



WHAT IS NEW IN THE PROVISIONS GOVERNING THE NATIONAL ECONOMIC AND FINANCIAL CRIMINAL POLE IN LIGHT OF LAW NO. 25-14 CONTAINING THE CODE OF CRIMINAL PROCEDURE

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Abstract:

This research paper takes a close look at the new legal rules the legislature set up for the National Economic and Financial Criminal Pole—a new judicial body in charge of handling economic and financial crimes. All of this comes from Law No. 25-14 of August 3, 2025, which includes the Code of Criminal Procedure. The paper doesn't just list what's new; it also examines how well the legislature pulled it off and highlights the main problems that have come up because of these changes.

The study concluded that these new legal provisions are marked by numerous shortcomings that may limit their effectiveness in combating such crimes.

Keywords: National Economic and Financial Criminal Pole; Economic and Financial Crimes; Judicial Investigation; Request for The Procedural File; Relinquishment of Jurisdiction.

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INTRODUCTION:

In recent years, various countries around the world have witnessed the emergence of new forms of crime that rely on highly sophisticated means, particularly in the economic and financial fields.

Algeria, like other countries, has suffered from these crimes because of their negative impact on national security and the national economy. For this reason, the Algerian legislature sought to establish a newly created judicial body with jurisdiction over economic and financial crimes at the court seated in the Algiers Court of Appeal, which was designated as the Economic and Financial Criminal Pole through Ordinance No. 20-04 of August 30, 2020, amending and supplementing Ordinance No. 66-155 containing the Code of Criminal Procedure (repealed)¹.

With the issuance of Law No. 25-14 of August 3, 2025, containing the Code of Criminal Procedure², this criminal pole was reaffirmed through new legal provisions set out in Chapter Two, entitled The National Economic and Financial Criminal Pole, under Title Four, entitled Criminal Judicial Poles, specifically from Article 315 to Article 334 thereof.

On this basis, the importance of studying this topic becomes apparent, as it is one of the recent subjects established by the Algerian legislature in recent years due to the growing seriousness of economic and financial crimes, through Law No. 25-14, as well as because this topic raises questions as to whether the Algerian legislature has succeeded in establishing the various new legal provisions governing the National Economic and Financial Criminal Pole as a judicial body competent to examine such crimes.

Accordingly, the purpose of this research paper may be summarized as follows:

- To study the various legal provisions relating to the establishment of this pole, as well as the rules governing its local (territorial) and subject-matter jurisdiction.

- To shed light on the various procedural provisions relating to prosecution and judicial investigation before it, which are characterized by a certain degree of specificity compared with other judicial bodies, particularly in terms of how this pole becomes seized of the public action, as well as in terms of judicial investigation concerning the property of the convicted person, or in terms of the trial procedures before it, in order to assess the extent to which the Algerian legislature has succeeded in establishing these new provisions and to identify the main issues raised in relation to them.

Therefore, the following question arises:



To what extent has the Algerian legislature succeeded in establishing the new legal provisions governing the National Economic and Financial Criminal Pole as a judicial body with jurisdiction over economic and financial crimes?

To answer this question, the descriptive and analytical methods will be adopted by addressing the substantive provisions relating to the National Economic and Financial Criminal Pole in the first section, followed by its procedural provisions in the second section.

THE FIRST TOPIC: SUBSTANTIVE PROVISIONS GOVERNING THE NATIONAL ECONOMIC AND FINANCIAL CRIMINAL POLE

In order to determine the substantive provisions relating to the National Economic and Financial Criminal Pole as a newly established judicial body with jurisdiction over economic and financial crimes, it is necessary to address the various legal provisions relating to the establishment of this pole (First Requirement), followed by the provisions relating to its jurisdiction (Second Requirement).

