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# The Victim in Criminal Justice: From Marginalization to Effective Participation

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**Abstract:**

This research examines the relationship between the victim and criminal justice, and seeks to highlight the transformation in the victim's position within the criminal justice system, as the victim has moved from being merely a marginalized witness in criminal proceedings to an active party recognized as holding a set of rights. Crime constitutes a serious social phenomenon that threatens security and stability and negatively affects development and individual well-being, which has driven states to develop their criminal policies to confront it. However, traditional criminal justice long focused on the offender, while the victim did not receive sufficient attention despite being the party most harmed by the criminal act.

This study addressed the concept of the victim from both linguistic and legal perspectives, and also examined the concept of criminal justice as a legal system aimed at achieving a balance between protecting society and guaranteeing the rights of both the offender and the victim. The research also highlighted the victim's growing role at various stages of criminal proceedings, beginning with reporting the crime and extending to civil action and the claim for compensation. In this context, the study addressed some of the challenges that victims may face, such as lengthy judicial procedures and secondary victimization. The study also discussed modern trends in criminal policy, foremost among them restorative justice, which seeks to involve the victim, the offender, and society in addressing the consequences of crime and achieving fairness.

**Keywords:** victim, criminal justice, victims' rights, victimology, restorative justice.

## Introduction :

Crime is considered one of the most dangerous social phenomena facing contemporary societies because of the direct threat it poses to security, stability, and public peace. It is not merely deviant behavior punishable by law; rather, it constitutes a complex social phenomenon with profound effects extending to various economic, social, and political dimensions. It leads to severe losses in lives

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and property, negatively affects development programs and individual well-being, stirs feelings of fear and anxiety within society, and weakens the general sense of security.

For this reason, states seek to confront this phenomenon by allocating substantial human and material resources, establishing specialized law enforcement bodies, and developing the criminal justice system to control crime, identify its perpetrators, and bring them to justice. However, traditional criminal justice long focused on crime as an assault on public order and on the offender as the central figure in criminal proceedings, while the victim remained in a marginal position within criminal procedures despite being the party most harmed by the criminal act.

This approach led to the marginalization of the victim's role within the criminal justice system, as traditional criminal systems gave priority to prosecuting offenders and imposing penalties on them without giving victims adequate attention in terms of acknowledging their suffering or responding to their legal, psychological, and social needs. Nevertheless, this situation began to undergo gradual changes from the second half of the twentieth century, especially after the Second World War, amid growing international concern for human rights and the emergence of new intellectual and legal trends calling for the restoration of victims' status.

This trend was significantly reinforced during the 1970s and 1980s with the emergence of victimology and the rise of rights movements that sought to shed light on the conditions of victims and to advocate for strengthening their legal protection. In this context, researchers in the fields of criminology and criminal justice recognized that combating crime cannot be effective unless the victim's condition and various needs are taken into account, whether in terms of providing legal and psychological support, guaranteeing the right to compensation and reparation, or enabling participation in judicial proceedings.

On this basis, concern for victims has become one of the fundamental pillars of contemporary criminal policies. The aim of criminal justice is no longer limited to punishing the offender alone; it has also come to include achieving fairness for

victims, repairing the harm they have suffered, and strengthening society's trust in justice institutions. Enabling the victim to participate in criminal proceedings also helps reduce what is known in victimology literature as secondary victimization, and gives victims a sense that their suffering is acknowledged while allowing them the opportunity to have their voices heard within the judicial process.

Based on the foregoing, the relationship between the victim and criminal justice raises many legal and practical issues that merit study and analysis, which leads to the following central question:

**To what extent can enhancing the victim's participation within criminal justice be regarded as a fundamental shift in the philosophy of the criminal system from a logic of marginalization to a logic of effective inclusion?**

A number of subsidiary questions arise from this issue, the most important of which are:

- What is meant by the victim within the framework of criminal justice?
- What is the nature of the relationship between the victim and the criminal justice system?
- What rights do victims enjoy within criminal proceedings?
- To what extent do modern trends, foremost among them restorative justice, contribute to strengthening the victim's position within the criminal system?

## THE FIRST TOPIC : THE CONCEPTUAL FRAMEWORK OF THE VICTIM'S POSITION IN CRIMINAL JUSTICE

Through this section, we seek to shed light on the basic concepts related to the victim and criminal justice, and to lay the groundwork for understanding the victim's role and position within the judicial system, with a focus on the legal and intellectual developments that have contributed to restoring recognition to victims.

### FIRST REQUIREMENT: DEFINING THE CONCEPTS OF VICTIM AND CRIMINAL JUSTICE

In this requirement, we address the definition of the victim and criminal justice from linguistic, legal, and rights-based perspectives. We also attempt to examine the development of criminal justice and the emergence of victimology in order to clarify the relationship between these basic concepts and the victim's role within the criminal system.

**Firstly**: **The Concept of the Victim or Victims**

The question raised is: who is the victim? The term victim has been given many definitions, and we will address some of them in line with their importance. Unlike French legislation and legal doctrine, which almost unanimously adopt a single term, namely *victime*, Arab legislation and legal doctrine do not seem to agree on a single term. At times, the term *victim* is used, while at other times the term *injured party* is used. This is also what we have observed in Algerian legislation through the texts of criminal laws, as it does not consistently adhere to one single term. Sometimes it uses the term *victim*, and at other times *injured party*, as well as other terms scattered throughout both the Penal Code and the Code of Criminal Procedure, such as *civil claimant*, *complainant*, and *injured person*. The legislator remained in this state of fluctuation in using multiple terms to refer to the victim. However, today, through Law 25/14 relating to the Code of Criminal Procedure, the legislator has settled on the term *victim*, which is a decisive step toward giving the victim a recognized place within the rules of criminal justice.

**1- The Victim in Language and Terminology**

In this branch, we will address the meaning of the victim in language, then define the term in its technical sense, and finally in its legal sense.

**a- The Victim in Language**

The word *victim* in language has several meanings, the most prominent of which is that which is sacrificed, that is, the sacrificial animal, whose plural forms are *victims* and *sacrifices*. It is also said that a person became someone's victim, meaning that harm befell him through that person or because of him. A victim is an innocent injured person who dies unjustly, and the victim is also the sacrificial offering[1] . The term *victim* may also mean *forenoon*, which is the time from sunrise

until the day advances. Thus, it is said that a man exposed himself to the sun if he stood in the forenoon sun. The word may also indicate the time of forenoon, meaning when the day has risen or the evening has approached, or as when one says that a tree is exposed, meaning that it stands out in the sunlight. It may also be understood as referring to an open location without a wall or building, or to the outskirts of a place, meaning that which has emerged from that place and become visible[2].

