



The Procedure of Appearance Based on Prior Admission of Guilt: In Light of the New Code of Criminal Procedure No. 25/14

Asma Kelanemer*

Assistant Professor A, Criminal Sciences

Laboratory (Algeria)

a.kelanemer@univ-alger.dz

Received:17/11 /2025

Accepted:27/02 /2026

Published: 31/03/2026

Abstract:

The system of appearance based on prior admission of guilt is a modern legal procedure aimed at speeding up criminal case litigation. It allows the accused to confess before judicial authorities, enabling quicker dispute resolution and easing court burdens. This system includes safeguards to protect the accused's rights, ensuring confessions are voluntary and accompanied by legal defense. Algeria incorporated this procedure in its new Code of Criminal Procedure No. 25/14, emphasizing justice and efficiency by reducing lengthy traditional processes that strain the judiciary. This approach balances swift resolution with legal protections for the accused.

Keywords:Prior admission, Appearance procedure.

Introduction:

The system of appearance based on prior admission of guilt represents a qualitative shift in the field of criminal procedure, reflecting a modern orientation that seeks to update mechanisms of justice and enhance their effectiveness. This system draws its roots from international experiences, particularly in judicial systems of Francophone and Anglo-Saxon nature, which adopted this method as an alternative to traditional trials, with the aim of reducing litigation time and alleviating judicial burdens on courts.

*Corresponding author



The system does not merely aim at speed in adjudication, but also seeks to consolidate the principle of restorative justice, by enabling the accused to admit guilt while respecting his legal and constitutional rights. In this context, the new Code of Criminal Procedure No. 25/14 (covering Articles 539 to 548) contains the provisions regulating this system, clarifying the conditions and procedures for its application.

This method allows the accused to acknowledge his criminal responsibility through a confession issued of his own free will, which expedites the issuance of judicial decisions. In addition, the accused may benefit from reduced or alternative penalties, thereby facilitating the judicial system in simplifying procedures.

The importance of this subject lies in the fact that it reflects legislative changes accompanying social developments and rising crime rates, making it necessary to establish effective legal mechanisms that protect human rights while ensuring swift justice. Therefore, the study of the system of appearance based on prior admission of guilt is not merely an academic inquiry, but a necessity to understand the effects of this system in Algerian law and to evaluate its challenges and prospects for improvement.

This study aims to clarify the legal concepts associated with the system, analyze the legislator's motives in adopting this mechanism, and focus on the legal safeguards that protect the rights of the accused within this framework.

Our study of this subject requires posing the following problem: To what extent has the system of appearance based on prior admission of guilt succeeded in achieving a balance between the speed of judicial procedures and the protection of the accused's rights in Algerian law?

In order to answer this problem, we relied in this study on the descriptive-analytical method by defining the concepts of this procedure and distinguishing it from the ordinary confession system, while analyzing the legal texts that regulate the procedure in the new Code of Criminal Procedure No. 25/14¹.

To address the problem, we divided the study into two sections:

TopicOne: General provisions of the procedure of appearance based on prior admission of guilt



TopicTwo: Legal provisions of the procedure of appearance based on prior admission of guilt

THE FIRST TOPIC:General Provisions of the Procedure of Appearance Based on Prior Admission of Guilt

Our study of the procedure of appearance based on prior admission of guilt requires first examining the general provisions that regulate it, whether in terms of defining its concept and distinguishing it from other similar systems, or in terms of highlighting its objectives, which consist in alleviating the burden on the judiciary and reinforcing trust in justice. Appearance based on prior admission of guilt is not merely a procedural tool to accelerate trials, but rather a legal mechanism with human and judicial dimensions, aiming to achieve judicial stability and to enshrine principles of justice and efficiency in the application of criminal law.

Accordingly, this section will address the general aspects of this procedure through two main subsections: the first will examine the concept of the procedure of appearance based on prior admission of guilt, while the second will clarify the legal nature of this procedure.

FIRST REQUIREMENT: The Concept of the Procedure of Appearance Based on Prior Admission of Guilt

The procedure of appearance based on prior admission of guilt is considered one of the most prominent newly introduced methods in the Code of Criminal Procedure, as it is based on the principle of expediting adjudication in criminal cases where the accused acknowledges his responsibility for the act attributed to him. Addressing this procedure requires clarifying its concept and identifying the characteristics that distinguish it from other traditional procedures.