FIRST REQUIREMENT: ESTABLISHMENT OF THE NATIONAL ECONOMIC AND FINANCIAL CRIMINAL POLE

Following the developments witnessed in the country in 2019, and after major judicial proceedings involving senior officials on charges of economic and financial crimes characterized by great complexity and intertwinement³, the Algerian legislature provided for the establishment of the National Economic and Financial Criminal Pole at the court seated in the Algiers Court of Appeal through Article 211 bis of Ordinance No. 20-04 amending and supplementing Ordinance No. 66-155 containing the Code of Criminal Procedure (repealed). With the promulgation of the new Law No. 25-14 containing the Code of Criminal Procedure, the legislature reaffirmed its existence at the court seated in the Algiers Court of Appeal through Article 315 thereof, which provides: There shall be established at the court seated in the Algiers Court of Appeal a national criminal pole specialized in combating economic and financial crime⁴.

Accordingly, and through this article, it becomes clear that when the Algerian legislature established the National Economic and Financial Criminal Pole pursuant to the above-mentioned Ordinance No. 20-04, it did not create an ordinary judicial body as such; rather, it established it within the court seated in the Algiers Court of Appeal⁵, which it reaffirmed once again through the latest Law No. 25-14 containing the Code of Criminal Procedure.

Therefore, this discussion will address the non-creation of an ordinary judicial body (First), followed by the establishment of a national economic and financial criminal pole at the court seated in the Algiers Court of Appeal (Second).



Firstly: Non-Creation of an Ordinary Judicial Body

Organic Law No. 22-10 relating to the judicial organization⁶ constitutes the legislative framework for the establishment of ordinary judicial bodies⁷.

However, upon reference to the provisions of this organic law, it may be observed that the legislature did not provide for the creation of the National Economic and Financial Criminal Pole within this law. Rather, it provided for it through Title Four of Ordinance No. 20-04 amending and supplementing Ordinance No. 66-155 containing the Code of Criminal Procedure (repealed), and it reaffirmed its existence once again through Law No. 25-14 containing the Code of Criminal Procedure, as previously mentioned above.

Secondly: Establishment of a National Economic and Financial Criminal Pole at the Court Seated in the Algiers Court of Appeal

The Algerian legislature established a national criminal pole specialized in examining economic and financial crimes at the level of the court of the Algiers Court of Appeal, namely the Sidi M'Hamed Court⁸, as provided in Article 211 bis of Ordinance No. 20-04 amending and supplementing Ordinance No. 66-155 containing the Code of Criminal Procedure, referred to above. It then reaffirmed its existence at the court seated in the Algiers Court of Appeal once again through Article 315 of the new Law No. 25-14. Thus, the Algerian legislature integrated the National Economic and Financial Criminal Pole, as a newly established judicial body, within an already existing judicial body in the framework of the ordinary judicial system.

Accordingly, it may be said that this pole does not enjoy financial independence in managing its affairs, as it is linked to the budget of the court seated in the Algiers Court of Appeal. The same applies to human resources, which hinders its objectives in combating economic and financial crimes, since such crimes require significant material and human resources to be effectively addressed⁹.

Moreover, through Law No. 25-14, the legislature did not provide for provisions relating to the human composition of the criminal pole, nor did it specify special prior procedures and conditions for appointing judges and assigning them to specialized positions in a manner that would ensure their professional stability, which would assist them in handling the cases brought before them until judgment is rendered¹⁰. This is because such provisions are organizational in nature and cannot be included within the Code of Criminal Procedure, as the latter is confined to provisions of a procedural nature. Thus, incorporating organizational provisions relating to human composition, appointments, and the conditions required for such positions falls outside the scope of the Code of Criminal Procedure¹¹.



Accordingly, it may be said that the organization of the judges affiliated with the National Economic and Financial Criminal Pole is governed by the general legal texts regulating the judicial field¹², namely Organic Law No. 04-11 relating to the Basic Law on the Judiciary¹³ and Organic Law No. 22-10 relating to the judicial organization, mentioned above.