**b- The Victim in Terminology**

According to Carmen's definition, the victim is any person who suffers harm, loss, or hardship for any reason. The term *victim* may also be defined as "a person who has suffered a direct or indirect loss, whether physical, material, emotional, or moral, as a result of the act of another person called the offender[3]."

Some scholars hold that the term *victim* in French and English is derived from the Latin term *victima*, which originally meant a living being offered as a sacrifice to the gods. This term is also found in the German and Dutch languages[4].

We also find that some legal scholars distinguish between the injured party and the victim. The Egyptian Court of Cassation defines the injured party as the person against whom the act is committed or whom the legally punishable omission affects, whether that person is a natural or legal person, meaning that this person himself is the object of the legal protection intended by the legislator through the criminalizing provision. The victim is also every person harmed by the crime, or every person to whom the offender is bound to pay compensation for the damage resulting from it, or the person against whose person, property, or one of whose rights the crime was committed, or every person against one of whose rights the offender intended to commit an assault and in whom the criminal result intended by the perpetrator was realized.

However, this distinction was not precise, since the obvious observation is that the last definition of the victim is the same definition previously given to the injured party by legal doctrine. Thus, there is no need for this distinction as long as it adds nothing new. Therefore, we will prefer the use of the term *victim*. But the victim of what?

**2- The Victim in Law and in International Declarations**

**a- The Victim in Law**

From a legal perspective, it may be observed that, as previously mentioned, the Algerian legislator did not define the term *victim* in the former Code of

Criminal Procedure and did not make extensive use of it, even though the judiciary referred to it in many of its decisions, including the Supreme Court decision issued on February 24, 1981, which stated that: "As a matter of principle, the filing of a civil action seeking compensation for damage resulting from a crime is restricted to the injured party, that is, the person against whom the crime was committed, who is usually referred to as the victim."

The Algerian legislator has given particular attention to the term *victim* in certain provisions of the Penal Code and in Law 25/14 relating to the Code of Criminal Procedure, in recognition of its importance and its role in achieving the required balance for the realization of justice.

In addition, the legislator has used the term *victim* in other laws, such as Article 2 of Executive Decree No. 99/47 concerning the granting of compensation to natural persons who are victims of bodily or material damage suffered as a result of terrorist acts or incidents occurring within the framework of the fight against terrorism, as well as to their beneficiaries. It provides that: "A victim of a terrorist act shall be considered any person who has been subjected to an act committed by a terrorist or a terrorist group resulting in death or bodily or material damage[5]."

**b-The Victim in International Instruments**

In the United Nations Declaration[6] on the Basic Principles of Justice for Victims of Crime and Abuse of Power, victims are defined in Article 1 as follows: "Victims means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial impairment of their rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power." A person may be considered a victim under this Declaration regardless of whether the perpetrator has been identified, apprehended, prosecuted, or convicted. The term *victim* also includes, where appropriate, the victim's immediate family or dependants, as well as persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

Article 18 of the same Declaration, under the heading *Victims of Abuse of Power*, provides that: "Victims means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but

which constitute violations of internationally recognized norms relating to human rights."

It is therefore noted that a person may be considered a victim under this Declaration regardless of whether the perpetrator has been identified or apprehended, or whether guilt has been admitted or established. The term *victim* also includes, where appropriate, the victim's family or dependants, as well as persons who have suffered harm as a result of intervening to help victims, either to prevent harm to them or to assist them in overcoming their ordeal.

The Declaration further adds that its provisions apply to everyone without discrimination based on race, sex, color, age, language, religion, political opinion, or other beliefs or practices. It also grants victims a special status and position with regard to access to justice, fair treatment, compensation, and other services that may help the victim overcome psychological, social, and economic hardship. Here, the term *victims* is broader and more comprehensive, extending to include both those directly injured by the crime and those harmed by it.

Some legal scholars consider that this definition is consistent with the simplicity of the linguistic meaning of the term *injured party*, namely, the person against whom the crime has been committed, that is, the person to whom some form of harm has been caused. They also believe that this broadening of the concept of the injured party is what ensures better justice and fairness for everyone harmed by the effects of the crime or in connection with it. It also, in their view, ensures more effective prosecution of offenders than a narrow definition of the injured party or the person harmed. Some even go so far as to consider that an innocent accused person is another victim of the crime, insofar as he has suffered harm as a result of the criminal incident[7].

On the other hand, the previous definition limited victims to those harmed by acts or omissions that constitute violations of criminal laws. It therefore excluded many categories of victims, such as victims under civil law, victims in personal status matters, victims of chronic diseases and epidemics, victims of natural disasters, and victims of political and economic crises. Victims may also suffer as a result of a violation of a human right or because of abuse of power. For this reason, Article 18 of the same United Nations Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power provides as follows: "Victims means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial

impairment of their fundamental rights, through acts or omissions that do not constitute violations of national criminal laws but which constitute violations of internationally recognized norms relating to human rights[8].” This is considered the broadest and most important definition among all definitions.

**Secondly :The Concept of Criminal Justice**

This form of justice reflects a set of rules aimed at achieving a balance between protecting society and guaranteeing the rights of individuals. From this perspective, it is first necessary to examine the definition of criminal justice and to clarify the main objectives it seeks to achieve.

**1-The Definition of Criminal Justice and Its Objectives**

With regard to defining the concept of criminal justice, although this subject has been addressed in many writings, we do not find a clear definition of criminal justice. Authors usually tend in their books to identify the elements and systems of criminal justice without discussing its essence and concept, namely justice itself. This is due to the difficulty of reaching agreement on that concept. In order to avoid giving this research a philosophical direction, we will limit ourselves to a few definitions only, without discussing theories.

**a- The Meaning of Justice**

Daniel Webster defined justice as one of the most important causes of human happiness on earth, yet it is difficult to formulate a universally accepted definition of justice. The terms justice, law, rights, and ethics are among the concepts whose meanings are difficult to agree upon over time. Edward Cahn defined justice as a model of ideal values that is difficult to achieve. Justice is reflected and manifested in effective procedures that prevent the occurrence of ظلم among people, whether as individuals or groups. In order to avoid ظلم, Edward Cahn called for the necessity of equality among people, the protection of human dignity, the promotion of judicial awareness, and the fulfillment by governments of their duties in meeting the aspirations of their peoples. Edward Cahn also emphasized the necessity of just punishment as one of the elements of justice[9].

**b- The Meaning of Criminal justice**

From a technical and administrative perspective, is defined as the handling of crime and the monitoring of its criminal procedures by specialized bodies that apply the law and enforce punishment on offenders[10].

