

Alternative systems to short-term imprisonment under Law N°24-06 الأنظمة البديلة لعقوبة الحبس قصيرة المدة في ظل القانون رقم 24-06

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Abstract :

Alternative systems to community service and the electronic monitoring system, commonly known as the electronic bracelet, are identified by their adherence to the fundamental frameworks and principles of contemporary criminal and penal policy. These systems favour respect for human rights and the principles of a fair trial. Their primary goals are to reform, rehabilitate, and socially integrate offenders to mitigate the negative effects of imprisonment. These alternative systems to short-term sentences are also designed to alleviate pressure on penal institutions and enhance public expenditures, as incarcerated individuals are often viewed as a financial burden on the public treasury. Furthermore, these alternatives actively involve public bodies and institutions in the reintegration process of offenders. This is achieved through community service, which allows for employment opportunities during their sentence, and through rehabilitation frameworks aimed at facilitating their social reintegration. This approach has prompted the Algerian legislator to revise the terms and procedures for implementing such systems in Law No. 06-24, which is part of the new Penal Code.

Keywords : punishment, electronic bracelet, imprisonment, community service, rehabilitation

ملخص:

تتميز الأنظمة البديلة لعقوبة العمل للنفع العام ونظام الوضع تحت المراقبة الالكترونية المعروف بالسوار الالكتروني الى تكريس الاطر والمبادئ الأصلية للسياسة الجنائية المعاصرة والعقابية التي تتجسد على احترام حقوق الإنسان ومبادئ المحاكمة العادلة، فهي تهدف الى إصلاح وتأهيل وإدماج المحكوم عليهم اجتماعيا لتفادي سلبات ومساوئ السجن. يتم تطبيق الأنظمة البديلة للعقوبات قصيرة المدة بغرض تخفيف الضغط على المؤسسات العقابية وترشيد النفقات العمومية كون ان المحكوم عليه المحبوس يؤخذ على عاتق الخزينة العمومية، إضافة إلى إشراك الهيئات والمؤسسات العمومية في عملية إعادة إدماج المحكوم عليهم من خلال تشغيلهم أثناء تنفيذ عقوبة العمل للنفع العام من جهة وتأهيلهم للتكيف مع المجتمع مرة أخرى من جهة أخرى، مما حتم على المشرع الجزائري إعادة النظر في شروط وإجراءات تطبيقهما في القانون رقم 24-06 المتضمن قانون العقوبات الجديد.

الكلمات المفتاحية: العقوبة، السوار الالكتروني، الحبس، العمل للنفع العام، التأهيل

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Introduction:

Modern criminal legislation is increasingly adopting alternative penalties to imprisonment, providing judges with a variety of options to determine appropriate sentences. To establish suitable sentences, these options consider the nature of the crime, the offender's personality and severity, the circumstances of the offense, and the potential for rehabilitation. Most modern legal systems have incorporated alternatives to imprisonment relatively quickly, influenced by international guidelines such as the Tokyo Rules, which were established in December 1990. These rules emerged in response to the negative and serious effects associated with imprisonment, the most commonly used form of punishment.

Alternative approaches to short-term sanctions have their historical roots in the fact that jail sentences have not only failed to reintegrate the convicted individual but have also been shown to be unproductive and have even contributed to a rise in crime. Intending to reform inmates and address the reasons behind recidivism, the penal legislator has endeavored to create new alternatives to short-term custodial sentences to establish a more advanced penal system that aligns with modern international standards in the treatment of convicts. In reaction to the shifts brought about by contemporary penal policy, Algeria was among the first nations to embrace the social defense ideology, enshrining it in its legislative and constitutional laws.

Incorporating alternatives to imprisonment into penal policy is essential due to their economic, social, and rehabilitative advantages. These alternatives help a wide range of offenders maintain connections with their families and the outside world, support re-education and social reintegration efforts, and reduce the likelihood of reoffending. Additionally, they contribute to alleviating prison overcrowding, lowering public costs, and moving away from traditional punitive methods.