SECOND REQUIREMENT: THE JURISDICTION OF THE NATIONAL ECONOMIC AND FINANCIAL CRIMINAL POLE

Under Law No. 25-14 containing the Code of Criminal Procedure, the legislature provided for the jurisdiction of the National Economic and Financial Criminal Pole by defining both its local or territorial jurisdiction, which extends over the entire national territory, and the types of crimes falling within its competence¹⁴.

Therefore, this discussion will address the local or territorial jurisdiction of this pole (First), followed by its subject-matter jurisdiction (Second).

Firstly: The Local or Territorial Jurisdiction of the National Economic and Financial Criminal Pole

Local or territorial jurisdiction refers to the geographical scope within which a given judicial body has the authority to exercise its legal and judicial powers. As a general rule, this jurisdiction is determined on the basis of the place where the crime was committed, the residence of one of the suspects, or the place where one of them was arrested¹⁵.

However, pursuant to Article 316 of the above-mentioned Law No. 25-14, this general rule has been set aside. The Public Prosecutor attached to the Economic and Financial Criminal Pole, as well as the investigating judge and the chief judge of the same pole, exercise their powers throughout the entire national territory. This is intended to strengthen their ability to combat complex economic and financial crimes more effectively at the level of the whole country¹⁶.

Secondly: The Subject-Matter Jurisdiction of the National Economic and Financial Criminal Pole

Subject-matter jurisdiction is basically a court's legal power to hear certain types of cases, as the law allows¹⁷. For the National Economic and Financial Criminal Pole, Article 317 of Law No. 25-14 spells out exactly which crimes they can handle. Here's the official list of offenses that fall under their authority:

- The offences provided for in Articles 119 bis, 389 bis, 389 bis 1, and 389 bis 3 of the Penal Code.
- The offences provided for in Law No. 06-01 of February 20, 2006, relating to the prevention and combating of corruption.



– The offences provided for in Ordinance No. 96-22 of July 9, 1996, relating to the repression of violations of legislation and regulations concerning exchange control and the movement of capital to and from abroad.

– The offences provided for in Articles 11, 12, 13, 14, and 15 of Ordinance No. 05-06 of August 23, 2005, relating to combating smuggling.

– Offences relating to currency and credit, the stock exchange of transferable securities, as well as tax evasion and tax fraud offences.

Accordingly, through Law No. 25-14, the legislature expanded the range of offences falling within the subject-matter jurisdiction of the criminal pole, since Ordinance No. 20-04 did not include offences relating to currency and credit, the stock exchange of transferable securities, or tax evasion and tax fraud among the offences within the pole's subject-matter jurisdiction.

Moreover, paragraph one of Article 317 provides that the Public Prosecutor attached to the National Economic and Financial Criminal Pole, the investigating judge, and the chief judge of the same pole exercise concurrent jurisdiction alongside the jurisdiction resulting from the application of Articles 58, 70, and 468 of the Code of Criminal Procedure with respect to the above-mentioned offences.

THE SECOND TOPIC: PROCEDURAL PROVISIONS GOVERNING THE NATIONAL ECONOMIC AND FINANCIAL CRIMINAL POLE

The Algerian legislature has granted the National Economic and Financial Criminal Pole a set of procedural provisions aimed at combating the economic and financial crimes provided for in Article 317 of Law No. 25-14 containing the Code of Criminal Procedure, as previously mentioned above.

Therefore, this section will address the procedures of prosecution and judicial investigation before this pole (First Requirement), followed by the trial procedures before it (Second Requirement).

FIRST REQUIREMENT: PROCEDURES OF PROSECUTION AND JUDICIAL INVESTIGATION BEFORE THE NATIONAL ECONOMIC AND FINANCIAL CRIMINAL POLE

The procedures of prosecution and judicial investigation before the National Economic and Financial Criminal Pole are characterized by a certain specificity that distinguishes them from those followed before other judicial bodies¹⁸, particularly with regard to the manner in which this pole becomes seized of the public action, as well as with regard to the judicial investigation into the assets of a person convicted of one of the crimes falling within its jurisdiction.

