The importance of this mechanism lies in the fact that it allows for the case to be closed permanently if the perpetrator complies with the warning, without the necessity of resorting to trial. This embodies the philosophy of restorative justice in family and neighborhood disputes.⁴

The law also expanded the scope of criminal mediation to include a wide range of misdemeanors, such as theft and fraud among relatives, issuing a check without sufficient funds, and unintentional assault and battery. The new regulations stipulate that the mediation agreement is considered an enforceable instrument and suspends the statute of limitations for public prosecution. Furthermore, intentional refusal to comply with the agreement exposes the perpetrator to criminal penalties.

The new law also grants the public prosecutor the authority to conclude a deferral agreement with legal entities involved in certain economic and financial crimes (corruption, currency violations, tax evasion), in exchange for their commitment to pay a fine to the public treasury (up to 30% of their average turnover over three years), compensate the affected parties, and undergo an internal reform program. The public prosecution is definitively terminated upon fulfillment of these obligations, thus providing a strong

incentive for companies to rectify their situations and cooperate with the judicial authorities.⁵

1.2 Developments in the Preliminary Investigation (Search and Inquiry Phase)

The preliminary investigation represents the first stage in criminal proceedings, during which the judicial police undertake the tasks of searching, investigating, and gathering evidence under the supervision of the Public Prosecutor's Office. Law 25-14 has given this stage particular importance by reorganizing the jurisdiction of the judicial police and defining its relationship with the Public Prosecutor's Office more precisely.

The legislator emphasized that the actions of the judicial police are subject to the supervision and direction of the Public Prosecutor, thus ensuring the uniformity of criminal policy and the proper direction of prosecutions. The law also stipulates the possibility of resorting to special investigative methods in certain serious crimes, provided that legal controls and judicial oversight are respected, in order to protect individual rights and freedoms.

This regulation contributes to enhancing the effectiveness of preliminary investigations by improving the quality of evidence collection and expediting procedures, while minimizing abuses that could infringe upon individuals' rights. It also allows for the preparation of a comprehensive case file upon which the Public Prosecutor's Office can base its decision to initiate or dismiss a public prosecution, as appropriate, which positively impacts the proper administration of criminal justice.⁶

The law grants the Public Prosecutor broad powers to protect the effectiveness of investigations. According to Article 49, the Public Prosecutor can issue a reasoned order prohibiting any person against whom there is strong evidence from leaving the country for a

renewable period of three months, particularly in cases of terrorism and corruption. Most importantly, Articles 50 to 54 grant the Public Prosecutor the authority to propose precautionary measures against assets, such as freezing or seizing them, through the presiding judge. This enables the Public Prosecutor's Office to freeze the proceeds of crime at a very early stage of the investigation.

Furthermore, the jurisdiction of judicial police officers now extends to the entire national territory when investigating serious crimes such as terrorism, corruption, organized crime, migrant smuggling, and money laundering. They can also extend surveillance operations across the entire country, as stipulated in Article 25, which enhances the effectiveness of investigations into transnational crimes.

1.3 Developments in Judicial Investigation and the Powers of the Investigating Judge

The judicial investigation is a crucial stage in criminal proceedings, aiming to delve deeper into the facts attributed to the accused and gather evidence under the supervision of the investigating judge. Law 25-14 introduced several new provisions that strengthened the powers of the investigating judge while ensuring legal safeguards that guarantee respect for the rights of the defense.

The legislator authorized the investigating judge to take several measures, including judicial delegation, ordering expert opinions, and authorizing certain special investigative methods whenever the interests of the investigation so require. However, these powers were not left unchecked, as the law subjected them to the oversight of the Indictment Chamber and emphasized the principle of separation between the functions of investigation and adjudication, prohibiting the investigating judge from participating in the adjudication of the same case.⁷

These developments contribute to enhancing the effectiveness of judicial investigations by empowering the investigating judge with advanced legal tools to uncover the truth while upholding the guarantees of a fair trial. They also reflect the legislator's intention to achieve a delicate balance between the effectiveness of criminal prosecution and the protection of individual rights, which is a cornerstone of modern criminal justice.⁸