Article 5 of the law concerning the prison institutions and the reintegration of prisoners issued on February 6, 2005, states that the prison administration is responsible for implementing custodial sentences, security measures, and alternative penalties in accordance with the law. This provision reflects the intent of the Algerian legislator to incorporate alternative penalties, first introduced in the Penal Code on February 25, 2009, and subsequently amended by Law 24/06 on April 28, 2024. These amendments allow for the possibility of replacing short-term imprisonment with alternative penalties, such as public service work and electronic monitoring through the use of electronic bracelets.

These alternatives are intended to enhance judicial efficiency while providing options for individuals, whose offenses do not pose a significant danger, including those who may have committed acts due to poor judgment or chance. Examples of such offenses include driving without insurance, building without a license, having an invalid technical inspection certificate, and involvement in minor traffic accidents. The overarching goal is to achieve deterrence without inflicting psychological or social disadvantages on offenders.

Accordingly, the question we need to explore is: **How does the Algerian legislator address alternatives to short-term imprisonment in Law N°24-06 of the Penal Code?**

- What is meant by community service as an alternative to short-term punishment?
- How is the system of judicial supervision implemented as an alternative to short-term punishment?

To explore the subject in depth, this research paper is divided into two sections:

Section one: Public Service Work as an alternative punitive mechanism to short-term imprisonment.

Section two: Electronic Surveillance through the use of the electronic bracelet as a method of monitoring.

Section I: Community Service as an Alternative to Short-Term Sentences

One particular kind of reformatory punishment is the alternative systems. It took a long time for human correctional systems to pass laws allowing alternate forms of punishment. A protracted scientific battle in the field of criminal justice led to the development of this type of alternative sentencing system,

which included the Algerian lawmaker who utilized the social defense theory to rehabilitate prisoners and lower crime rates. In addition to causing pain and deterrence, punishment has developed into a tool for treatment, rehabilitation, and reform. The best proof of this is that the system of work for the public benefit has taken the place of punishment to minimize the use of short-term prison sentences and to avoid the negative effects of incarceration on the offender. Today, punishment is not merely a tool for deterrence or infliction of pain; it has transformed into a means of reform, rehabilitation, and treatment.

A clear example of this shift is the adoption of community service to replace short-term imprisonment, thereby mitigating the negative impacts of incarceration on individuals. Community service is set as a contemporary alternative to custodial sentences.

This section first explores the concept of community service punishment. It then outlines the conditions required for its implementation before discussing the procedures involved in executing community service sentences.

Firt Requirement : The concept of the public benefit work system

Alternative systems to short-term imprisonment aim to reform offenders rather than isolate them from society. These methods serve as a substitute for traditional incarceration, which can lead to numerous negative consequences. Among these alternative punishments, community service stands out as a method of tailored punitive treatment within global penal systems. This approach seeks to alleviate prison overcrowding with innovative solutions rather than simply building more prisons. Moreover, resources are directed towards the development of additional services for inmates. Legislators have implemented the community service system as an alternative punishment to short-term sentences, allowing offenders to contribute to the public good without pay instead of serving their time in prison . 1

Part One: Definition of the public benefit work system

The goal is to establish a system for identifying punishment and selecting appropriate measures that align with the individual's personality and potential for reform while reducing the use of coercion. This approach helps protect individuals from exposure to criminal influences and the negative effects of a penal environment, which could disrupt their relationships and hinder reintegration into society. To address these issues, the legislature has introduced community service work system as an alternative to short-term incarceration . 1

Public benefit work is not a new penalty introduced in Law N°24-06 of the Penal Code; rather, it was initially established by the legislator in Law 09-01. However, due to certain obstacles that hindered its effectiveness, the penal legislator had to reevaluate the conditions and procedures for implementing this alternative penalty. Previously, these conditions were challenging to apply. One significant change was expanding the ability to implement this alternative penalty mechanism to associations whose activities are certified to be of public interest and benefit, whereas it was previously restricted to only legal persons of public law. 2

In Article 5 bis 1 of Law 24/06 amending and supplementing the Penal Code, the Algerian legislator defined public service work as an alternative to short-term imprisonment. This was done because the convict was required to work for a public legal entity or an association whose activities are for the public good without receiving compensation.

