



Legal mechanisms for the protection of juvenile delinquents in Algerian legislation

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Abstract ;

of the judicial treatment that benefits the delinquent juvenile will not be achieved unless it is carried out carefully, in accordance with a study of the factors that led to the delinquency of this juvenile and his personality from the beginning of the investigation to the issuance and implementation of the ruling. Thus, juvenile justice has an effective role in applying measures and procedures to juveniles, for this reason. The legislator has allocated this type of judiciary with special characteristics, 1 because it is unique from other judicial jurisdictions with a set of features and objectives, both in terms of the type of cases it deals with and the composition of the ruling body. This is what made various countries assign to it dual judicial, pastoral and educational tasks, and great interest has been paid to it. By countries

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1. **Introduction**

Judicial treatment for the benefit of the juvenile offender may be effected only if it is carried out carefully, in accordance with the examination of the factors that led to the juvenile's delinquency and personality from the beginning of the investigation to the issuance and execution of the judgement.

Thus, juvenile justice has an effective role to play in applying measures and procedures to juvenile¹s. For this purpose, the legislator has privileged this type of judiciary in special terms, 1 being unique from other jurisdictions with a range of advantages and objectives in terms of both the type of cases dealt with and the composition of the governing body. This has led various States to assign dual judicial and pedagogical functions, as has been known by States from the Seventh Conference. (07) The United Nations in Milan in 1958 on the prevention of crime and the treatment of juvenile offenders, which called for the development of model rules for the treatment of juveniles deprived of their liberty. The Eighth Congress adopted the Convention on the Rights of the Child in 1990 and the Convention on the Rights of the Child in 1989 of the Model Rules.

As juvenile delinquency reflects the birth of more serious crimes within society The features of the delinquent personality

emerge early in an individual's life to be perpetuated through decent circumstances, attitudes and criminal experiences, In the interest of this fragile group that represents the future of society, it must be given the necessary protection by all legislation to address the aspects and causes of delinquency and to make every way to rehabilitate this event socially and to reform it when it comes to Law². The problems involved are as follows: What is the specificity of these procedural procedures before the juvenile court? How has legislation addressed it? Did the legislator guarantee the event's protective role in the fun of the trial and how?

.To address this problem, two main pillars will be:

The first theme: "Juvenile delinquency trial" includes:

-How to regulate juvenile justice [right to be tried by a competent tribunalForm of the judgement, conduct of the sentencing hearing]

Second: Judicial mechanisms established for juvenile delinquents after dismissal, which include the nature of the judgements handed down by this body.

2. **First axis: Mechanisms for the trial of juvenile offenders during the trial:**

The action taken in favour of the juvenile is not only intended to seek proof that the

juvenile has committed the crime, but its main task is to identify the causes and circumstances that led him to commit the crime and to find an appropriate measure for its treatment, reintegration and reintegration.

Access to a fair trial is one of his most important guarantees. This is why the majority of international instruments, treaties and even various legislation, including Algerian legislation, affirmed this by providing for the separation of adult justice from juvenile justice. and juvenile prosecution is a social institution rather than a governing body as it deals with a special category of delinquents who require considerable care and approach specialized justice³.

2.1. Formation and jurisdiction of the juvenile court:

The juvenile's trial for delinquency is considered to be one of the most important and dangerous stages of his criminal justice. Based on the decision to be issued by this body, the fate of the juvenile and the remedial remedies for the juvenile will be determined. And through this, the modern criminal policy is that this judicial composition must have special specificity, both in terms of judges and in terms of the procedures before it, This is underscored by rule 14 of the United Nations Rules, which is the typical growth of juvenile management. (Beijing Rules) ⁴If a juvenile court is to exist, it consists of a juvenile

court and this category may have a competent psychosocial body.

In addition, the origins of penal remedies in various legislation are ba

sed on the principle of separation of functions: Prosecution, investigation, prosecution. Every job has competent staff. What concerns juveniles is different from adults, since the juvenile is not a criminal offence and is inherent in his psychology, but often in circumstances and social or economic disparities that have led to criminality. Therefore, the chances of severe punishment do not come to their desired conclusion. "), which is competent to hear cases of juveniles proceeding in accordance with the rules of criminal procedure for the treatment of juvenile delinquents, although they differ in their composition from the courts of the Algerian judiciary as a general rule, This is the case in the world's procedural systems.