Firstly:Definition of the Procedure and Its Distinction from Similar Systems

In this branch, we shall first attempt to define this procedure and distinguish it from similar systems.



1-Definition of the Procedure of Appearance Based on Prior Admission of Guilt:

Dr. Ahmed Boulmakhel defined the procedure of appearance based on prior admission of guilt as follows: "It is a procedure undertaken by the Public Prosecution to present the accused directly before the court, after he provides an explicit confession of guilt, in order to avoid prolongation of procedures and to expedite adjudication in cases where the evidence is clear²."

Dr. Abdelrahman Khalfi, on the other hand, defined it as: "A legal means that allows the accused to be immediately presented before the competent judicial authority after his prior admission of guilt, while ensuring respect for his rights, thereby enhancing the speed of achieving justice³."

It is worth noting that the Algerian legislator did not provide a definition of this procedure in the Code of Criminal Procedure, but rather regulated it within Law No. 25/14 containing the Code of Criminal Procedure, where strict rules were established along with safeguards to protect the rights of the accused, recognizing the importance of this procedure in expediting the achievement of judicial justice.

2- Distinction between the Procedure of Appearance Based on Prior Admission of Guilt and Ordinary Confession

Appearance based on admission of guilt enables the Public Prosecutor to shorten trial procedures for certain crimes, provided that the accused admits to the acts attributed to him in exchange for benefiting from a reduced penalty compared to the original penalty prescribed by law⁴. Ordinary confession, on the other hand, is considered one of the most important evidentiary means in criminal matters, referring to the accused's acknowledgment of having committed all or part of the facts constituting the crime, of his own free will and without coercion, before a competent judicial authority. Algerian criminal doctrine has addressed ordinary confession as a means of proof rather than as an independent procedural system like appearance based on prior admission of guilt⁵. Moreover, prior admission of guilt aims to alleviate the burden on the judiciary and accelerate adjudication of cases, whereas ordinary confession aims to provide evidence that reinforces judicial conviction regarding the commission of the crime. We shall attempt to distinguish between them from several aspects:



a- In terms of legal basis

The legislator provided for the system of appearance based on prior admission of guilt in Articles 539 to 548 of the Algerian Code of Criminal Procedure, while ordinary confession was referred to in Article 350 of the same Code, which stipulates that: "Confession, like all elements of proof, is left to the free discretion of the judge."

b- In terms of legal nature

Prior admission of guilt is a special procedure independent of traditional means of proof, involving a procedural agreement between the Public Prosecution and the accused regarding the penalty in exchange for admission of guilt. Ordinary confession, however, is considered an evidentiary means subject to the discretionary authority of the judge, and does not necessarily entail mitigation of the penalty or termination of the case⁶.

c- In terms of the parties to the procedure

Prior admission of guilt is initiated either by the Public Prosecution or at the request of the person or his lawyer, pursuant to Article 539 of the Code of Criminal Procedure, and the result of the agreement is submitted to the trial judge for approval. Ordinary confession, by contrast, is made directly before the judicial police, the investigating judge, or the trial judge without any prior agreement.

d- In terms of resulting effects

Prior admission of guilt leads to shortening trial procedures and issuing a judgment with a reduced penalty, whereas ordinary confession merely reinforces the judge's conviction without obliging the court to rule on its basis⁷.

Secondly: Objectives of the Procedure of Appearance Based on Prior Admission of Guilt

Appearance based on prior admission of guilt is a procedure of great importance in the Algerian judicial system, given its significant impact in achieving the objectives of swift and effective justice. This procedure fulfills a number of objectives, the most important of which are:



1- Alleviating the burden on courts

This procedure contributes to expediting the adjudication of cases that usually take a long time to resolve, thereby realizing the principle of criminal justice. It enables the Public Prosecutor to provide fair settlements for defendants who confess to their crimes, while granting them the opportunity to benefit from reduced penalties. This encourages early confession and allows judicial resources to be directed toward more complex cases⁸.