Furthermore, the law significantly restricts the possibility of directly initiating public prosecution before the investigating judge through a civil claim. Direct complaints are no longer admissible unless the plaintiff proves that a complaint was previously submitted to the public prosecutor and was either dismissed or that four months have passed without a response. This approach reinforces the central role of the public prosecution in vetting cases.⁹

The law explicitly affirms the investigating judge's authority to order the seizure of proceeds of crime, a power exercised either automatically or at the request of the public prosecution.¹⁰

2. Provisions relating to the bodies of adjudication and enforcement and their impact on the effectiveness of criminal justice

The stages of judgment and execution of criminal sentences are among the most influential phases of criminal proceedings in achieving criminal justice, as they reflect the practical outcome of all preceding procedures. The Algerian legislator, within the framework of Law No. 25-14, has worked to reorganize the bodies of adjudication and regulate the procedural rules for issuing judgments, in addition to modernizing the mechanisms for implementing penalties to ensure efficiency, speed, and respect for the legal rights of the parties.

Therefore, this axis aims to highlight the provisions relating to the bodies of adjudication and enforcement under Law No. 25-14, and to analyze their impact on the effectiveness of criminal justice in terms of expediting the resolution of cases and ensuring the execution of criminal sentences in a manner that achieves deterrence and the social reintegration of those convicted.

2.1 Organization of Judicial Bodies under Law 25-14

Judicial bodies are the cornerstone of achieving criminal justice, as they are entrusted with adjudicating public prosecutions and determining criminal responsibility. The Algerian legislator, through Law No. 25-14, has been keen to reorganize these bodies to ensure clarity of subject-matter and territorial jurisdiction and to prevent overlap between different judicial bodies, thus ensuring the proper administration of justice.¹¹

This reorganization encompassed courts for misdemeanors, petty offenses, and felonies, at both the primary and appellate levels. It also strengthened the role of criminal chambers within the judicial councils and defined the procedures for appealing judgments, thus ensuring respect for the principle of two-tiered litigation.¹² Furthermore, the law mandated that courts adhere to both procedural and substantive rules in issuing judgments, particularly those concerning the statement of facts and the reasoning behind the judgment, to guarantee its legal validity.¹³

Specialized criminal divisions were established to handle complex financial and economic crimes, corruption offenses, and organized crime. This allows for the pooling of expertise and resources to effectively prosecute these cases, contributing to the unification of judicial interpretation, reducing instances of invalidity, and enhancing public confidence in the criminal justice system, which positively impacts the effectiveness of criminal justice.

2.2 Procedural Provisions Related to the Judgment and Guarantees of a Fair Trial

Law 25-14 enshrines a set of procedural guarantees during the judgment stage, considering it a crucial phase in criminal proceedings. Among the most prominent of these guarantees are the principle of public hearings, the right to defense, the principle of confrontation between the parties, and the judge's independence in forming their criminal conviction.¹⁴

Public hearings and reasoned judgments are fundamental pillars of a fair trial. The legislator, in the new Law 25-14, was keen to explicitly and definitively enshrine them in Article 1, which establishes the requirement that judgments, decisions, and judicial orders be reasoned as one of the essential principles upon which the entire law is based.

The legislator also emphasized the necessity of reasoning in criminal judgments, considering that reasoning is a fundamental guarantee for litigants and an effective means of exercising judicial oversight through appeal or cassation.¹⁵ The absence or inadequacy of reasoning infringes upon the rights of the defense and may result in the invalidation of the judgment.

In the same vein, the law regulates the adjudication of civil claims related to public prosecutions in a way that guarantees the protection of victims' rights and underscores the comprehensive nature of criminal justice, which is not limited to punishment alone, but also includes redress for harm.¹⁶

Article 505 of the new law stipulates that the judgment is issued either in the same session or in a subsequent session determined by the presiding judge. Judgments are considered rendered in the presence of the parties even if they are absent from the pronouncement session. This provision embodies a sophisticated

procedural philosophy aimed at achieving a balance between the speed of adjudication and respect for the rights of the parties.