Its jurisprudence shall be educational or penal ⁵

Under article 59 of the Children's Protection Act, Algerian legislation establishes a juvenile section at the level of each court for the consideration of offences and offences committed by children, and another section for juveniles at the level of judicial councils for the consideration of offences committed by children.

Before the Juvenile Division at the court level:

Reference is made to the text of article 80 of the Child Protection Act. The composition of the governing body consists of: "The juvenile section consists of a juvenile judge, a chairperson and two jury assistants. The public prosecutor or an assistant shall act as prosecutor. The juvenile section shall be assisted by a supervisor."

- Original jurors and 3-year reserves are required by decision of the Minister of Justice to select from among persons of both sexes over the age of 30 their Algerian nationality and have an interest in juvenile affairs, specialization and expertise.

- The jurors shall be sworn in before assuming their duties and shall be their home where the juvenile court is located, in addition to: His curriculum vitae shall be good and he shall preserve the secrets of his profession as a juror. The nominations shall be made on the basis of written instructions given by the President of the Judicial Council to juvenile judges requesting them to contact the chairpersons of the People's Councils to submit lists of nominations for persons wishing to be jurors.

- President or Vice-President and members of the Council

- Guardian or representatives of the State

- Director of Education or Deputy Director (Academy Inspector)

- State Inspector of Labour or his representative

- Youth and Sports State Inspector

The jury's work in this area is essential in that it is mandated to provide the judge with full clarity about all the personal, environmental and social circumstances of the juvenile so that the judge can take measures appropriate to the situation before him. And given the importance of the role of the juror, the legislative texts on events confer on him many powers and possibilities to carry out the task entrusted to him. His main objective is to seek to rebuild the character of the juvenile, Therefore, the selection of jurors as previously made is not arbitrary, but must be made under certain conditions ⁶.

2.2 Juvenile Chamber of the Judicial Council:

Article 91 of the Child Protection Act 15-12, in turn, defines the composition of the governing body at the level of the juvenile chamber of the Judicial Council by stipulating that: "Every judicial council has a juvenile chamber.

The Juvenile Chamber is composed of two chairpersons and two advisers (02), appointed by order of the President of the Council to a magistrate from among the Council's judges known to be concerned with childhood and/or practised as juvenile judges.

2.3.Council Headquarters Court:

Article 61 of the same Act stipulates: "In each court located at the seat of the Judicial Council, two or more juvenile judges must be appointed by the Minister of Justice to maintain the seal for a period of 03 years.

In other courts, juvenile judges are appointed by order of the President of the Judicial Council for a period of 03 years.

Juvenile judges shall be selected from among judges who have at least the rank of Vice-President of the Court.

appoint in each court one or more investigating judges, by order of the President of the Judicial Council, charged with investigating crimes committed by children ".

One of the distinctive features of the juvenile judge is that, contrary to the general rule of the Code of Criminal Procedure, which stipulates that an investigating judge may not sit in judgement in cases heard as an investigator.⁷

Juvenile trial proceedings:

The nature of the procedure before juvenile justice differs from that before the ordinary courts because the functions of the ordinary courts are limited to the conviction or acquittal of the offender. The juvenile court is not legal, but also socio-pastoral, in order to protect and reform the

juvenile for the purpose of appropriate measures and penalties.⁸

1/Prohibition of the evil of the proceedings of the meeting:

All international legislation and covenants, in particular rule 8 of the Beijing Rules of 1985 concerning the Standard Minimum Rules for the Administration of Juvenile Justice, in paragraph 2, recognize that the juvenile's right to the protection of a maintenance member shall be respected at all stages of the proceedings in order to avoid any harm caused by criminal descriptions.

in order to protect him from the effects that would result from the publication of information on the facts of the case, such as the mention of his name.

2/Exempt the juvenile from attending the session:

In the interests of the juvenile, the court may exempt the juvenile from all or part of the hearing if the juvenile's protection so requires. This is prescribed by article 39M 82 paragraph 4.3 of the 15.12 Child Protection Act.