2- Achieving a precise balance between speed of adjudication and safeguarding defense rights

Balancing speed of adjudication with safeguarding defense rights is one of the fundamental objectives of the system of prior admission of guilt in procedural law. This balance is reflected in the application of rules and safeguards that ensure protection of the accused's rights during implementation of this system. It requires the presence of the accused's lawyer during the stage of concluding the agreement, which guarantees that his decision to admit guilt results from free and conscious will, away from any coercion or pressure by the authorities⁹. The judge, in approving the agreement, must ensure that all legal safeguards are fulfilled, including informing the accused of his rights so that his choice is based on full understanding of its consequences. This approval also requires surrounding him with all necessary legal and procedural guarantees¹⁰.

Furthermore, this system applies only to misdemeanors that do not require complex investigations, as confirmed by Article 539 of the new Code of Criminal Procedure, which states: "The Public Prosecutor may, in misdemeanor matters..." This reduces the need for investigations and accelerates procedures. At the same time, the accused does not lose his right to object to the agreement or to appeal the judgment after its issuance, thereby ensuring balanced justice. By leaving the final decision to the court after approval of the agreement, the judicial authority is given the opportunity to assess whether the admission complies with principles of justice and human rights, and may reject or amend the agreement if it is found to violate the rights of the accused or procedural law.

3- Enhancing the effectiveness of the judicial system in combating crime

This procedure serves as a mechanism that encourages defendants to voluntarily confess to their crimes, thereby accelerating the discovery of truth and saving the time and effort required for lengthy and complex investigative procedures. It also helps to block traditional paths that may consume significant judicial and



professional resources, and reduces the number of cases requiring lengthy trial sessions and witnesses who may not be available. This leads to smoother functioning of courts and alleviation of pressures upon them. In addition, prior admission of guilt promotes faster judgments that reinforce the principle of deterrence, as defendants perceive that early confession shortens judicial processes and increases the chances of reduced penalties, thereby motivating them to cooperate with justice¹¹.

SECOND REQUIREMENT: The Legal Nature of the Procedure of Appearance Based on Prior Admission of Guilt

The system of appearance based on prior admission of guilt is a summary criminal procedure of exceptional, consensual, and negotiated nature, combining both procedural and punitive characteristics, as recognized by Algerian and comparative jurisprudence. Jurists have divided on this matter into two opinions: some considered it an exceptional procedural system and presented numerous arguments in support, while the second opinion regarded it as a conciliatory procedure. In this subsection, we shall address this doctrinal debate through three branches: the first examines appearance based on prior admission of guilt as an exceptional procedural system; the second treats it as a conciliatory system; and finally, the third presents the reconciliatory view that considers it a summary negotiated judicial procedure.

Firstly: Appearance Based on Prior Admission of Guilt as an Exceptional Negotiated Procedural System

A segment of jurisprudence views this system as a special means of initiating public prosecution, falling within exceptional criminal procedures, and aiming to settle the case in a negotiated form between the prosecution and the accused, while judicial authority remains vested in the judge to approve the results of the agreement.

This system is considered exceptional because it differs from traditional criminal procedures in force, and it constitutes a simplified and abbreviated method of initiating public prosecution to reduce the burden on courts, particularly in cases where confession is clear and ready. Proponents of this view emphasize that this exceptional system seeks to achieve more flexible and equitable justice, protecting the rights of the accused on the one hand, and contributing to the swift realization of justice on the other. To reinforce the strength of these safeguards, strict judicial



supervision is imposed on the application of the system, making this procedure an exception governed within the legal framework¹².

Secondly: Appearance Based on Prior Admission of Guilt as a Consensual Conciliatory Procedure

Proponents of this view consider the system an extension of the principle of restorative justice, aiming to reach a “consensual resolution of the criminal dispute” without undermining the guarantees of a fair trial.

They rely on several legal and substantive arguments to support this approach, asserting that this system represents a qualitative shift from traditional punitive justice to a more flexible and consensual justice, allowing criminal disputes to be settled in a manner satisfactory to the parties while preserving the general objectives of punishment, deterrence, and justice. The restorative justice integrated into this system contributes to reducing disputes, particularly those of a simple nature or where confession is evident.

They further emphasize that this system does not conflict with the accused’s right to a fair trial but rather reinforces it through judicial supervision of the validity of the agreement, and the accused’s right to refuse and not be coerced into confession. The agreement becomes binding only after judicial approval¹³. Moreover, this system is regarded as a judicial agreement with legally binding force upon the three parties: the prosecution, the accused, and the judge. The agreement is ratified by a judicial ruling enforceable against the accused, thereby consolidating the reliability of this form of disciplinary settlement¹⁴.