Accordingly, this requirement will address the manner in which this pole becomes seized of the public action (First), followed by the judicial investigation into the assets of the convicted person (Second).



Firstly: The Manner in Which the National Economic and Financial Criminal Pole Becomes Seized of the Public Action

The National Economic and Financial Criminal Pole may only deal with economic and financial crimes after it has become seized of the various cases falling within its jurisdiction. In this regard, the legislature has provided for a set of uncommon legal procedures¹⁹, essentially represented as follows:

1- Request for the procedural file:

Through Law No. 25-14 containing the Code of Criminal Procedure, the legislature provided that the Public Prosecutor attached to the National Economic and Financial Criminal Pole exercises his powers under the hierarchical authority of the Prosecutor General at the Algiers Court of Appeal and exercises the powers of the Public Prosecution that fall within his jurisdiction. Likewise, the investigating judge and the chief judge of this pole are administratively subject to the authority of the President of the Algiers Court of Appeal²⁰.

The Public Prosecutor attached to the Economic and Financial Criminal Pole may, after obtaining the opinion of the Prosecutor General at the Algiers Court of Appeal, request the procedural file during the stages of preliminary inquiries, prosecution, and judicial investigation if he considers that the offence falls within his jurisdiction²¹. Pursuant to Article 58 of the Code of Criminal Procedure, the Public Prosecutors attached to the judicial bodies having territorial jurisdiction shall immediately and by all means transmit copies of the informative reports and investigation procedures carried out by the judicial police, within the framework of one of the offences provided for in Article 317, to the Public Prosecutor attached to the National Economic and Financial Criminal Pole²².

2- Relinquishment of the file:

The territorially competent Public Prosecutor shall, during the stages of preliminary inquiries and prosecution, upon receiving the submissions of the Public Prosecutor attached to the National Economic and Financial Criminal Pole requesting the procedural file, issue a decision relinquishing the case in favor of the latter.

Where a judicial investigation has been opened, the submissions of the Public Prosecutor attached to the Economic and Financial Criminal Pole requesting the procedural file shall be transmitted by the Public Prosecutor to the investigating judge seized of the case, and the investigating judge shall issue an order of relinquishment in favor of the investigating judge attached to the National Economic and Financial Criminal Pole.

The procedural file that is the subject of relinquishment shall be transmitted by the competent Public Prosecutor to the Public Prosecutor attached to the



National Economic and Financial Criminal Pole, together with all papers, documents, and evidentiary materials²³.

The consequence of relinquishing the procedural file is the transfer to the Public Prosecutor and the investigating judge attached to the Economic and Financial Criminal Pole of the powers to direct and supervise the work of the judicial police with regard to procedures already carried out, ongoing procedures, or those intended to be undertaken.

Judicial police officers, regardless of the location of the court within whose territorial jurisdiction they operate, shall receive instructions and judicial commissions directly from the Public Prosecutor and the investigating judge attached to the Economic and Financial Criminal Pole.

In the event of relinquishment, the provisions of the Code of Criminal Procedure relating to the initiation and exercise of the public action, judicial investigation, and trial shall apply²⁴.

Secondly: Judicial Investigation into the Assets of the Convicted Person

Among the innovations introduced by the Algerian legislature through Law No. 25-14 containing the Code of Criminal Procedure is the empowerment of the Public Prosecutor attached to the National Economic and Financial Criminal Pole, with regard to the economic and financial crimes falling within its jurisdiction and provided for in Article 317 of this law, to undertake the following:

1- Opening a judicial investigation

For the purpose of searching for and locating the money and assets of the convicted person against which the judgment ordering the payment of a fine, judicial costs, or confiscation may be enforced, and seizing them. Such investigation shall be conducted in complete secrecy by and under the authority of the Public Prosecutor against the convicted person, as well as against any third party who knowingly colludes with him in concealing his financial assets from enforcement.