**2- The Objectives of Criminal Justice**

The criminal justice system addresses the consequences of criminal behavior in society, and it aims to protect the right of individuals to security and to the enjoyment of human rights. More specifically, it refers to the practical measures undertaken by the police, the public prosecution, and the judiciary in criminal matters, as well as the provision of access to legal assistance, prison reform, alternatives to imprisonment, restorative justice, and the protection and compensation of victims. It also includes issues affecting multiple sectors, such as gender considerations, human rights, and special attention to child victims within the criminal justice system.

## SECOND REQUIREMENT: THE ROLE OF THE VICTIM IN CRIMINAL JUSTICE PROCEDURES

After a long period of silence and neglect of the victim, and their role, in criminal justice system, interest in this subject began to emerge in the 1950s. This interest continued to develop until the victim gradually found a place within criminal justice, and concern for the victim's position within the judicial system became more visible. The victim also received extensive media attention based on sympathy, to the point that some criticized the media and political focus surrounding victims and considered it a cause of further harm and an obstacle to their recovery[11]. At a time when the victim's status was undergoing development, the victim moved from being merely a witness in the case to becoming an active participant in it.

The state has long monopolized the right to punish and has exclusively organized criminal justice. Through its legislative authority, it has defined crimes and penalties and enacted the various procedural rules governing prosecution, investigation, and trial, in pursuit of a fair trial and in protection of individual rights and freedoms. It entrusted the public prosecution service with the public action, granting it exclusive authority to initiate, conduct, and terminate it, while neglecting and marginalizing the parties to the case and its principal actors. This generated many negative consequences that led to what is now referred to as the crisis of criminal justice. One of the major negative consequences was the neglect of the victim's effective role in the public action, limiting that role to a marginal one, namely giving testimony about the crime suffered by the victim. With the developments that have taken place in the field of criminal justice, and in an effort

to overcome this crisis, the victim has begun to play an effective role that has gradually evolved until the victim has become an active party, as will be explained below.

**Firstly**: **Enabling the Victim to Access Criminal Justice**

In what follows, we will examine how the victim conveys the complaint and suffering to the bodies entrusted with that task through all procedural stages, beginning with the inquiry stage assigned to the judicial police, which operates under the supervision and oversight of the public prosecution service. The first step or task that falls upon the victim is to submit a report or complaint to the judicial police or the public prosecution. The report may come from the victim personally or from another person regarding a crime that has occurred or is about to occur.

**1-Reporting the Incident to the Judicial Police**

This means informing the authority responsible for gathering preliminary evidence about the crime. The judicial police officer must immediately take all necessary legal measures to preserve the rights of victims and record all actions taken in the report of the preliminary inquiry. The officer must verify every statement contained in the report through investigation, careful examination, and scrutiny. This is what the legislator confirmed in Article 26, paragraph 1, of Law 25/14 relating to criminal procedure, which strengthened and expanded the position of victims by allowing complaints to be accepted regardless of the means by which they are submitted, including electronic means. Article 27 of the same law provides for the obligation to prepare reports documenting their actions and including the statements of the parties, and to promptly notify the Public Prosecutor of felonies and misdemeanors that come to their knowledge. Judicial police officers may not dispose of these reports at their own discretion. This constitutes a guarantee of fairness for the victim by reserving the authority to act on preliminary inquiry reports to the Public Prosecutor.

The report is the first thread in the stage of gathering preliminary evidence. Through it, the occurrence of the crime, its time, place, manner of commission, and causes are determined. One of the duties of the security officer is to help the victim recall the details of the incident without annoyance or mockery. The victim must not be treated as though he or she had a role in the crime committed against him or her. Nor should the victim be burdened with repeated summonses, so that his or her rights are not violated twice: first because of the crime itself, and second because of the criminal justice system and its procedures. The judicial police officer must not refuse or neglect an anonymous report, because doing so

endangers the truth and public security, constitutes a breach of duty, weakens citizens' trust in justice institutions, and amounts to professional misconduct that may expose the officer to disciplinary accountability. Victims of crime also have the right to submit complaints against police officers who have treated them abusively or negligently[12]. It is the duty of the security officer to protect lives, honor, and property. The actions carried out by security agencies from the moment the crime is reported until the case comes before the judiciary are among the most important basic guarantees for victims to obtain their rights and are an essential means of deterring criminals.

If this is the relationship between the victim and the police institution as presented in legal texts, the reality of this relationship appears more complex, as psychological, social, and legal dimensions overlap within it. The victim's decision to report to the police is not an automatic step, but is subject to a number of factors, such as the nature of the crime, its degree of seriousness, the identity of the offender, fear of retaliation, trust or lack of trust in the effectiveness of the police. Research has shown that victims who feel that the police will not take their complaint seriously often refrain from reporting, which is reflected in the rates of the hidden crime phenomenon, also known as the dark figure of crime.

The first moment of contact between the victim and police officers, and the manner in which she is received and the way in which her statement is recorded, is considered a fundamental factor in ensuring continued cooperation with the criminal justice process. Victims often arrive at the police station in a state of shock, fear, or confusion, and need humane treatment that makes them feel respected and not treated with suspicion or accusation. Traditional methods of dealing with victims, especially women, have been criticized, as cases of implicit blame or doubt regarding the victim's account are frequent, leading to what is known as secondary victimization.

The judicial police are not limited to the task of collecting evidence. It also extends to the duty to inform the victims of their rights, explain the course of the procedures, provide protection when needed, and direct the victim to the appropriate medical and social services. Studies have indicated that weakness in this aspect leads to the victim's feeling of marginalization and lack of confidence in justice.

There is no doubt that the relationship between the victim and the police is not merely a technical one, but an interactive relationship influenced by multiple

factors: the victim's social background, the sensitivity of the crime, the manner in which the police deal with the victim, and the extent to which investigative procedures are adapted to the particular nature of the victim's situation. The police, as the first gateway to criminal justice, also bear responsibility for reducing the gap between the victim and the judicial system by adopting new approaches such as victim-sensitive interviews, a support-based approach, and training in victimology, a sound relationship between the two parties contributes to improving the quality of reporting, developing the effectiveness of the investigation, and strengthening society's trust in justice. Conversely, any unprofessional treatment reproduces psychological violence and weakens the victim's contribution to the course of criminal justice[13].