Thirdly: Appearance Based on Prior Admission of Guilt as a Summary Consensual Negotiated Procedure

A reconciliatory view within jurisprudence combines the two preceding opinions, considering it a summary consensual negotiated procedure with dual characteristics. In form, it is a special procedure of public prosecution, initiated by the Public Prosecutor and subject to judicial oversight by the court. In substance, it is a consensual criminal settlement aimed at shortening judicial time and reducing penalties within the framework of respect for constitutional rights.

This is the approach adopted by the Algerian legislator in the new Code of Criminal Procedure No. 25/14. On the one hand, it is considered a consensual and optional procedure, not imposed upon the accused, but carried out based on his free will and explicit consent. It differs from traditional trials imposed by the



prosecution, as this procedure is founded on the will of the parties (the prosecution and the accused) to terminate the case through a legal agreement submitted to the criminal judge for approval.

This is confirmed by Article 539 of the new Code of Criminal Procedure, which stipulates that confession must stem from free will without pressure or coercion¹⁵. The legislator also regarded it as one of the mechanisms of negotiated justice, introduced to alleviate the burden on the judiciary and achieve flexibility in the application of justice. In essence, it resembles the plea bargaining system in Anglo-Saxon law, though in Algerian legislation the judge retains a central role in verifying the validity of will and the legality of the agreement.

THE SECOND TOPIC: Legal Provisions of the Procedure of Appearance Based on Prior Admission of Guilt

Appearance based on prior admission of guilt is a newly introduced legal mechanism in Algerian legislation under Law No. 25-14 containing the Code of Criminal Procedure. As explained earlier, it is a procedure aimed at expediting adjudication in criminal cases and alleviating the burden on courts, by enabling the accused to confess guilt in exchange for a reduced penalty.

In this section, we shall examine the substantive, personal, and procedural conditions required for the misdemeanor court to adopt this procedure, which will be addressed in **First requirement**. **Second requirement** will be devoted to studying the procedures of judgment based on prior admission of guilt, detailing the practical steps of applying the procedure, beginning with the proposal of appearance by the Public Prosecutor, the accused, or his defense, passing through the proposal of the penalty, followed by judicial approval, and culminating in the issuance of the judgment.

FIRST REQUIREMENT: Conditions for the Application of the Procedure

To ensure proper application of this procedure in Algerian law, substantive, personal, and procedural conditions must be met. The presence of these conditions together constitutes an integrated framework that safeguards the integrity and fairness of the procedure of appearance based on prior admission of guilt, supports the right to defense, and enhances the efficiency of courts in handling misdemeanor cases.



Accordingly, our study of this subsection requires dividing it into three branches: the first addresses the substantive conditions for applying this procedure; the second is devoted to personal conditions; while the third and final branch deals with procedural conditions, as outlined below.

Firstly: Substantive Conditions for the Application of the Procedure

Article 539 of the new Code of Criminal Procedure confirmed that this procedure applies to simple misdemeanors, stating: “The Public Prosecutor, in misdemeanor matters, may, either on his own initiative or at the request of the person or his lawyer, resort to the procedure of appearance based on prior admission of guilt...” This substantive restriction is necessary to prevent the use of this procedure in serious crimes¹⁶.

Referring to Article 540 of the new Code of Criminal Procedure, a category of misdemeanors excluded from the application of this procedure was specified, namely:

- Misdemeanors where the maximum prescribed penalty of imprisonment exceeds five (5) years.
- Misdemeanors provided for in Chapters I, II, III, and IV of Book III, Title I of the Penal Code, consisting of felonies and misdemeanors against State security, unlawful assembly, felonies and misdemeanors against the Constitution, felonies and misdemeanors against public safety, crimes of treason and espionage, assaults and conspiracies against State authority and the integrity of national territory, and felonies and misdemeanors against persons.
- Misdemeanors specified in Article 85 of the Code of Criminal Procedure, including drug trafficking, transnational organized crime, crimes related to information and communication technologies, money laundering, terrorism, crimes related to foreign exchange legislation, and corruption.
- Misdemeanors committed against children, or those facilitated by the victim’s vulnerability due to age, illness, disability, physical or mental incapacity, or due to a visible or known pregnancy of the victim.
- Misdemeanors subject to special prosecution procedures¹⁷, such as political crimes and those provided for in the Press Law.