2- Carrying out, or ordering the carrying out of, all enforcement procedures provided for in Article 331 of this law throughout the national territory

Mainly consisting of the following:

- Conducting any search, seizure, hearing, or request for banking or financial information relating to the convicted person.
- Resorting to the special investigation techniques provided for in the Code of Criminal Procedure.
- Requesting any electronic communications operator or provider of electronic communication services to supply information relating to the identification of a



subscriber or regular user of an electronic communications service or electronic means of communication.

For the purpose of implementing these procedures, the legislature has required the persons or bodies called upon to provide their assistance without delay. It has also provided that if their refusal or procrastination causes an obstruction to the proper conduct of the judicial investigation procedures, criminal liability shall arise for the natural and legal persons concerned. The natural person responsible for such obstruction shall be liable to imprisonment from six months to three years and a fine from 60,000 Algerian dinars to 300,000 Algerian dinars, while the legal person shall be punished by a fine in accordance with the provisions laid down in the Penal Code.

When movable property is seized within the framework of this investigation, it shall be deposited with the registry of the National Economic and Financial Criminal Pole. The seized sums shall be deposited in the Treasury account opened for that purpose, while the list of seized immovable property shall be transmitted to the State Property Administration, with the exception of assets that are not subject to seizure²⁵.

3- Authorizing the disposal of the seized assets

For the purpose of settling the confiscated sums, fines, and judicial costs imposed by the judgment. Where the convicted person makes payment, the judicial investigation shall be closed. If the Public Prosecutor decides to terminate the latter, he shall notify the Penalties Enforcement Service and the Service for the Recovery of Criminal Fines of his decision.

4- Resorting to extended seizure

Resorting to extended seizure of the assets of the convicted person, within the limits of the amount imposed upon him, excluding assets that are not subject to seizure, if:

- There are serious and concrete indications that the assets of the person convicted of one of the above-mentioned offences cannot be found, or can no longer be found, among his own assets, or that they have been mixed with lawful property.

- There are sufficient serious and concrete indications that the convicted person has transferred the assets to a third party, or enabled him to obtain them, with the aim of preventing or obstructing the enforcement of any confiscation.

- The third party knew, or was likely to have known, that the assets had been transferred to him by the convicted person in order to avoid the enforcement of any confiscation against him.



In the decision ordering extended seizure, the Public Prosecutor shall indicate the serious reasons justifying such seizure, as well as the information from which it appears, or from which it may be inferred, that the third party was aware of it²⁶.

Second Requirement: Trial Procedures before the National Economic and Financial Criminal Pole

With regard to trial proceedings, the National Economic and Financial Criminal Pole is subject to the general rules. At this stage, the principles of a fair trial, which safeguard the rights and freedoms of individuals, are given concrete effect. This criminal pole is also subject to the same procedures governing appeals against judgments issued by ordinary courts²⁷, since it lacks a specialized appellate body²⁸.

Accordingly, the following discussion will address the principles governing trial proceedings before this pole (First), followed by the absence of a specialized appellate body (Second).

Firstly: Principles Governing Trial Proceedings before the Economic and Financial Criminal Pole

The Algerian legislature has established a set of general principles intended to ensure a fair trial before judicial bodies. Since the National Economic and Financial Criminal Pole is one of these judicial bodies, proceedings before it are likewise governed by the same general principles applicable to ordinary courts²⁹. This is based on Article 329 of Law No. 25-14 containing the Code of Criminal Procedure, which provides: In the event of relinquishment, the provisions of the Code of Criminal Procedure relating to the initiation and exercise of the public action, judicial investigation, and trial shall apply. Among these principles are publicity, orality, and the presence of the parties to the proceedings³⁰.

Secondly: Absence of a Specialized Appellate Body for the National Economic and Financial Criminal Pole

In the above-mentioned Law No. 25-14, the legislature did not specify the body before which judgments issued by the National Economic and Financial Criminal Pole may be appealed.