**2- Victim at the Stage of Initiating Public Prosecution**

The stage of initiating public prosecution represents a decisive phase in the transition of the victim's complaint from a mere report of a crime to the course of judicial proceedings. Following the reporting stage, the Public Prosecution, as the authority supervising the work of the judicial police, examines the complaint, in this context; the Public Prosecution exercises its discretionary power in assessing the appropriateness of criminal prosecution[14]. It may initiate public prosecution and commence proceedings against the suspect whenever sufficient elements are available for that purpose. Conversely, it may issue a decision to dismiss the complaint if it finds that the evidence is insufficient or that prosecution is not appropriate. Thus, this stage constitutes an essential link in transferring the victim's complaint into the path of judicial prosecution within the criminal justice system, reflecting one aspect of the development of the victim's status within the criminal system from a merely injured party to an active participant contributing to the activation of the mechanisms of justice.

The Public Prosecution, represented by the Public Prosecutor, is responsible for receiving reports, complaints, and notifications, in accordance with Article 47 of the Code of Criminal Procedure, especially paragraph six thereof. The Public Prosecutor must receive such complaints and reports by any means, verify their source, and then make a decision within the shortest possible time. This includes referring them to the competent judicial authorities for investigation or trial, or issuing a decision to dismiss them if prosecution is deemed unnecessary, while such a decision remains subject to review by the Public Prosecutor. The Public Prosecutor may also resort to mediation in certain cases, within the framework of

criminal policy aimed at finding alternative solutions to criminal disputes. Reporting includes all victims, whether individuals or institutions.

Based on the principle of prosecutorial discretion, the Public Prosecution has the authority to initiate and conduct public prosecution[15]. However, this right is not absolute, as it may in some cases be restricted by legal conditions such as a complaint, a request, or prior authorization. The legislator introduced these restrictions in order to achieve a balance between protecting public order on the one hand and safeguarding the private interests of victims on the other. Among the most important of these restrictions is the requirement that a complaint be filed in certain crimes, especially those connected with family life or those affecting personal considerations, where the Public Prosecution may not initiate public prosecution unless the victim has expressed a desire to proceed. This reflects a legislative approach aimed at protecting the victim's privacy and taking the victim's interests into account.

Nevertheless, criminal litigation under the Algerian Code of Criminal Procedure has traditionally been based mainly on two principal parties: the offender who committed the crime and the Public Prosecution as the representative of the public interest, while the victim remained in a secondary position within that litigation[16]. In many cases, the victim's role was limited to filing a complaint or pursuing the offender through the Public Prosecution or the investigating judge, without having a direct role in initiating criminal proceedings. Anyone examining the provisions of the Code of Criminal Procedure will notice that the Public Prosecution essentially holds the power to prosecute the offender and to appeal criminal judgments issued against him, while the victim does not always enjoy sufficient means to influence the course of the criminal case.

As a result, if the accused is acquitted or dies, the criminal dispute comes to an end, which may in practice lead to the interruption of the course of criminal justice for the victim. This issue appears even more clearly in certain crimes that are difficult to investigate or that are characterized by social sensitivity. This often leads to the victim's feeling of marginalization within the course of criminal justice.

## Secondly: The Victim During the Course of Public Prosecution

### 1-The Victim at the Investigation Stage

The investigation is an important procedural stage in which the investigating judge, in accordance with the provisions of the law, oversees the taking of all measures deemed necessary to uncover the truth by examining both incriminating and exculpatory evidence. For this purpose, the judge possesses many powers. Below, we focus on the most important procedures and powers granted to the investigating judge that may strengthen the rights of victims at this stage. The victim has the right to file a civil claim before the investigating judge.

**a- Civil Claim Accompanied by a Complaint**

The legislator has granted the person harmed by the crime the possibility of initiating public prosecution in order to protect his or her rights when the Public Prosecution does not initiate it, by means of a complaint accompanied by a civil claim before the competent investigating judge[17]. Where the legislator has granted every person harmed by a felony or misdemeanor not connected with facts already brought before the courts, to file a civil complaint before the investigating judge. This complaint shall be admissible only if the victim proves that he previously submitted it before the Public Prosecutor and that it was dismissed, or that a period of four months.

**b- Civil Claim by Way of Intervention**

The legislator has also allowed the claimant to file a civil claim by way of intervention at any time during the investigation, and the investigating judge shall inform the other parties to the case accordingly, in accordance with Article 149, paragraph 1, of the Code of Criminal Procedure. In the event of a dispute regarding the civil claim raised by the parties, whether the Public Prosecution or the litigants, or if the investigating judge, on his or her own initiative, considers the civil claim inadmissible, the judge shall decide the matter by a reasoned order, pursuant to Article 149, paragraph 3, of the Code of Criminal Procedure. The person harmed by the crime also has the right to request an expert examination through the appointment of one or more experts in the case, or even to request a counter-expertise[18]. The civil party who claims rights over an item placed under judicial authority may also request its recovery in accordance with Article 162 of the Code of Criminal Procedure. The harmed person also has the right to seek the assistance of a lawyer and an interpreter.

**c- The Victim's Right to Appeal the Orders of the Investigating Judge**

The legislator provided in Article 269 of the Code of Criminal Procedure that: "The victim, the civil claimant, or their lawyer may appeal orders issued refusing to conduct an investigation, orders that there is no ground for prosecution, or orders affecting civil rights. However, the appeal may in no case relate to an order, or part of an order, concerning the provisional detention of the accused. The victim may also appeal the order by which the judge ruled on jurisdiction to hear the case, whether on the judge's own initiative or on the basis of a plea of lack of jurisdiction raised by the parties. The appeal by the victim or the civil claimant shall be filed in accordance with the procedure provided for in paragraph 2 of Article 268 above, within three days from the date of notification of the order at the domicile chosen by them..." As for the right to legal aid, access to the case file, and assistance in presenting evidence, the legislator has granted lawyers for the parties the right to consult the case file in accordance with Article 142 of the Code of Criminal Procedure and under the conditions set out in Article 141 of the same Code. The legislator excluded from this right of access those procedures whose results are not yet ready for adversarial discussion, in consideration of the rights of the defense and in respect of the presumption of innocence.

The legislator also provided in Article 144 of the Code of Criminal Procedure that the victim or the victim's lawyer has the right to request that the investigating judge receive statements, hear a witness, or conduct an inspection in order to reveal the truth. If the investigating judge does not respond to this request, the judge must issue a reasoned order within ten days following the request submitted by the parties or their lawyers. If the investigating judge does not decide on the request within that period, the concerned party or the party's lawyer may submit the request directly, within ten days, to the Indictment Chamber, which must decide on it within thirty days from the date it is notified, and its decision shall not be subject to any appeal. The legislator also provided in Article 146 of the Code of Criminal Procedure that the victim and the other parties, in order to affirm the principle of impartiality, may request that the case be withdrawn from the investigating judge for the proper administration of justice and in order to ensure a fair trial. The civil claimant also has the right to submit observations concerning an application for provisional release submitted by the accused to the investigating judge, under Article 208 of the Code of Criminal Procedure.