Secondly: Personal Conditions for the Application of the Procedure

When discussing the application of the procedure of appearance based on prior admission of guilt, personal conditions constitute fundamental pillars to ensure the validity of confession and the legitimacy of the procedure. These conditions relate to the attributes and capacities of the accused, which must exist to guarantee that his confession stems from a free and informed will. The personal conditions are as follows:

1- Full legal capacity:

The accused must be of legal age, mentally sound, and in full possession of legal capacity, with the ability to understand and assess his actions, thereby enabling perception and discernment. This condition is essential for the confession to be legally valid, since the absence of legal capacity nullifies the effect of confession as an outcome of free will¹⁸.

2- Confession must be explicit and issued by free will:

The confession must be explicit and the product of free will without pressure. This condition is non-negotiable for the success of the procedure¹⁹. It means that the confession must result from conscious choice, without physical or psychological coercion²⁰, and free from any corrupting influence such as inducement, trickery, or deception.

SECOND REQUIREMENT: Procedures of Judgment Based on Prior Admission of Guilt and the Consequences Thereof

The procedure of appearance based on prior admission of guilt is one of the recent legal reforms in the Algerian system, aiming to accelerate adjudication in misdemeanor cases.

Pursuant to Law No. 25-14 containing the Code of Criminal Procedure of 2025, these procedures follow a specific course under the legal provisions, which we shall attempt to clarify in Branch One, while the resulting consequences will be addressed in Branch Two.



Firstly: Procedures for the Application of this Procedure

The application of the procedure of appearance based on prior admission of guilt is carried out through specific stages aimed at rationalizing the course of justice and expediting the adjudication of misdemeanor cases, while safeguarding the rights of the accused in accordance with the following legal frameworks. These procedures are as follows:

1-Initiation of the procedure:

The procedure begins with an initiative by the Public Prosecutor, the accused, or his lawyer, through a request or proposal to resort to the system of prior admission of guilt, provided that the offense is of the type of misdemeanors to which the law permits the application of this system, and that the accused explicitly confesses to committing it. This was confirmed by Article 539, which states: “The Public Prosecutor, in misdemeanor matters, may, either on his own initiative or at the request of the person or his lawyer, resort to the procedure of appearance based on prior admission of guilt...” This initiative is considered a fundamental condition to ensure balance in justice²¹.

2- Drafting the confession record:

An official record is drawn up documenting the accused’s confession to all details of the crime. The procedure must be carried out in the presence of a lawyer, who explains to the accused all his legal rights and the implications of the confession. This presence ensures that the confession is a free act resulting from conscious will, as confirmed by Article 539, which states: “...an explicit confession without ambiguity...”

3- Proposal of principal or supplementary penalties

The Public Prosecutor, pursuant to Article 541 of the Penal Code, may propose to the accused appearing before him the execution of a penalty or a set of principal or supplementary penalties. In this context, two cases must be distinguished:

- If the proposed penalty is imprisonment or imprisonment with a fine, the duration of imprisonment or the amount of the fine must not exceed half of the maximum penalty prescribed by law.
- If the proposed penalty is a fine only, and the original offense is punishable by imprisonment as well, the fine must not be less than two-thirds of the maximum prescribed by law.



In addition, the Public Prosecutor may propose that the penalty, whether imprisonment or fine, be subject to full or partial suspension. He may also propose substituting imprisonment with an alternative penalty, in accordance with the conditions set forth in the Penal Code²².

These rules aim to achieve a balance between facilitating and expediting litigation procedures, and ensuring the imposition of appropriate and reasoned penalties that take into account the nature of the offense and the circumstances of the accused.

4- Granting the accused time to reflect

The accused or his lawyer may request a period not exceeding five (5) days to respond to the proposed penalty or penalties presented by the Public Prosecutor. During this period, the Public Prosecutor decides either to allow the release of the accused or to present him before the president of the judicial authority or the judge delegated thereto. If the proposed penalty includes effective imprisonment, a decision is issued in this regard by an order not subject to appeal, after hearing the accused and his lawyer if present. The decision may be either to release the accused, subject him to judicial supervision measures, or detain him temporarily for a period not exceeding twenty (20) days. A copy of the procedural file is placed at the disposal of the lawyer, who has the right to communicate freely with the accused, particularly in a designated place prepared for this purpose²³.