The law grants the judge discretionary power to choose between pronouncing the judgment immediately after the arguments conclude or postponing the pronouncement to a later session. This discretion is not arbitrary but must be based on objective considerations, such as:

- The complexity of the case and the abundance of evidence.
- The judge's need for sufficient time to reflect on the reasoning behind the judgment.
- A request from the parties or their lawyers for an extension to prepare closing memoranda or legal defenses.

2.3 Developments in the Implementation of Criminal Judgments and Their Role in Enhancing the Effectiveness of Criminal Justice

The execution of criminal sentences is the natural extension of the sentencing phase, as criminal justice is only achieved through the actual implementation of the punishment. The Algerian legislator has given this phase particular importance in Law 25-14 by strengthening the role of the Public Prosecutor's Office in overseeing the execution of sentences and ensuring their application in accordance with the law.¹⁷

The legislator has also adopted modern mechanisms for the execution of sentences, such as parole and the regulation of certain alternative punishments, within the framework of a modern criminal policy aimed at the social reintegration of convicts and reducing recidivism.¹⁸ This approach reflects a shift in criminal justice from a purely punitive logic to one of reform and rehabilitation.

These reforms contribute to enhancing the effectiveness of criminal justice by achieving general and specific deterrence, ensuring respect for human dignity, and linking the execution of punishment to its social and legal objectives.¹⁹

2.4 The Impact of Organizing Judicial and Enforcement Bodies on the Effectiveness of Criminal Justice

The well-organized structure of judicial bodies and the modernization of enforcement mechanisms under Law 25-14 have contributed to improving the performance of the criminal justice system by expediting case resolution, ensuring the enforcement of judgments, and enhancing public trust in the judiciary. This structure has also helped achieve a balance between protecting society and guaranteeing individual rights, which is the essence of modern criminal justice.

In addition to the above, the Algerian legislator has reaffirmed the importance of limiting the use of pretrial detention to the investigating authority or the presiding judge. This is likely to ensure a fair trial. Therefore, it is not a simple investigative tool that the public prosecutor can readily resort to; rather, it is a tool that requires careful regulation and verification before its application.²⁰

3. CONCLUSION

Criminal justice in Algeria underwent a significant legislative transformation following the enactment of Law No. 25-14, the Code of Criminal Procedure. This law was introduced within the context of modernizing the legal system and enhancing the effectiveness of the judiciary in combating crime in all its forms. These reforms affected various stages of criminal proceedings, from expanding the Public Prosecutor's powers to initiate and conduct public prosecutions, to modernizing preliminary and judicial investigation procedures, and

culminating in the reorganization of adjudication bodies and the regulation of mechanisms for enforcing criminal judgments.

This legislative approach aims to achieve a more efficient criminal justice system based on the swift resolution of cases, ensuring respect for rights and freedoms, and striking a balance between the requirements of deterrence and the protection of society on the one hand, and the guarantees of a fair trial on the other. Therefore, it is crucial to assess the impact of these procedural changes on the effectiveness of criminal justice, to draw the most important practical conclusions resulting from the implementation of Law 25-14, and to propose a set of recommendations to further enhance its effectiveness and achieve the objectives intended by the legislator.

First: Results

1. **Strengthening the Role of the Public Prosecutor's Office in Criminal Proceedings:** Law 25-14 expanded the powers of the Public Prosecutor's Office, enabling it to play a more effective role in initiating and conducting public prosecutions and guiding criminal policy to ensure swift and efficient prosecution.
2. **Improving the Effectiveness of the Preliminary and Judicial Investigations:** The amendments related to the organization of judicial police operations and the powers of the investigating judge have improved the quality of evidence collection, strengthened legal oversight, and reduced procedural irregularities.
3. **Enhancing Guarantees of a Fair Trial:** The law enshrined a set of procedural guarantees, such as the reasoning behind judgments, respect for the right to defense, and the separation of powers between the investigating and adjudicating authorities, thus strengthening the protection of fundamental rights and freedoms.

4. Expediting the Resolution of Criminal Cases: Clarifying jurisdictions and regulating adjudication bodies and appeal procedures has contributed to reducing case resolution times and minimizing procedural complexities that previously hindered the course of justice. 5. Improving the Mechanisms for Enforcing Criminal Judgments: The law strengthened the role of the Public Prosecutor's Office in overseeing the execution of judgments and established modern mechanisms for implementing penalties, serving the objectives of deterrence and social reintegration.