However, by reference to the general rules and in application of the constitutionally enshrined principle of two-tier litigation, the criminal pole is subject to the same appeal procedures applicable to judgments issued by ordinary courts. Consequently, the Criminal Chamber of the Algiers Court of Appeal constitutes the second level of jurisdiction³¹.

As for the time limits for appeals and challenges relating to judgments issued by the criminal pole, they are likewise governed by the general rules set out in the Code of Criminal Procedure³².



CONCLUSION:

Through examining the various new legal provisions established by the legislature for the National Economic and Financial Criminal Pole under Law No. 25-14 containing the Code of Criminal Procedure, a number of conclusions have been reached, the most important of which are the following:

- No provision was made for its establishment within Organic Law No. 22-10 relating to judicial organization, which constitutes the legislative framework for the establishment of ordinary judicial bodies. Rather, it was provided for the first time through Ordinance No. 20-04 amending and supplementing Ordinance No. 66-155 containing the Code of Criminal Procedure (repealed), which was later reaffirmed through the latest Law No. 25-14 containing the Code of Criminal Procedure.

- It was integrated as a newly established judicial body within an already existing judicial body in the framework of the ordinary judicial system.

- Consequently, it may be said that this pole does not enjoy financial independence in managing its affairs, as it is tied to the budget of the court seated in the Algiers Court of Appeal. The same applies to its human resources, which hinders its objectives in combating economic and financial crime, since such crimes require substantial material and human resources to be effectively addressed.

- Through Law No. 25-14, the legislature did not provide for provisions relating to its human composition, nor did it specify special procedures and prior conditions for appointing judges and assigning them to specialized posts in a manner that ensures their professional stability and assists them in examining the cases brought before them until judgment is rendered, because such provisions are organizational in nature and cannot be included in the Code of Criminal Procedure, which is limited to provisions of a procedural character.

- It was provided that the Public Prosecutor attached to the National Economic and Financial Criminal Pole, as well as the investigating judge and the chief judge of the same pole, exercise their powers throughout the entire national territory. This is intended to strengthen their ability to combat complex economic and financial crimes more effectively across the country as a whole.

- The range of offences falling within its subject-matter jurisdiction was expanded, since Ordinance No. 20-04 (repealed) did not include offences relating to currency and credit, the stock exchange of transferable securities, or tax evasion and tax fraud.

- The Algerian legislature subjected the economic and financial offences provided for in Article 317 of Law No. 25-14 to its jurisdiction, in view of the harmful effects such offences produce on the national economy.



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– The procedures of prosecution and judicial investigation before it is marked by a certain specificity that distinguishes them from those before other judicial bodies, particularly with regard to the manner in which it becomes seized of the public action, as well as with regard to the judicial investigation into the assets of a person convicted of one of the offences falling within its jurisdiction.

– It is subject to the same general principles intended to ensure a fair trial before judicial bodies.

– The legislature did not specify the body before which judgments issued by the National Economic and Financial Criminal Pole may be appealed, with the result that this pole is subject to the same appeal procedures applicable to judgments issued by ordinary courts.

Accordingly, in light of the new legal provisions established by the Algerian legislature through Law No. 25-14 for the National Economic and Financial Criminal Pole as a judicial body competent to examine economic and financial crimes, it has been concluded that these provisions are not fully comprehensive, given the shortcomings that affect them. Therefore, the following recommendations may be made:

– The legislature should intervene to remedy the shortcomings affecting the provisions governing the National Economic and Financial Criminal Pole as a judicial body competent to examine economic and financial crimes.

– It is necessary to provide for the establishment of this pole within Organic Law No. 22-10 relating to judicial organization, which constitutes the legislative framework for the establishment of ordinary judicial bodies.

– The pole should be granted financial independence in managing its affairs, along with substantial human resources to ensure the effective combating of economic and financial crimes.

– Legal provisions should be enacted concerning its human composition, together with special procedures and conditions for the appointment of judges and their assignment to specialized posts, in a manner that ensures their professional stability as well as their training.



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