5- The response stage

A distinction must be made between two cases: the case of the accused rejecting the proposal, and the case of his acceptance thereof, as stipulated in Articles 543 and 544 of the new Code of Criminal Procedure.

In the case of rejection of the Public Prosecutor's proposal or failure to express acceptance within the granted period, the Public Prosecutor takes the appropriate measure. If the accused is detained, his appearance before the trial authority or the investigating judge must be ensured before the expiration of the effect of the temporary detention order provided for in Article 542.

If the file is referred to the court and the case is adjourned, the effect of the detention order continues until the case is adjudicated, unless the court decides to release him. When the investigating judge is notified, he must decide on whether the accused remains detained or is subjected to judicial supervision obligations, but he may not in any case adjudicate the case if he was the one who issued the



temporary detention order pursuant to Article 542 of the Code of Criminal Procedure²⁴.

6- The approval stage:

If the accused, within the five-day period, expresses acceptance of the penalty or penalties proposed by the Public Prosecutor, this is recorded in a report signed by the accused, the Public Prosecutor, and the court clerk. The report must, under penalty of nullity, contain: the identity of the accused, a precise description of the facts attributed to him, the place, date, and circumstances of their occurrence, explicit and unequivocal confessions of committing the acts, the legal characterization of those acts, the amount of the proposed penalty, and the accused's acceptance of its immediate execution. Thereafter, the Public Prosecutor refers the accused directly to the court, requesting approval of the report, and the victim is notified of the hearing date²⁵.

Secondly: Effects of Approval of the Proposal of Appearance Based on Prior Admission of Guilt

When the accused is referred to the court under the procedures of prior admission of guilt, the judge examines the record after hearing the accused and his lawyer, if present, and verifying the validity of the confession, the conformity of the facts with the legal description, and the legality of the penalty proposed by the Public Prosecutor. The judge then issues one of the following decisions:

- Approval of the record, or
- Refusal to approve it²⁶.

1-In the case of approval of the record

If the judge decides to approve the record, he adjudicates the civil action related to the case, if any, after hearing the requests of the civil party, the accused, and his lawyer. The judge issues a single judgment covering both the criminal and civil actions²⁷, and this judgment is subject to appeal. In the event of an appeal of this judgment while the accused is detained, the judicial council must adjudicate the case within a period not exceeding two months from the date of filing the appeal.



If the judicial council decides to annul the judgment or uphold the refusal of approval, it must rule on whether the accused remains detained or is released. The file is automatically referred to the Public Prosecution to take the appropriate measure within a period not exceeding twenty days; if this is not done, the accused must be released²⁸. It should be noted that the judgment or decision approving the record is considered a conviction and has enforceable effect in both criminal and civil aspects²⁹.

2- In the case of non-approval of the record:

If the judge refuses to approve the record, it is withdrawn from the file of the public action and kept in the court registry, with prohibition of its use to derive evidence or charges against the accused; otherwise, such use would be null and void³⁰.

Conclusion:

Through our study of the subject of appearance based on prior admission of guilt, we have reached a set of findings, the most important of which are:

- The system of prior admission of guilt is a modern legal mechanism introduced by the Algerian legislator to facilitate and accelerate trial procedures, especially in misdemeanor cases, and to reduce the workload on the judiciary.
- The system contributes significantly to resolving cases in a short time, allowing the court to make a swift decision based on the accused's confession, thereby reducing delays in justice.
- The system enables the accused, upon confession, to benefit from reduced or alternative penalties, which enhances the possibility of rehabilitation and humane treatment of defendants.
- This system facilitates the saving of judicial resources, reducing the need for lengthy deliberations and litigation, preventing the exhaustion of judicial capacities, and alleviating pressure on judicial institutions.
- Certain restrictions and conditions exist for the application of this system, such as the penalty not exceeding five years, and its non-application in certain special cases, which ensures protection of the accused's rights and prevents misuse.



- Despite positive outcomes, the system still faces obstacles related to proper implementation, ensuring that confessions are not coerced, and the need to develop clear safeguards to guarantee justice.

Accordingly, we propose a set of recommendations:

- Strengthening the role of the judge in approving the confession record, ensuring that the accused's will is free from coercion, pressure, or threats, and that the confession is issued from a free and informed will. This judicial oversight should include a comprehensive examination of negotiation circumstances and the accused's understanding of the legal consequences of his confession.