In conclusion, it may be said that the recognition of crime victims as civil parties before the investigating authorities encounters complex formalities, in addition to court fees, litigation costs, fixed charges, lawyers' fees, lengthy procedures, and difficulties in enforcement. These obstacles often hinder the execution of judgments because of the lack of coercive measures capable of compelling civilly liable persons who deliberately refuse to pay the compensation awarded against them. Such obstacles sometimes stand in the way of crime victims, especially poor victims.

**2- The Victim Before the Trial Courts**

The legislator has authorized any person claiming, to have suffered harm from a felony, misdemeanor, or contravention to be admitted as a civil party before the court[19].

Article 377 further provides that: "A civil claim may be made either before the investigating judge, in accordance with Article 147 above, or by a declaration filed with the court registry before the hearing, or during the hearing by a declaration recorded by the court clerk or by submitting it in written pleadings." If the civil claim is made before the hearing, the civil claimant must specify in the declaration the offense that is the subject of the prosecution and must elect a domicile within the territorial jurisdiction of the judicial body before which the case is pending. If the declaration of civil claim is made during the hearing, it must be submitted before the Public Prosecution presents its submissions on the merits; otherwise, it shall be inadmissible, in accordance with Articles 378 and 379 of Law 25/14 on criminal procedure. A person appearing as a civil party may not be heard as a witness, pursuant to Article 380 of the Code of Criminal Procedure.

**a- The Victim's Right to Direct Action Before the Trial Court**

A reading of Article 476 of the Code of Criminal Procedure shows that the Algerian legislator has allowed the victim to summon the accused directly before the misdemeanor court in the misdemeanors mentioned in the preceding article, namely abandonment of the family, failure to hand over a child, violation of the sanctity of a dwelling, issuing a check without sufficient funds, public insult, threats, failure to pay maintenance, infringement of the privacy of individuals, false accusation, and breach of trust, without the need for authorization from the Public Prosecutor.

In other cases, authorization from the Public Prosecution must be obtained in order to proceed with a direct summons to appear, in accordance with Article 476,

paragraph 3, of the Code of Criminal Procedure. Finally, in addition to the victim's right to compensation, which falls upon the person responsible for causing the damage, the legislator has also provided special compensation for certain victims. Taken as a whole, it is clear that strengthening the victim's position within criminal justice has redefined the meaning of trial, as it has granted the victim broader rights and enabled effective participation in the course of judicial proceedings.

However, this approach, despite the recognition it gives to the suffering of victims and their rightful place, raises fundamental challenges relating to the integrity of judicial balance, since decisions may be affected by media and political pressure. This is clearly reflected in the debate over the statute of limitations for public prosecution, between the need to protect victims and preserve evidence and the need to guarantee a fair trial for the accused.

In addition, the long path that the victim goes through during judicial proceedings, together with the accompanying psychological and emotional difficulties, often makes the experience of criminal justice exhausting and sometimes unable to provide adequate compensation for the harm suffered. In the following section, we will attempt to highlight the impact of these procedures on victims.

The increasing participation of victims in criminal proceedings for the advancement of their rights, as we have already noted, requires continuous and repeated contact with the authorities, beginning with the judicial police, then the prosecution, investigation, and trial authorities. Such participation may have consequences for the psychological health of victims, especially vulnerable victims such as children, as well as consequences for their perception of the legal system. For this reason, it is very important to consider the ways in which these consequences and side effects on victims who have been traumatized by crime can be reduced. Many studies on the consequences associated with the participation of crime victims in legal proceedings have indicated that many of these procedures may lead to harm for such victims.

## THE SECOND TOPIC : THE DIFFICULTIES FACING THE VICTIM WTHIN CRIMINAL PROCEEDINGS AND THE MECHANISMS FOR LIMITING THEM

Contemporary criminal policy has undergone fundamental transformations in its view of crime and its parties. The focus is no longer limited to the offender and the punishment, but has extended to the victim as one of the essential elements in the criminal equation. However, this transformation did not occur by chance. Rather, it resulted from the development of scientific studies in the field of victimology, which revealed the forms of marginalization suffered by the victim within the traditional criminal justice system, where the victim was often treated merely as a means of proving the crime rather than as an original party in the criminal process[20].

Many comparative studies have shown that victims may suffer additional hardship during their interaction with criminal justice institutions as a result of procedural complexity, the length of litigation, or the weakness of protection mechanisms and psychological and social support. Criminal jurisprudence has described this phenomenon as secondary victimization, which is the harm suffered by the victim as a result of dealing with justice institutions themselves, and not only as a result of the crime[21].

These difficulties appear in several forms, the most important of which are the refusal of some victims to report the crimes to which they have been subjected, their exposure to psychological pressure during their participation in judicial proceedings, and the presence of institutional challenges that may hinder the achievement of effective protection for victims. In response, modern criminal systems have sought to develop new mechanisms capable of reducing these difficulties and strengthening the victim's role in achieving justice. Among the most prominent of these mechanisms is restorative justice, which aims to address the effects of crime by involving the victim, the offender, and society in the process of repairing harm and restoring social balance[22].

Accordingly, this section will be addressed through two main requirements:

The first concerns the difficulties facing victims within criminal proceedings, while the second addresses the modern mechanisms for limiting these difficulties, foremost among them restorative justice.

## FIRST REQUIREMENT: THE DIFFICULTIES FACING VICTIMS WITHIN CRIMINAL PROCEEDINGS

During their interaction with criminal justice institutions, victims face a number of difficulties that may affect their willingness to report crimes or to participate in judicial proceedings, and may also influence their view of the

criminal justice system as a whole. Many studies in victimology indicate that these difficulties may undermine victims' trust in justice, which negatively affects the effectiveness of criminal policy in combating crime[23].

**Firstly: Failure to Report the Crime: Causes and Effects**

Reporting a crime constitutes the essential gateway for activating the mechanisms of criminal justice. However, practical reality reveals that a considerable number of victims refrain from reporting or cooperate only to a limited extent with justice institutions. This phenomenon is considered one of the significant issues that often reflects the continued decline of the victim's position within the criminal system, which runs counter to modern trends seeking to strengthen the victim's presence within the criminal justice system and move the victim from a state of marginalization to one of effectiveness[24]. In this regard, criminological studies have indicated that there is a large proportion of crimes that are never reported, a phenomenon known in criminology as the "dark figure of crime," meaning crimes that remain outside official statistics because victims refrain from reporting them[25].