However, article 82 of the Act considers the juvenile's right to be present even though he does not attend the hearing.⁹

All this takes into account the psychological "state of the child", especially if the offence is contrary to public morals and morals.

You should be assisted by a lawyer:

Article 67 of the Algerian Child Protection Act stipulates that: "The presence of a lawyer to assist the child is obligatory in collecting the stages of follow-up, investigation and trial.

If the child or legitimate representative is not a lawyer, the juvenile judge shall be a lawyer of his own accord or shall be entrusted to the lawyer's captain.

In the case of automatic choice of lawyer from a list prepared monthly by the Bar Association in accordance with the qualifications set out in the applicable legislation and regulation.

This is constitutionally recognized and enshrined in most legislation, which is a constitutional right and the role of the defence is to help the judge to form a judicial ray in favour of the juvenile'.

3. Judicial mechanisms established for juvenile delinquents after dismissal, including the nature of the judgements handed down by this body

His remedial task with the juvenile judge requires him not to move away from the executive stage. In the interests of the juvenile, the United Nations Conference on Prevention and Rehabilitation, held in Milan in 1985 in view of the goal of juvenile justice, recommended that assistance and rehabilitation be provided to the juvenile, It is necessary to choose the appropriate measure against them and to pursue the implementation of this

correctional or disciplinary measure against them.

Accordingly, the Biken Rules provide the judge with the judge's broad discretion to take appropriate action and to amend it according to the juvenile's situation, and supervise its implementation.

3.1. In supervising the implementation of the provisions and amending them:

The measures approved by the legislature for the juvenile are indefinite. This measure expires between achieving the desired objective and removing the danger of the juvenile to society. The reason for not limiting the duration is measured by the juvenile's presence and the extent to which the juvenile needs to be polished.

In essence, the virtuous judgement in the matter may not then be reviewed or prejudiced in any way except by means of a legal challenge. If the case is resubmitted, it may not be heard in advance of the dismissal and contrary to these rules, its remedial function in the juvenile court must not be abandoned by the judge once the judgement has been rendered.

The sentences handed down for execution of their own social character make them under the judge's constant supervision.

3.2 Methods of appeal against sentences:

International rules on juveniles have established the right to challenge judgements. Rule 7 of the Beijing Rules

defines this fundamental procedural safeguard by stating that at all stages it guarantees fundamental procedural safeguards, such as the right to appeal to higher authorities, in order to ensure a fair trial. An appeal against judicial rulings is the only way to remedy any errors that may occur in most legislation.

3.3. In places designated for the execution of sentences imposed on the juvenile:

juvenile who commits a crime and is at risk of delinquency is excluded in his natural environment with the assistance and guidance of him or her from the environment in which he lives as his condition or vulnerability in his institution recovers, especially with the advantages of

4. CONCLUSION

Through this study we find that:

The phenomenon of juvenile delinquency is one of the most serious and serious problems affecting societies and the perception of modern penal legislation. It has become a link between the perception and discrimination of the perpetrator of the crime and the intransigence that must be imposed on him.

the large family and works to provide him with the principles and foundations for his pursuit of his normal life in the community again.

This is in order to adopt a calendar pedagogical orientation with the aim of reforming the juvenile against the law or at risk, rehabilitating and evaluating it away from the sticky atmosphere and punishment so that the natural climate in which you will grow the character of the juvenile and a character under completion interacts continuously with the surroundings, providing adequate school and vocational education and moral refinement while adapting it to the social environment.

What may result from the criminal act committed by the judge, who is unaware of its consequences, makes it possible for the judge and the judiciary to treat the juvenile with caution to ensure that he is treated and re-evaluated..

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⁴Algeria's Law on Child Protection Analyzes and Roots Article by Article, Njimi Jamal, Hama House for Printing, Publishing and Distribution, Algeria, First Hexagonal 2016, p. 287

⁵.Abdelmalek Sayeh, *ibid.*, p. 183

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⁷N 'Jimi Jamal, *ibid.*, p. 112.

⁸Report on juvenile delinquency in Palestinian legislation, Qais Jabarin, Ramallah, November 1998, p. 59.

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