- Reinforcing the role of the lawyer in all stages of the procedure of prior admission of guilt, not only as a right of the accused but as a legal obligation that cannot be waived, to ensure protection of defense rights and provision of adequate legal advice to the accused regarding his options. The lawyer must be present at all stages of negotiation and signing of the record.

- Extending the period granted to the accused to respond to the Public Prosecutor's proposal from five days to a longer period, allowing consultation with his lawyer and family and enabling a well-considered decision free from pressure.

- Organizing specialized training courses for Public Prosecutors and judges on how to apply the procedures of prior admission of guilt, with emphasis on procedural safeguards, defendants' rights, and negotiation ethics.

- Preparing training programs for lawyers on mechanisms of negotiated justice and effective defense strategies within the system of prior admission of guilt, enabling them to provide sound legal advice to their clients.

- Expanding the range of alternative penalties available under this system (such as community service, fines, electronic monitoring) to better achieve the objectives of restorative justice.

- Conducting media and awareness campaigns directed at society to explain the nature of the system of prior admission of guilt, its objectives, and safeguards, in order to gain citizens' trust and acceptance of this new mechanism.

- Providing clear and simple legal information to suspects and defendants about their rights under this system, and the consequences of accepting or refusing confession.



The Procedure of Appearance Based on Prior Admission of Guilt: In Light of the New Code of Criminal Procedure No. 25/14

- Establishing a national committee to monitor the application of the system of prior admission of guilt and evaluate its effectiveness, identify practical difficulties, and collect statistics on the number of cases applied and success rates.
- Holding national and regional conferences bringing together judges, lawyers, and university professors to exchange experiences and opinions on the practical application of the system, identify gaps, and propose solutions.

Endnotes

¹Law No. 25/14 of 3 August 2025, containing the Code of Criminal Procedure, Official Gazette, No. 54, issued on 13 August 2025.

²Boulmekahal, Ahmed. Immediate Appearance as an Alternative for Resolving Criminal Disputes. *Journal of Human Sciences*, University of Constantine, Vol. 26, No. 2, 2018, pp. 19–20.

³Khelfi, Abdelrahman. *Criminal Procedure in Algerian and Comparative Legislation*. Dar Balqis, Algeria, 2nd ed., 2016, p. 352.

⁴Maïza, Reda. “Appearance Based on Admission of Guilt: An Urgent Necessity for Algerian Criminal Policy.” *Annals of the University of Algiers*, University of Algiers 1, Vol. 33, No. 2, 30 June 2019, p. 10.

⁵Gharfi, Idriss & Fathi Mohda. “Plea of Nullity of Confession in Criminal Proceedings.” *Journal of Rights and Freedoms*, Vol. 9, No. 1, p. 73.

⁶Draji, Mohamed. “Confession in Criminal Evidence under Algerian Law.” *Journal of Legal and Criminal Sciences*, University of Algiers 1, No. 2, 2022, pp. 98–129.

⁷Bou Rajah, Souhila & Bouaroudj, Lamia. “The System of Appearance Based on Guilty Plea and Its Role in Achieving Swift Justice.” *Journal of Legal and Social Studies*, No. 7, University of Algiers, 2019, pp. 75–101.

⁸Maïza, Reda. Op. cit., p. 11.

⁹Ben Qella, Leila. “The System of Appearance with Prior Admission of Crime: A Comparative Study.” *Professor Researcher Journal of Legal and Political Studies*, Vol. 7, No. 2, 2022, pp. 1716–1718.

¹⁰Maïza, Reda. Op. cit., p. 13; Ben Qella, Leila, p. 1719.

¹¹Gharfi, Idriss & Fathi Mohda. Op. cit., pp. 72–74.

¹²Ben Qella, Leila. Op. cit., pp. 1715–1720.

¹³Ben Omar, Abdelkader. *Legal Safeguards in Criminal Procedure*. Dar Al-Fikr Al-Arabi, 3rd ed., 2020, pp. 210–215.

¹⁴Ali Rachid. *Algerian Criminal Justice: A Comparative Study*. New University Press, Alexandria, 2003, pp. 98–102.

¹⁵See Article 589 of the new Code of Criminal Procedure.

