



Emerging Legal Paradigms in the Enforcement of the Community Service Penalty under the Aegis of Law No. 24/06

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Abstract:

Contemporary criminal policy has emerged as one of the most pivotal pillars of the modern penal framework, primarily endeavoring to rehabilitate and reform offenders through innovative and progressive methodologies. The driving force behind the evolution of this policy lies in the imperative to curb excessive reliance on punitive measures, especially in the wake of the pronounced failure of traditional penal strategies to facilitate genuine inmate rehabilitation. This shortcoming became manifest in the multiple drawbacks associated with short-term custodial sentences, which, in turn, contributed significantly to the alarming surge in recidivism rates. Notably, penal policy in its contemporary guise has regained its efficacy by adopting a series of remedial solutions and procedures to overcome this crisis. Chief among these alternatives is the institution of *Community Service*, a punitive substitute that has garnered considerable attention under both international and domestic legal frameworks, wherein the overarching objectives of rehabilitation and reform remain paramount.

Keywords: Criminal Policy ;modern pénal. Alternative Punishment; Rehabilitation; Community Service.

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Introduction:

Short-term custodial sentences constitute one of the most pressing challenges currently confronting penal legislation, prompting a veritable revolution in this realm. Their shortcomings center on the capacity and effectiveness of penal policy, particularly with regard to realizing punitive objectives such as rehabilitation and reform. Indeed, estimates in numerous jurisdictions suggest that short-term deprivation of liberty accounts for the majority of judicial sentences handed down.

Such penalties engender multiple adverse repercussions. Foremost among these is the potential disintegration of the family unit, especially when the incarcerated individual is the sole breadwinner. They also contribute to prison overcrowding and impose substantial financial burdens on the state. Moreover, they exacerbate the risk of infectious diseases and epidemics spreading among inmates and facilitate the exchange of criminal techniques, given that individuals convicted of minor offenses find themselves in close proximity to those responsible for grave and destabilizing crimes.

Against this backdrop, alternative sanctions have been introduced to address these shortcomings. Algeria, in turn, has embraced these reforms by amending its relevant legislation, with *Community Service* (i.e., work for the public good) emerging as the most frequently applied alternative in practice. Empirical studies and research have yielded positive findings regarding this measure, notwithstanding certain recommendations proposed by experts—some of which have been incorporated into the new amendments of the Penal Code (Law No. 06-24). This legislation will serve as the focal point of the present research paper.

In light of the foregoing, a fundamental question arises: **To what extent do the new provisions effectively facilitate the adoption of Community Service as a criminal penalty?** To address this inquiry, the ensuing analysis will draw on the analytical method—given that it dissects pertinent legal texts—and the descriptive method, which elucidates key terminologies. The paper is organized as follows:

Chapter One: Legal Provisions Governing Community Service **Prior to the Amendment**

Chapter Two: Legal Provisions Governing Community Service **in Light of Law No. 06-2**



Chapter One: Legal Provisions Governing Community Service Prior to the Amendment

Contemporary penal policy regards Community Service as one of the most significant alternatives to short-term custodial sentences. This penalty has proven beneficial for both the convicted individual and society at large, thereby reflecting the modern rehabilitative ethos of criminal justice. As a relatively novel form of punishment, Community Service has been adopted in numerous jurisdictions, often achieving positive outcomes according to various statistical analyses. The United States of America pioneered this approach in the 1970s¹, and it subsequently spread to other countries. Algeria, for its part, incorporated provisions on Community Service into Article 5 of its Penal Code. We will briefly explore these provisions in the following sections:

Section One: The Concept of Community Service

The Algerian legislator has defined Community Service in Article 5 of the Penal Code, specifying the conditions for eligibility and the procedures for implementation. Nevertheless, certain practical aspects—particularly regarding the supervision of convicted persons—were not exhaustively regulated, giving rise to practical challenges. Although the legislator attempted to address some of these issues in the most recent amendment (to be discussed in Chapter Two), gaps still remain.