The public interest work mechanism allows incarcerated individuals to continue their familial relationships and to continue fulfilling their personal and professional commitments. Additionally, it shields their honour and keeps their reputation intact. This is on top of other beneficial effects, especially the reduction of prison overcrowding and the supply of funds required to care for prisoners and run correctional facilities.³

Part Two: Characteristics of the punishment of public benefit work system

Certain traits and elements of the public benefit work system in contemporary legislation are the outcome of a protracted development of alternatives to temporary punishment. When creating or putting into practice alternatives to temporary punishment, penal legislation shouldn't overlook these traits. The following is a summary of these traits and attributes:

First: The Legitimacy Characteristic

A punishment's or its alternatives' legality is determined by whether or not it is founded on a legal document. This implies that unless specifically allowed by law, a temporary substitute for punishment cannot be applied. This is referred to as the legality of criminal rule or the principle of the legality of crimes and punishments. Since it is the result of a protracted human struggle against the injustice and tyranny that prevailed in ancient laws, this principle has constitutional value in the majority of countries, including Algeria. At that time, the whims of judges and rulers determined what constituted a crime and how to punish it. The penalty for public service work system is now applied in accordance with the terms specified by the legal text following the embodiment of the principle of legality **5**. The judge is responsible for carrying out the penalty under the procedures and principles also specified in laws and regulatory texts, as well as with the convict's consent. All of this falls under the umbrella of convict reform and rehabilitation.

Second: The Judicial Nature of the Public Benefit Work System as a Penalty

Because of this aspect, the judiciary has a monopoly on imposing the alternative system for short-term punishment (public benefit employment) on the criminal. In actuality, the legitimacy of the alternative system is extended by its judicial system. Just as a book is the only source of punishment or an alternative to punishment, a court decision is the only source of either. This is what sets short-term alternatives to punishment apart from other types of penalties, like disciplinary and civil penalties, which can be left to the administrative authority in the case of disciplinary penalties or to the parties in the case of a civil compensation agreement. Only a competent court may administer punishment and its alternatives, and only in compliance with the guidelines established by the Code of Criminal Procedure. Applying this feature also necessitates that the competent court personally explain the public benefit work system to the convicted individual, who has the option to accept or reject its implementation and to be sentenced to prison.

Third: The public interest work system is subject to the principle of personality

This implies that the convicted individual, regardless of whether they were the offender, accomplice, or instigator, is the only one who suffers from the agony and harm of punishment. No matter how closely they are related to the convicted individual, others are not directly affected. As the idea of crime and punishment has evolved, one of the most significant basic principles in the field of punishment is the personal status of punishment. We also mean its alternatives when we refer to punishment. Only the individual who committed the crime is covered.⁷ Therefore, regardless of their connection to the offender, third parties are not subject to punishment. A guardian, trustee, or civil official is exempt from it unless they make a personal mistake .

Fourth: the equality principle applies to the public-benefit labour system.

This characteristic means that the legal text that includes the punishment and its alternatives applies to all individuals regardless of their race, sect or social status. However, this does not mean that the alternative system is applied to every perpetrator of a particular crime. Rather, the judge has absolute freedom to estimate the appropriate punishment for each criminal individually in a manner that is compatible with his health and special circumstances, the extent of his danger and the degree of his responsibility. Therefore, the legislator stipulated the discretionary power of the judge to choose the appropriate action and the capabilities and circumstances of the convict in a manner that achieves proportionality of its pain with the seriousness of the crime for which this punishment was decided. **8**.

Fifth: Subjecting the person sentenced to community service to inspection and examination.