Second: Recommendations

1. Enhancing the Continuing Education of Judges and Justice Officials: It is recommended to intensify training programs on the new provisions of Law 25-14 to ensure a thorough understanding of the new texts and their proper and uniform application.
2. Activating Oversight of Judicial Police Actions: The Public Prosecutor's Office should strengthen its effective oversight of the judicial police's actions to guarantee respect for procedural legality and the protection of the rights of individuals under investigation.
3. Unifying Judicial Interpretation in Applying the New Provisions: It is advisable to work towards unifying the judicial interpretation of the provisions of Law 25-14 by publishing judicial precedents and organizing specialized academic and judicial meetings.
4. Developing Mechanisms for Implementing Alternative Sanctions: It is recommended to expand the application of alternative sanctions and parole in line with modern criminal policy and to reduce prison overcrowding. 5. Periodic assessment of the impact of legislative reforms: It is necessary to conduct a periodic assessment of the implementation of Law 25-14, to monitor practical difficulties and

propose the necessary amendments to ensure greater effectiveness of criminal justice.

Footnot

¹ Law No. 25-14 dated August 3, 2025, containing the Code of Criminal Procedure, Official Gazette of the People's Democratic Republic of Algeria, No. 54, Articles relating to the initiation of public prosecution.

² Abdullah Ouhaibia, Explanation of the Algerian Code of Criminal Procedure (Investigation and Inquiry), Dar Houma, Algeria, 2008, p. 112.

³ Ahmed Qailish and Mohamed Zannoun, Judicial Police, Al-Najah Al-Jadida Press, Casablanca, 2013, p. 67.

⁴ Article 57 of Law 25-14.

⁵ Article 105 of Law 25-14.

⁶ Law No. 25-14, Articles relating to the powers of the investigating judge and judicial investigation procedures.

⁷ Abdul Aziz Saad, Principles of Procedures before the Criminal Court, Dar Houma, Algeria, 2010, p. 56.

⁸ Al-Akhdar Boukhel, Pretrial Detention and Judicial Supervision in Algerian and Comparative Legislation, University Publications Office, Algeria, 1992, p. 41.

⁹ Article 147 of Law 25-14.

¹⁰ Article 71 of Law 25-14.

¹¹ Law No. 25-14 dated August 3, 2025, containing the Code of Criminal Procedure, Official Gazette of the People's Democratic Republic of Algeria, No. 54.

¹² Abdul Aziz Saad, Principles of Procedures before the Criminal Court, Dar Houma, Algeria, 2010, p. 73.

¹³ Alouti Idir, Algerian Criminal Procedure Law, Dar Houma, Algeria, 2014, p. 249.

¹⁴ Mohamed Sabri Al-Saadi, Guarantees of a Fair Trial in Criminal Legislation, Dar Al-Fikr Al-Jami'i, Alexandria, 2016, p. 112.

¹⁵ Hassan Abdel Latif Mahmoud, Principles of Criminal Procedure, Dar Al Nahda Al Arabiya, Cairo, 2014, p. 167.

¹⁶ Abdul Aziz Saad, Conditions for Filing Civil Cases Before Criminal Courts, National Book Foundation, Algeria, 1992, p. 61

¹⁷ Muhammad Zaki Abu Amer, The Comparative Criminal Judicial System, Dar Al-Jami'a Al-Jadeeda, Alexandria, 2011, p. 89.

¹⁸ Abdul Karim Ali Suleiman, Modern Criminal Policy, Dar Al-Maarefa, Rabat, 2018, p. 141.

¹⁹ Mahmoud Naguib Hosni, Explanation of the Criminal Procedure Law, Dar Al Nahda Al Arabiya, Cairo, 2009, p. 523.

²⁰ Toumi Am El-Jilali and Abassa Taher, Temporary detention under Law 25-14 containing the Code of Criminal Procedure, Journal of Legal Studies, Vol. 12, No. 02, University of Saida, Algeria, 2025, p. 568.