¹⁶Mourad Yaacoub. *The New System of Criminal Procedure in Algeria*. Legal Publishing House, 2023, p. 112.

¹⁷See Article 540 of the new Code of Criminal Procedure.



The Procedure of Appearance Based on Prior Admission of Guilt: In Light of the New Code of Criminal Procedure No. 25/14

- ¹⁸Boumaza, Nadia. Defense Safeguards in the System of Prior Guilty Plea. Doctoral Dissertation, University of Algiers, 2022, p. 140.
- ¹⁹Youssef, Fatima Zahra. "The Role of Confession in the Negotiated Justice System." *Journal of Legal Sciences*, No. 14, 2024, p. 87.
- ²⁰Farhat, Abdessalam. "The Defendant's Will in Criminal Confessions." *Journal of Justice and Judiciary*, No. 29, 2021, p. 73.
- ²¹Mourad Yaacoub. *The New System of Criminal Procedure in Algeria*. Legal Publishing House, 2023, p. 115.
- ²²See Article 541 of the new Code of Criminal Procedure.
- ²³See also Article 541 of the new Code of Criminal Procedure.
- ²⁴Article 543 of the new Code of Criminal Procedure.
- ²⁵Article 544 of the new Code of Criminal Procedure.
- ²⁶See Article 545, paragraph 1, of the new Code of Criminal Procedure.
- ²⁷See Article 545, paragraphs 2–3, of the new Code of Criminal Procedure.
- ²⁸See Article 547 of the new Code of Criminal Procedure.
- ²⁹See also Article 547 of the new Code of Criminal Procedure.
- ³⁰See Article 548 of the new Code of Criminal Procedure.

References:

a) Legal Texts

– Law No. 25-14 of 3 August 2025, containing the Code of Criminal Procedure, Official Gazette No. 54, issued on 13 August 2025.

b) Books

– Khalfi, Abdelrahman. *Criminal Procedure in Algerian and Comparative Legislation*. Dar Balqis, Algiers, 2nd ed., 2016.

– Ali, Rachid. *Algerian Criminal Justice: A Comparative Study*. New University Press, Alexandria, 2003.

– Ben Omar, Abdelkader. *Legal Safeguards in Criminal Procedure*. Dar Al-Fikr Al-Arabi, 3rd ed., 2020.

– Yacoub, Mourad. *The New System of Criminal Procedure in Algeria*. Legal Publishing House, Algiers, 2023.

c) Theses / Dissertations

– Boumaza, Nadia. *Defense Guarantees in the System of Prior Admission of Guilt*. Doctoral Dissertation, University of Algiers, 2022.

d) Articles



The Procedure of Appearance Based on Prior Admission of Guilt: In Light of the New Code of Criminal Procedure No. 25/14

– Boulmekahl, Ahmed. “Immediate Appearance as an Alternative for Resolving Disputes in Criminal Matters.” *Journal of Human Sciences*, University of Constantine, Vol. 26, No. 2, 2018.

– Bou Rajeh, Souhaila&Bouarrouj, Lamia. “The System of Appearance Based on Admission of Guilt and Its Role in Achieving Swift Justice.” *Journal of Legal and Social Studies*, No. 7, University of Algiers, 2019, pp. 75–101.

– Ben Qella, Leila. “The System of Appearance with Prior Admission of Crime: A Comparative Study.” *Professor Researcher Journal of Legal and Political Studies*, Vol. 7, No. 2, 2022.

– Drajj, Mohamed. “Confession in Criminal Evidence under Algerian Law.” *Journal of Legal and Criminal Sciences*, University of Algiers 1, No. 2, 2022.

– Farhat, Abdessalam. “The Defendant’s Will in Criminal Confessions.” *Journal of Justice and Judiciary*, No. 29, 2021.

– Maiza, Reda. “Appearance Based on Admission of Crime: An Urgent Necessity for Algerian Criminal Policy.” *Annals of the University of Algiers*, University of Algiers 1, Vol. 33, No. 2, 30 June 2019.

– Kharfi, Idriss &Mehdah, Fathi. “Pleading Nullity of Confession in Criminal Proceedings.” *Journal of Rights and Freedoms*, Vol. 9, No. 1, 2022.

– Youssef, Fatima Zahra. “The Role of Confession in the Negotiated Justice System.” *Journal of Legal Sciences*, No. 14, 2024, p. 87.