Subsection 1: Defining Community Service

“Work for the public good” entails compelling the convicted person to perform unpaid labor for the benefit of society. According to Article 5 of the Penal Code, the court may replace a custodial sentence with Community Service in a public institution² by specifying a minimum of 40 hours and a maximum of 600 hours of work, calculated at a rate of two hours for each day of imprisonment. Such work must be completed within a period not exceeding 18 months. Importantly, Community Service is an optional measure—meaning the convicted individual may accept or decline it, provided they meet the specified conditions, which include³:

1. **No Prior Conviction:** The individual in question must have no criminal record. However, the legislator’s wording in Article 5 uses the term “accused” (متهم) rather than “convicted person.” Strictly speaking, once a judicial conviction is established, the individual is referred to as a “convicted person,” and Community Service serves as an alternative penalty for that convicted individual.



2. **Minimum Age Requirement:** The accused must be at least 16 years old at the time of committing the offense. This requirement aligns with the principle of graduated criminal responsibility, taking into account legal capacity—i.e., the ability to acquire rights and bear obligations—and any impediments or conditions that might negate responsibility for criminal acts.

3. **Short-Term Sentence:** The offense committed must carry a statutory penalty not exceeding three years' imprisonment, and the pronounced custodial sentence must not exceed one year.

4. **Special Provision for Minors:** For juvenile offenders, the imposed Community Service cannot be less than 20 hours and cannot exceed 300 hours.

Subsection 2: The Significance of Community Service as a Penal Measure

Community Service has a rehabilitative dimension insofar as it instills a sense of accountability in the convicted individual, prompted by the personal realization of working without compensation. Moreover, it highlights the value of legitimate labor as a protective barrier against criminal conduct and negative influences. By offering the convicted person a path to reintegrate into society, Community Service can play a pivotal role in promoting social and familial stability⁴.

Subsection 3: Procedures for Implementing Community Service

Once the court's decision imposing Community Service becomes final⁵, a copy of the judgment (or ruling) is sent, together with an official summary (extract), to the Deputy Public Prosecutor at the competent appellate court for enforcement⁶. Based on prevailing judicial practice, the Deputy Public Prosecutor has two options:

1. **Direct Transmission to the Sentencing Judge:** If the convicted person resides within the jurisdiction of the sentencing court, the Deputy Public Prosecutor transmits the file, including the judgment and its summary, to the Judge in charge of the enforcement of sentences, who will oversee the application of Community Service.

2. **Jurisdictional Referral:** If the convicted person resides in a different judicial district, the Deputy Public Prosecutor forwards the documents to the Deputy Public Prosecutor at the appellate court overseeing that district, so the local Judge in charge of enforcement can proceed with implementation.



Subsequent administrative steps ensure that the individual is notified—usually by a bailiff—to commence work at the designated public institution. Failure to report for duty without a valid justification triggers the original custodial sentence, in line with the commitments stipulated by the sentencing judge. Additional issues, such as supervision and liability in case of work-related accidents (e.g., whether the convicted person is entitled to insurance coverage akin to regular employees), are regulated by supplemental provisions—specifically Article 5 bis 05 of the Penal Code—which grants the legislator the authority to address these matters in more detailed regulations⁷.

Section Two: Assessing Community Service

Researchers and practitioners have identified numerous positive outcomes from the application of Community Service, particularly regarding the successful reintegration of offenders into society. Yet, they have also issued certain recommendations after evaluating how theoretical statutes perform in actual practice.

Algeria's decision to adopt this alternative penalty aligns well with contemporary penal policies, underscoring a commitment to both modernization and humanitarian principles in punishment. Such measures help ensure the rehabilitation and reintegration of offenders under conditions that meet the minimal standards of humane treatment in the criminal justice system. In a statement made by Mr. Mokhtar Fellion, the Director General of the Prison Administration in Algeria, he noted that the number of incarcerated individuals who have benefitted from Community Service and other alternative sentences—since their introduction in the 2009⁸ amended Penal Code—has reached 7,000. This figure is remarkable in Algeria and underscores how such measures mitigate the adverse effects of short-term custodial sentences, preserving the social and familial stability of a significant number of convicted persons.