If the sentence of the convict is imprisonment, then it is natural that before he enters the penal institution, he is examined by the doctor of the penal institution or the forensic doctor. How can it be that the convict under the public benefit work system is not thoroughly scrutinized and examined, and a comprehensive report is issued to make it easier for the judge applying the sentences to choose the appropriate work and his health, physical, personal and other abilities, all of this to implement this alternative system in a sound and guaranteed manner on the one hand, and to achieve rehabilitation and reform on the other hand.⁹

Sixth: The necessity of the convict's consent to submit to the penalty of public service work system before the ruling is issued.

This feature and characteristic is unique to the community service system as an alternative to short-term imprisonment, unlike other punishments. This occurs during the sentencing session, where the judge issues a directive to the convict to use the community work system as an alternative to short-term imprisonment. The convict must either accept it and implement the alternative system outside the penal institution, which is the recommended course of action for his rehabilitation and reform, or reject it and be subject to imprisonment.

Part Three: The Legal Nature of the Community Service system as a Penalty

The question of whether community service is a measure or a punishment arises when analysing the legality of the alternative penal system for temporary punishment.

In response to this argument, which is on the minds of many legal experts, it can be said that this alternative system is distinguished by a special nature, sometimes combining the characteristics of short-term punishment with the purposes of management. However, if we delve deeper into the work for the public good, it is considered an alternative system that deprives freedom and restricts it in a particular way, emphasizing the approach of reform more than the approach of punishment.

Public benefit work deprives the convict of his right to freedom for a specific period determined by a judicial ruling, which inflicts pain. It represents an obligation, a burden, and a physical and psychological coercion on the convict. It thus serves as a general deterrent and portends the dire consequences of crime. The convict is obligated to work for a public institution that provides a public benefit, and all he has to do is work for it without pay. This reflects recent studies that have established that the public benefit work system is a good, reformatory, and more qualified alternative for the convict to imprisonment¹. It is also a successful alternative system in achieving general deterrence by announcing the alternative system, informing individuals that the convict is serving an alternative to the short-term penalty of unpaid work.

What distinguishes the community service system from classical punishment is the element of inflicting pain, achieved by permanently depriving the convict of his or her liberty, either for a specific period or for a specific period. Community service, as an alternative to classical punishment, aims to repair the harm caused by the convict to the victim, on the one hand, and to rehabilitate and reintegrate the convict properly and soundly, on the other. The community service system overlaps with measures of remedial action, as it has a rehabilitative and preventative nature.

Security measures are a set of procedures applied to those proven to pose a criminal or social threat to the social order. These measures are intended to prevent recidivism or neutralize the risk of criminality. However, community service differs from measures of remedial action. Measures are not linked to the moral element of the crime and are not intended to inflict pain. The goal of measures is to reform or treat the person. Measures may even be imposed on those proven innocent, but whose criminal danger is latent. These principles differ from those upon which community service work is based. Furthermore, community service work is not used for serious crimes.

Second Requirement: Conditions for Applying the Penalty of Public Benefit Labor system

Article 5 bis 1 of Law 24/06 amending and supplementing the Penal Code stipulates the conditions that must be met to implement the public interest work system, given its specificity as an alternative system, which is as follows: **2:**

- The sentence imposed on the convicted person must not exceed one year of imprisonment.

- The penalty of public beneficiary labor system may not be imposed if the accused has previously been sentenced to a public beneficiary labor system as a penalty and has failed to fulfill the obligations arising therefrom. The penal judge shall verify this, either through the criminal record attached to the file or by notifying the accused of the prosecution.
- The convicted person must not be less than 16 years of age at the time of committing the criminal acts, per Article 15 of Law No. 90/11 on Labor Relations. Under no circumstances may the minimum age for employment be less than sixteen (16) years, except in cases falling within the framework of apprenticeship contracts.
- If the penalty for the crime committed does not exceed five years' imprisonment, as the Algerian legislator stipulated in Law 24/06 amending and supplementing the Penal Code if the penalty prescribed by law for the crime committed does not exceed five (5) years' imprisonment, the prison sentence may be replaced by a penalty of community service. This means that it applies to misdemeanors and felonies, but not felonies.
- The judgment or decision must be in person and addressed to the convicted person, and the convict must expressly consent to perform unpaid community service. The judge, whether at the court or judicial council level, must note in the judgment or decision that the convict is notified of the replacement of the prison sentence with the community service penalty or reject it.
- The community service system penalty shall not be applied until the appeal period has expired, whether for appeal or cassation.