**1- Causes of Failure to Report**

The phenomenon of non-reporting is due to several causes, including social and psychological factors that may lead the victim to hesitate before resorting to criminal justice. Very often, the injured party refrains from assisting justice in its effort to pursue the offender because of family or emotional ties linking the victim to the offender. Some victims may also withdraw complaints already submitted because of social or family pressure. In some cases, certain mothers, out of anger or extreme frustration, may report their children because of conduct they have committed, such as extorting money or engaging in other acts, and then later appear before the court and retract their statements, considering that the report had been exaggerated.

Practical reality has also shown that some women who are victims of violence or exploitation refrain from reporting out of fear of retaliation or because of economic dependence on the offender. Some women may be subjected to exploitation or ill-treatment and nevertheless refrain from reporting, or they may report and later withdraw their complaint. This behavior reflects a condition of dependence or fear and the complex nature of the relationship between the victim and the offender in certain crimes, especially those committed within the family sphere, which limits the victim's ability to seek recourse through criminal justice[26].

Another form of non-reporting occurs when the victim conceals the identity of the offender despite knowing it. In some cases, this phenomenon has been associated with traditions prevailing within organized criminal groups, whose members adhere among themselves to what resembles a "code of silence." A gang member is often in a state of rebellion against society and its laws and believes that the criminal group has its own system that must be respected without recognizing the authority of the state's formal law. Therefore, if the victim is a member of such groups, the victim may refrain from reporting the crime or from identifying the offender, either out of a desire for personal revenge without resorting to justice, or out of fear of retaliation by the offender if the report is made[27].

This phenomenon is not confined to criminal circles alone, but also extends to ordinary victims who do not belong to such groups, as practical reality shows that a large number of victims refrain from filing complaints and reports for various reasons.

Some victims also refrain from filing complaints because of weak confidence in the institutions of criminal justice or because of fear of social scandal.

Among the most prominent of these reasons is the lack of confidence in criminal justice institutions, especially the judicial police, as some victims believe that their complaints may not receive sufficient attention. The failure to report may also stem from the victim's unwillingness to undergo judicial proceedings and the complications that may accompany them, or from fear of social scandal, especially in crimes related to honor or sexual offenses, in addition to the complexity of judicial procedures or the belief that resorting to the courts will be futile[28]. There are also other situations in which the offender is unknown or when the victim lacks sufficient evidence to prove the crime[29].

**2- The Effects of Failure to Report**

The phenomenon of non-reporting leads to serious negative effects on the effectiveness of criminal justice, as it contributes to the escape of a large number of offenders from punishment and hinders the ability of public authorities to design an effective criminal policy to combat crime[30].

In this context, international standards relating to the protection of victims have emphasized the need to adopt measures aimed at protecting victims and encouraging them to report crimes. The 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power provided for the necessity of

respecting the privacy of victims and protecting them from intimidation or retaliation during their dealings with justice institutions[31].

The Algerian legislator has also recognized a number of guarantees specifically intended to protect vulnerable categories of victims, foremost among them children. Law No. 15-12 on child protection provides for the possibility of audiovisual recording of the statements of child victims of sexual assault during the stages of inquiry and investigation, in order to avoid repeatedly hearing the child victim and the negative psychological effects that may result from that repetition[32].

**Secondly: The Psychological Consequences of Victims' Participation in Criminal Proceedings**

A victim's participation in judicial proceedings may lead to negative psychological effects, especially when the victim is compelled to confront the offender or to repeat the account of the facts of the crime several times during the investigation and trial stages. Studies in criminal psychology indicate that this experience may contribute to reviving the trauma suffered by the victim, a phenomenon known as re-traumatization[33].

Many judicial procedures may result in additional psychological harm to victims who have already suffered trauma as a result of the crime, as they may be exposed to what is known as secondary emotional distress because of their involvement in the criminal justice system. This appears particularly clearly during the stage of giving testimony, which, for many victims, is a stressful and tense experience, especially when they are required to confront the aggressor face to face, a procedure often required by the legal course of the case. As previously noted, many victims feel fear or anxiety about giving their testimony, particularly when it is given in the presence of the accused, which may ultimately lead them to develop negative feelings toward the criminal justice system and thereby affect their level of confidence in its ability to achieve the desired justice.

**1- The Consequences of Lengthy Judicial Proceedings**

The length of litigation is one of the factors that greatly affect the victim's psychological condition, as delays in adjudicating cases may lead to feelings of frustration and loss of confidence in justice. Repeated trial hearings and repeated confrontations with the offender may also revive the traumatic experience and hinder the process of psychological recovery[34]. The impact of these factors is increased in the absence of decisive rules requiring prompt adjudication of cases,

which calls for legislative intervention to establish mechanisms that would speed up the resolution of cases and enable victims to obtain their rights within a reasonable time, thereby strengthening confidence in judicial justice in general.

The length of the trial, and repeated confrontation with the offender are all factors that may slow the process of emotional recovery. An acquittal may also make it difficult for some victims to overcome the trauma they have suffered, since acknowledgment of guilt often represents an important element in psychological redress, in addition to being the basis for obtaining compensation for the damages they have suffered.

These effects are compounded when the victim is a child or a minor, as children may find it difficult to understand legal procedures or to express their suffering in court, making their participation in the judicial process a psychologically exhausting experience[35]. However, these effects are not limited to children alone, but may also extend to various categories of victims, whether they are direct victims of the crime or indirect victims affected by its consequences.

**2- The Impact of Victims' Negative Perceptions on the Criminal Justice System**

The victim's experience within the judicial system plays an important role in shaping the victim's perception of justice. If the victim feels that the judicial proceedings have not provided fairness or have not acknowledged the harm suffered, this may lead to a decline in confidence in justice and to a reluctance to cooperate with the authorities in the future[36], since their experience within this system may contribute to shaping their perception of the nature of justice and the extent of its effectiveness, which in turn is reflected in their willingness to engage again in judicial proceedings or cooperate with the authorities in the future.

The judgment issued in the case in which victims participate is one of the most influential factors in shaping this perception, as it is often important for the victim that the accused be convicted and receive the appropriate punishment for what was committed. When the victim has been subjected to serious abuse, the victim may develop strong negative feelings toward the justice system if he or she does not feel that the system has done justice or acknowledged the harm suffered. Likewise, the participation of victims in a large number of repeated interviews and interrogations, instead of helping to alleviate their suffering, may sometimes aggravate their psychological distress, which may negatively affect their

assessment of the criminal justice system and lead to a deterioration in their opinion of it.