This means that the legislator has expanded the list of crimes for which the penalty of public benefit work can be applied to crimes for which the legal penalty is five years, rather than three years, by amending the new Penal Code No. 06-24. Furthermore, he eliminated the requirement that the accused must not have a criminal record as defined by the Penal Code and substituted it with the requirement that he not have previously received a public benefit penalty and not fulfilled it. Since the benefits of this alternative punishment for prisoners include avoiding the drawbacks of incarceration and reestablishing the reformatory balance, which ensures social, familial, and professional reintegration, it is understood that the accused may benefit from the penalty of public benefit work multiple times, provided that he does not neglect the duties placed upon him. Regarding the estimation of the community service penalty's duration, the Minister of Justice, Keeper of the Seals, issued a ministerial circular on April 21, 2009,¹⁵ regarding the methods for implementing the community service system as a penalty. Furthermore, Article 5 bis 1 of Law 24/06 ¹⁶, which amends and supplements the Penal Code, establishes the minimum and maximum prison sentences that all convicted individuals, including adults and minors over 16, must serve. This is computed by subtracting from the initial sentence two (2) hours for every day of incarceration. Adult offenders are required to complete 40–60 hours of community service, which equates to a minimum of 40 hours per month and a maximum of 600 hours during the sentence, which does not include more than a year in jail. Community service for minor offenders can last anywhere from 20 to 300 hours . ¹⁷

Third Requirement: Procedures for Implementing the Community Service system as a Penalty

Following receipt of the case from the public prosecution, the penalty enforcement judge issues a court order summoning the individual in question to the address specified in the case file. According to the summons, there will be consequences if the individual does not show up on the designated date. Regarding this, the ministerial circular that outlines the procedures for enforcing the community service system as a penalty states that, in certain situations, the Penalty Enforcement Judge may travel to the court headquarters where the inmates reside to complete the required procedures before starting to execute the penalty ¹⁸.

This is because of the long distances involved. The Penalty Enforcement Judge will receive the convicted person if they comply with the summons, confirm their identity as stated in the judgement or decision, and evaluate their family, social, professional, and health circumstances.

The Penalty Enforcement Judge will show the prisoner to the physician at the correctional facility, which is situated in the court or Judicial Council headquarters. The Penalty Enforcement Judge will be able to choose the kind of work that best fits the inmate's health condition after the doctor examines them and

prepares a report on their condition. The individual in question might also be referred to a psychiatrist or another medical professional. Choosing a job for the convicted individual from among the available positions that fit his professional, mental, and physical capabilities is one of the most crucial steps the judge imposing the penalties takes. The main goal of this penalty is rehabilitation, reform, and social integration, all of which this job will help achieve. A decision detailing the institution that will receive the convicted person and how the penalty will be administered must then be issued by the judge imposing the penalties. The decision takes into account the inmate's complete identity, the type of work that was assigned to him, his responsibilities, the total number of hours worked, and how they were distributed by the schedule that was arranged with the receiving institution, and social security . **19**

The recipient institution, the public prosecutor, the convict, and the external department of the prison administration that oversees the social reintegration of inmates must all be informed of the placement decision by the judge imposing the penalties. The initial prison sentence will be carried out if the duties and terms outlined in the placement decision are broken.

The receiving institution will notify the judge imposing the penalties for the convict's compliance with the duties outlined in the placement decision after the individual has finished the community service sentence. He will draft a notification and forward it to the Public Prosecution, which will then forward a copy to the Criminal Record Office for annotation on Form No **20**. 1 and in the margin of the ruling. By serving the short-term alternative to the sentence and avoiding incarceration and its detrimental effects, the convicted individual has been able to rehabilitate and integrate into society. This leads us to the conclusion that this system is important from a scientific, economic, and social standpoint because it has transformed the way inmates are treated from one of punishment and deterrence to one of compassion. Additionally, the risk of recidivism is decreased when convicted individuals are reintegrated through public service. Since most court decisions in most nations involve short-term custodial sentences, the economic significance resides in reducing the financial strain on courts, prisons, and state institutions generally. The state benefits financially from adopting work for the public good, which is exemplified by the provision of unpaid labour, particularly to institutions that provide public services but frequently lack the resources and budget necessary to carry out their operations, such as nursing homes and orphanage.