**Thirdly: Institutional Challenges to Achieving Effective Criminal Justice**

In addition to the individual difficulties faced by victims, a number of institutional challenges emerge that affect the ability of criminal justice agencies to provide effective protection for them and to ensure the achievement of efficient criminal justice. Among the most significant of these challenges are the limited human and logistical resources available to law enforcement agencies, as well as the lack of specialized training in dealing with certain complex crimes, particularly organized crime and crimes of a transnational nature.

These challenges become even more complex in light of the development of modern forms of crime, such as human trafficking and cybercrime, which require advanced technical and logistical capacities, in addition to close international cooperation among justice institutions in different countries. However, this cooperation may face several obstacles, including differences in national legislation among states and the weakness of international judicial cooperation mechanisms[37], which negatively affects the effectiveness of prosecuting offenders and bringing them to justice.

These difficulties are not limited to the prosecution of offenders alone, but also extend to the logistical aspects related to providing the necessary protection for victims, witnesses, and their family members. This is an essential matter for ensuring their participation in criminal proceedings without fear of retaliation or exposure to potential risks, thereby enhancing the effectiveness of criminal justice and its ability to achieve its objectives in combating crime and protecting victims.

## THE SECOND REQUIREMENT: MECHANISMS FOR LIMITING THE NEGATIVE EFFECTS OF CRIMINAL PROCEDURES: RESTORATIVE JUSTICE

In response to the difficulties that victims may face within the traditional criminal justice system, modern trends have emerged in recent decades calling for the adoption of alternative or complementary mechanisms capable of reducing the negative effects of judicial procedures and strengthening the victim's role in achieving justice. Among the most prominent of these mechanisms is restorative justice, which is based on involving the victim, the offender, and the community in addressing the consequences of crime and repairing the harm resulting from it[38].

Given the potential consequences that may result from victims' participation in legal proceedings, whether at the psychological or emotional level or in terms of their perception of the criminal justice system, it becomes necessary to seek ways to reduce the negative effects of such participation. In this context, the literature on the phenomenon of secondary victimization has contributed to the development of theoretical and practical frameworks identifying the measures necessary to facilitate victims' participation in criminal justice procedures, especially those who have been traumatized by experiencing the tragedy of victimization[39]. It therefore became necessary to search for alternatives to this form of justice, which has had a negative impact on victims' recovery.

Within this framework, a number of studies point to the importance of providing appropriate support to the victim during involvement in the judicial process, in a way that helps the victim understand legal procedures and deal with them with greater reassurance. This is consistent with the philosophy of restorative justice, which is not limited to reducing the risks of secondary victimization, but also contributes to strengthening the victim's understanding of the meaning of justice. This support includes the provision of psychological assistance services that make it possible to meet victims' medical and psychological needs and give them a sense of support and encouragement[40], in addition to the moral support that may be provided by family members, relatives, and society as a whole. It is also proposed in this context to reduce the number of testimonies and interviews to which victims are subjected and to limit the opportunities for direct contact with the accused during testimony, thereby reducing the psychological pressure they may face.

From this perspective, the decisive role of restorative justice becomes clear. It not only aims to do justice to the victim, but also provides a framework for addressing harm and rebuilding the relationship between the parties, thereby reducing the burden of the long judicial process and achieving a form of genuine reconciliation and social balance without prejudice to the fundamental principles of justice. This form of justice also seeks to remedy some of the shortcomings that may affect traditional criminal justice in the area of reparation, in addition to achieving its basic objective of contributing to the preservation of social peace by focusing on the prevention of criminal behavior and adopting comprehensive mechanisms for repairing harm suffered by victims, while at the same time supporting the social reintegration of offenders[41].

The objective of this approach is to establish dialogue between the parties at the various stages of criminal proceedings and to enable them to understand the causes and consequences of the crime through structured meetings between offenders and victims, or through support and assistance circles and other mechanisms that make it possible to find restorative solutions that achieve justice and restore social balance.

**Firstly: The Emergence of Restorative Justice**

Modern criminal systems have undergone fundamental transformations in their view of crime and its parties. Justice is no longer confined to punishing the offender according to the traditional punitive model, but has come to give increasing attention to the role of the victim, the repair of harm, and the restoration of social balance. In this context, restorative justice has emerged as a modern approach aimed at addressing the consequences of crime in a more humane and effective manner based on dialogue, reconciliation, and the reintegration of the parties into society[42].

The emergence of this approach came as a result of the criticism directed at traditional criminal justice, which focused on punishing the offender while neglecting the needs of the victim, leading to what is referred to in criminal literature as the phenomenon of victim marginalization within the criminal justice system. Excessive reliance on custodial penalties also revealed its limited effectiveness in reducing crime or achieving the reintegration of offenders into society[43].

The first experiments in restorative justice began in Canada and New Zealand during the 1970s, before later spreading to many European countries and countries in Latin America. In 2002, the United Nations also adopted principles of restorative justice in criminal matters and encouraged states to integrate them into their legal systems, especially in cases involving juveniles and certain minor offenses[44].

Restorative justice was also incorporated into French legislation by the law of August 15, 2014, relating to the modernization of justice, and was implemented by the law of March 15, 2017. Article 10-1 of the French Code of Criminal Procedure provides for the possibility of offering a restorative justice measure to the victim or the offender at all stages of criminal proceedings under specific conditions, and this also applies to minors[45].

**Secondly: The Concept of Restorative Justice**

Restorative justice refers to a legal and social approach aimed at repairing the harm caused by crime through the involvement of all parties concerned, namely the victim, the offender, and the community. By restoration is meant returning the situation as closely as possible to what it was before the crime occurred, through various means such as compensation, apology, repairing losses, or rebuilding trust between the parties[46].

**1- The Essence of Restorative Justice**

The essence of restorative justice is not limited to going beyond the idea of punishment. Rather, it is based primarily on repairing harm, holding the offender accountable for his or her actions, and enabling the victim to express his or her suffering within the procedural process. This approach is considered one of the contemporary solutions that help reduce the burden on security and judicial institutions. Traditional criminal justice is based on the state's responsibility for investigation and litigation procedures, which often end in custodial penalties or fines, whereas restorative justice seeks to involve society in resolving the dispute, including acknowledgment of wrongdoing, the imposition of financial compensation to repair the harm, and providing satisfaction to the victim[47].

Restorative criminal justice is also understood as the process in which the victim, the offender, and members of the community participate in resolving disputes arising from crime and working to settle them through alternatives to the courts. This makes it one of the non-judicial means of managing criminal proceedings, and it may contribute to alleviating the crisis of criminal justice experienced by many contemporary societies[48].