Section II: Judicial surveillance system through the electronic bracelet mechanism

The remote monitoring system is a key component in enabling inmates to finish their sentences outside of prison walls. It is therefore a substantial alternative to short-term incarceration. Although many other countries have since adopted this system, the United States was the first developed country to do so in 1983. Inmates are required to wear an electronic bracelet on their wrist or leg that is linked to an alarm system that tracks their every action at a prison monitoring centre **21**. Benefits of this measure include lowering prison costs, avoiding overcrowding, and monitoring the offender's progress within a specific area selected by the judge imposing the sentence—while taking into account the convict's needs and the reasons behind his or her reform.

According to Article 125 of the Code of Criminal Procedure **22**, which gives the investigating judge the authority to order judicial supervision of an accused person subject to several requirements guaranteeing their appearance in court, this system is by definition an alternative to pretrial detention. Electronic monitoring with an electronic bracelet is a new system that the Algerian legislature has adopted to modernise criminal justice and avoid the drawbacks of short-term custodial sentences. By amending Law No. 05/04 of February 16, 2005, which contained the Law on the institutions of prisons and the social reintegration of prisoners, as stated in Article 150 bis, Law No. 18/01 of January 30, 2018, brought this system into Algerian law .**23**

In this context, it is also important to note that the legislator viewed temporary release and judicial oversight as the standard and that temporary detention is an extraordinary measure that a judge may only impose if the responsibilities of judicial oversight are not met **24**.

First Requirement: The concept of the electronic monitoring system implemented using the electronic bracelet mechanism

The use of a method to circumvent the dangers of brief jail terms, which are detrimental to the offender and hinder his ability to change, has started to be considered. This strategy entails substituting less expensive penalties for custodial sentences, which have less detrimental effects on the offender while also being more successful in deterring and reforming them.

Part One: Definition of an electronic monitoring system based on the electronic bracelet mechanism

The use of electronic monitoring with electronic bracelets as a substitute for custodial sentences in general and short-term sentences, in particular, demonstrates how digital technology has influenced modern penal policy. As a result, we discover that some laws have turned to this approach as a contemporary way to administer punishment outside of jail. This is accomplished by using contemporary electronic technology to guarantee the subject of the measure's presence at the location and time designated by the ordering judicial authority for a given period. This allows the custodial sentence to be applied outside of prison walls. The electronic monitoring system can be used as a substitute for punishment, before trial, or as part of residency restrictions .25

This system denies the prisoner his freedom while allowing him to stay at home. An electronic bracelet that resembles a watch and is fastened to his wrist or the sole of his foot tracks his movements.

In many nations, especially in Europe, the practice of putting him under electronic surveillance, or wearing an electronic bracelet, has been adopted as a preventative measure during the judicial investigation phase or as an alternative to the imposition of custodial sentences.

The Ministry of Justice in Algeria has adopted the system of placing him under electronic surveillance, also known as the electronic bracelet, as a new tool in contemporary penal policy and an effective alternative to pretrial detention. This is part of the country's efforts to update the justice system by integrating modern information and communication technologies into the legal judicial system, strengthening the judiciary and its credibility, and further reforming the justice sector. The placement of the electronic bracelet under the electronic monitoring system has been permitted by numerous modern laws, and there are a variety of implementation methods. The majority of laws do not define this system; instead, they focus on how it should be implemented, its requirements, and its processes. The electronic monitoring system, however, was defined by the Algerian legislator in Penal Code No. 06-24, which states that it "allows the convict to serve the sentence outside the penal institution." The governing judges punish being placed under the electronic monitoring system, which is regarded as an alternative system to a jail sentence .26

The convicted individual must wear an electronic bracelet for the duration of their sentence to comply with the electronic monitoring system. With the help of this bracelet, the individual can be known at the residence listed in the status decision made by the judge imposing the sentences, and they are not permitted to leave without permission.

The electronic bracelet is made up of two components: a battery and a location tracking system (GPS, GPRS, LBS) and communication technologies (like a GSM chip). The bracelet is connected to a portable control panel that the wearer carries with him, much like a cell phone. It has a unique application that makes the job of judicial police easier by pointing out places where the accused is not allowed or is allowed.

A special key is used to automatically open the electronic bracelet. Whether the wearer is driving, sleeping, or walking, the surveillance office tracks their movements using an information control panel.

The defendant's home also has a special device installed that enables the control panel to be connected to the electronic bracelet via GPS tracking systems to keep an eye on the individual and ascertain when they enter and exit.

It is possible to track the defendant's approach and record any attempted assault using a special device that the victim keeps. It has a camera that records images of the actual event and transmits them to the information panel. The owner of a mobile phone can send an alert to the surveillance centre by pressing a button, and they can call the centre at the number provided 27.

Lastly, an automated notification Schedule that connects the defendant's movements and locations to the times and locations specified in the court order is used to monitor those who are subject to the electronic surveillance system .

A variety of technical features are also included in the electronic bracelet, chief among them being **28**:

- Water, heat, humidity, dust, vibration, and shock resistance
- When attached, it is resistant to tearing, cutting, and opening.
- It can tolerate pressure and is resistant to UV radiation.
- It can be recharged with a specific charger.
- It is hypoallergenic and has an insulating fabric to keep it away from the suspect's skin.

Section Three: Purposes of implementing the electronic monitoring system through the electronic bracelet

This approach was established in 2015 under Law N° 15-02, amending the Code of Criminal Procedure **29**, to uphold respect for human rights, the principles of a fair trial, the protection of individual freedoms outlined in the Constitution, and respect for international agreements to which Algeria is a party. As an extraordinary precautionary measure, the investigating judge may, at his discretion, order arrangements for electronic surveillance under Article 125 bis 1. This suggests that the 2015 law was the first to modernise the legal system, which made it easier to implement electronic bracelets as a way to protect prisoners' rights.

Under Law No. 01-18, which includes the law regulating prisons and guaranteeing the social reintegration of inmates, the electronic bracelet mechanism was used to introduce the electronic monitoring system as an alternative to short-term custodial sentences **30**.

The goal of electronic monitoring, which uses electronic bracelets, is to rehabilitate and reform prisoners in preparation for their social reintegration. Consent is required for the use of this technology, which keeps prisoners away from the most dangerous offenders in prison by allowing them to stay with their families and social circles. By using this method, the disadvantages of incarceration can be avoided, which has many advantages. It helps to uphold the values of a fair trial, individual liberties, respect for human rights, and the presumption of innocence. Additionally, it establishes the exceptional nature of pretrial detention, promotes and increases judicial oversight, lowers and prevents the risk of recidivism, facilitates the efficient conduct of investigations, lessens prison administration expenses, and lessens overcrowding in correctional facilities **31**.

Regarding its advantages for the convicted individual, it allows him to pursue education or a career, receive medical care, engage in family activities, preserve social and familial relationships, and shield him from social disdain and hatred as well as from psychological and behavioural abnormalities **32**.

By confirming the wearer's presence at the crime scene, the electronic bracelet can also be used as an extra tool for crime investigation, ultimately helping to prevent many crimes.

Second requirement: Conditions for implementing the electronic monitoring system through the electronic bracelet

There is a set of conditions that must be met for the implementation of the electronic monitoring system, given its unique nature as an alternative system. These conditions are as follows:

- The accused must not have previously been sentenced to electronic monitoring and must not have breached the obligations arising from it. If the accused has previously benefited from the electronic monitoring system and breached the obligations arising from its implementation, they will not benefit from the electronic monitoring system. The breach relates to a violation of the conditions stipulated in the placement order issued by the judge enforcing the penalties.
- The legally prescribed penalty must not exceed five years' imprisonment. This means that the electronic monitoring system, as an alternative to imprisonment, is applied to violations and misdemeanors, not felonies.
- The sentence imposed on the convicted person must not exceed three years' imprisonment.