**2- Restorative Justice as Reparative Justice**

Restorative justice is also regarded as a way of responding to criminal behavior by achieving a balance between the needs of society, victims, and offenders[49]. It focuses primarily on repairing the harm resulting from the unlawful act rather than merely punishing the offender.

It is described as reparative because it relies on reconciliatory processes that return decision-making power to the persons directly affected by the criminal act, through involving victims, offenders, and the community in resolving the dispute, instead of placing responsibility entirely in the hands of the state or law enforcement authorities. This form of justice is also based on the values of

cooperation, dialogue, and consensus, unlike traditional judicial procedures, which are often adversarial in nature.

**Thirdly: The Basic Principles of Restorative Justice**

This form of justice is based on focusing on the victim and the victim's right to express feelings, to describe the suffering endured, to request appropriate compensation, and to participate in resolving the conflict and restoring safety and trust. The matter is not limited to the victim alone. The foundations on which restorative justice is built also include a focus on the responsibility of the offender, who must acknowledge the wrongdoing, apologize for the act, and show a willingness to reform. In addition to the victim and the offender and their role in restorative justice, the importance of voluntary participation by all parties also becomes clear, since reconciliation cannot be achieved through coercion, but rather is based on mutual consent between the victim and the offender.

It usually aims at repairing social relationships, for its purpose is not only to resolve the dispute but also to restore trust among members of society.

**1- The Central Role of Society**

The general redress of harmed victims passes through social recognition of the victim's status, which is necessary for obtaining rights, such as the required medical treatment and protection against the risks of individual and collective incidents, or against the risks of repeated victimization and criminal reoffending. Recognition generally begins with the victim's own acknowledgment of suffering. Medical recognition, for example, leads the doctor to pay attention to the victim's traumatic condition and to give due consideration to that aspect.

Society is also considered a partner in criminal mediation as one of the mechanisms of restorative justice, where the offender and the victim meet with a neutral mediator in order to reach an agreement satisfactory to both parties, in a form resembling reconciliation councils. These are broad meetings that include the victim, the offender, their families, and social parties in order to support the reconciliation process.

This method is derived from traditional justice among certain peoples, such as Arab tribes, where everyone sits in a circle and examines ways to resolve the conflict collectively. It also relies on settlement and compensation, including the repair of material damage, the payment of financial compensation, and a formal apology.

**2- Reparation With in the Framework of Restorative Justice**

In many legal systems, special provisions exist for repairing the harm suffered by the injured party as a result of criminal conduct. The main objective of this is to recognize victims' right to reparation and to grant them the greatest possible degree of fairness by restoring their rights to them and compensating them. This appears as follows:

**a- Restoration of Rights**

Restoration of rights means that the offender returns to the victim the rights violated by the offender's criminal conduct. Accordingly, this restoration applies to rights or property that were taken and that can be returned, provided that possession of those items is not in itself a crime. The legislator has provided for the recognition of this right.

**b- Compensation**

This means the payment of a sum of money to the victim for civil or psychological injuries and the damage suffered as a result of criminal conduct. Compensation includes material, bodily, moral, and psychological harm as well, and it is determined according to the loss suffered by the victim and the gain that was missed. The court hearing the case determines the amount of compensation in accordance with the circumstances and details of each case.

**Fourthly: The Legislator's Position on Restorative Justice**

The Algerian legislator has given special attention to restorative justice through the adoption of several measures such as reconciliation, mediation, and the criminal order, and through the support these provide to victims. Criminal mediation is considered a middle path between closing the file and initiating public prosecution. Its purpose is to find rapid and consensual solutions for repairing harm within the shortest possible time in non-serious cases. The legislator provided in Article 59, paragraph 1, of Law 25/14 containing the Code of Criminal Procedure as follows: "The Public Prosecutor may, before any criminal prosecution, decide on his own initiative or at the request of the victim or the complained-against person, to conduct mediation when it is likely to put an end to the disturbance resulting from the crime or to repair the harm arising from it." Mediation takes place through an agreement between the perpetrator of the criminal acts and the victim, in the presence of the victim's legal representative if the victim is a child, in accordance with paragraph two of Article 59 of the Code of Criminal Procedure. The legislator also provided in Article 63 that the mediation

agreement shall include restoring the situation to what it was before, financial or in-kind compensation to repair the harm, or any other agreement not contrary to the law that the parties may reach[50].

**Conclusion**:

The relationship of direct and indirect victims to criminal justice is closely linked to their role in the proceedings, because the injured party, or the direct victim, may be the only witness capable of clarifying the ambiguity and circumstances of the criminal incident through the information provided to the competent authorities, which helps them uncover the facts of the crime and bring the offender to justice. The same applies to indirect victims, namely the victim's relatives, who may also provide information not previously available to the investigative and inquiry authorities and which may alter the course of the investigation entirely. Accordingly, both direct and indirect victims play an important role in the achievement of criminal justice, and their presence serves many purposes, including confirming the nature and extent of the harm caused to the victim by the criminal act.

The victim is the primary reference for confirming or denying the statements of the accused as well as those of defense witnesses. The objectives of criminal justice cannot be achieved except through the role played by the victim, not only as a witness but also as an active participant in achieving the required balance between the interests of the offender and those of the victim under the authority of law enforcement institutions. For this reason, the victim's role in restorative justice is no less important, especially at a time when traditional criminal justice has come to suffer from inefficiency and lack of effectiveness. Its traditional processes weaken both sides of the dispute and create a gap between the parties, leading to feelings of helplessness, hatred, and fear. By contrast, restorative justice, which is based on the effective participation of the two parties to the dispute, namely the victim and the offender, achieves an element of trust between them. Through it, the victim's moral standing is restored, whether through material or moral reparation, and the victim's dignity is preserved. It also brings significant benefits to the state by reducing the burden on security and judicial institutions. Resorting to reconciliation and settlement outside the traditional criminal justice system and its lengthy procedures protects the victim from falling once again into the web of crime, preserves the security, safety, and stability of society by limiting disorder

and acts of private revenge, and thereby increases confidence in the justice system in general. In this way, restorative justice constitutes an advanced model for addressing crime, one that focuses on the human being and on social relationships more than on abstract punishment.

It is a complementary vision rather than an absolute substitute for traditional criminal justice, but it offers effective solutions in many cases, contributes to reducing conflicts and achieving social peace, and strengthens the victim's role in the judicial process by giving the victim support and an effective role that alleviates trauma and enables the restoration of a sense of justice. Restorative justice strengthens social peace, prevents the escalation of conflicts, restores harmony among members of society, and reduces pressure on courts and prisons in comparison with traditional litigation.

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