- The convicted person must expressly consent to being placed under electronic monitoring, whether at the court or the Judicial Council level. The judgment or decision must include a notification to the convicted person to accept or reject the replacement of the prison sentence with the electronic monitoring system. The electronic monitoring system is only applied after the expiry of the appeal period, whether it is the appeal period or the appeal period in cassation.

Thus, we note that the Algerian legislator introduced almost the same principles for the judicial monitoring system as he did for the public benefit work system in the new Penal Code No. 06-24, ruling on crimes for which the legally prescribed penalty does not exceed five years' imprisonment. He also extended the term of the sentence to three years' imprisonment, unlike the public benefit work system, which stipulates that the sentence may not exceed one year. He also did not impose a condition requiring the convict to have no criminal record, but rather stipulated only that he had not previously violated the electronic monitoring system. This also opens the door to the possibility of its application multiple times for an accused who has not previously violated it.

The judge enforcing the penalties oversees the implementation of this alternative system and adjudicates any resulting disputes, particularly since the legislator did not specify a maximum period or specific length of time for the implementation of this system, which suggests from the text that it could reach up to three years.

Third Requirement: Procedures for implementing judicial supervision through the electronic bracelet

An order from a competent judicial authority to use particular electronic means to monitor the subject's movements and guarantee their presence during a specified period, at the time and place specified in the order, is the basis for the legal procedure known as placing someone under electronic surveillance.

Under this system, the convict's mandatory residence location for the duration of their placement is decided by the judge administering the penalties. For legitimate reasons, like passing an exam or getting treatment, the judge imposing the penalties may, nevertheless, permit the offender to leave the assigned residence. If a prisoner who is under electronic surveillance removes or disables the electronic monitoring system to avoid being monitored, they will be punished according to the Penal Code's guidelines for escape crimes **35**.

The implementation of the electronic surveillance system is also within the powers of the judge enforcing the penalties, as stipulated in Article 5 bis 10 of Law 24/06 of April 28, 2024, amending and supplementing the Penal Code. The judge is responsible for resolving any disputes arising therefrom.

Conclusion:

Finally, we conclude that alternative systems for short-term imprisonment are of great importance in freeing the penal policy from the disadvantages of the traditional penalty of short-term imprisonment by protecting novice and non-dangerous offenders, their stability in their social environment, family and professional ties, and their avoidance of the risks of criminal infection and recidivism, as the reality of crime in Algeria notes that the categories of offenders are mostly made up of young people under 30 years of age, that most crimes are considered minor crimes, and that the most common penalty is short-term penalties that do not exceed one year of imprisonment. In addition to these data, there are other encouraging factors represented in particular by the positive transformations of Algerian society on all social, cultural, and economic levels, which made it more eager to keep pace with modernity and adopt the best international pioneering scientific experiences.

Among the most important recommendations we propose for penal policy in Algeria are:

- The adoption of fines and suspended jail time as the main sanctions intended to discourage misdemeanours and minor infractions.
- Revocation of a driver's licence ought to be viewed as an alternative to incarceration, particularly in cases of homicide and unintentional injury that take place in traffic accidents.
- A more suitable punishment for bounced check offences, in which the owners pay their debts before filing a public lawsuit, is to forbid the possession of checkbooks and payment cards.

- Imprisonment may be replaced by the penalty of deprivation from practicing the professional activity committed in connection with the criminal act, and this penalty may be attached to the fine if necessary.
- Expanding the scope of forgiveness in criminal prosecutions.
- Adopting exclusion from public contracts as an alternative to short-term imprisonment when it is proven that the contractor or company owner has committed fraud in the work assigned to them or that the crime is related to their position as a contractor.

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