It is also noteworthy that the convicted individual's consent is a prerequisite for carrying out Community Service. While this feature underscores a shift toward a more consensual form of criminal justice—often referred to as “restorative justice”—some critics argue that it undermines the compulsory nature of penal sanctions.

Implementing Community Service on a broader scale inevitably requires a high degree of awareness among civil society and a concerted effort among various institutional stakeholders. Consequently, robust coordination and effective management are vital to ensure the success of this alternative penalty.



Chapter Two: Legal Provisions Governing Community Service in Light of Law No. 06-24

Pursuant to Law No. 06-24, dated April 28, 2024, the Algerian Penal Code underwent significant amendments aimed at implementing the criminal policy set forth by the Minister of Justice (Keeper of the Seals) and aligning legal provisions with emerging societal realities. Among these reforms were new provisions related to Community Service—an alternative sanction designed to address shortcomings in short-term custodial sentences. By analyzing Article 2 of Law No. 06-24, which amends and supplements Article 05 bis 01 of Ordinance No. 66-155 of February 18, 1386 (Hijri), it becomes clear that the changes primarily affect certain conditions for benefiting from Community Service and expand the types of institutions eligible to receive convicted individuals⁹, adding certain recognized associations serving the public interest. The following sections will explore these developments in detail.

Section One: Newly Introduced Conditions for Imposing Community Service

Previously, the conditions for granting Community Service were set forth in Article 5 of the Penal Code, with a focus on preventing recidivism while fostering rehabilitation and reintegration. Although some requirements remain unchanged, the legislator modified others to address practical challenges encountered by legal practitioners and to enhance the penalty's effectiveness in reforming offenders¹⁰.

Subsection One: Conditions Pertaining to the Convicted Person

According to Article 2 of Law No. 06-24¹¹, the judicial authority—subject to the convicted person's consent—may substitute the pronounced term of imprisonment with Community Service, provided certain criteria are met. Most of these criteria mirror those previously established; however, there is a pivotal modification concerning the individual's criminal record:

1. **Prior Convictions:** Under the former provision, Community Service could only be granted if the accused had no prior criminal record. Now, the decisive factor is whether the accused has already been sentenced to Community Service and subsequently violated the obligations stemming from that sentence. In other words, if an individual was previously sentenced to Community Service, fulfilled all requisite obligations, and later reoffended, he or she may still be eligible for Community Service anew. Conversely, if the person failed to meet those obligations, he or she is categorically excluded from receiving Community



Service again. This underscores the legislator's emphasis on rehabilitation and reintegration, while maintaining that repeated noncompliance undermines the rehabilitative purpose of alternative sanctions.

2. **Significance of the Criminal Record (Bulletin No. 2 / Judicial Records):** Although the legislator initially barred any individual with a final judgment of conviction from benefiting, it subsequently introduced a route for redemption through the legal mechanism of rehabilitation (رد الاعتبار). Once the prior conviction's effects are expunged, the individual may become eligible for Community Service. This approach originally aimed to direct Community Service toward first-time or low-risk offenders. Nonetheless, by allowing repeat offenders who have complied with prior obligations or obtained rehabilitation to benefit, the law reflects a balanced interest in both public safety and offender reintegration.

3. **New Emphasis on Compliance:** The amended Article 05 bis 01 explicitly includes a requirement that the offender must not have previously breached the obligations attendant to a Community Service sentence. This innovation sends a clear message: Community Service is a valuable opportunity for societal reintegration, not a perfunctory alternative. Practically, this demands careful record-keeping by judicial authorities, who must track compliance in every instance to determine eligibility in future cases¹².

◦ **Literal Interpretation:** The term “breach” (أخل) raises interpretive questions concerning the degree of noncompliance necessary to trigger disqualification. Does any instance of minor noncompliance preclude future eligibility, or must it be substantial?

◦ **Judicial Discretion:** In practice, judges may exercise discretion when assessing whether a prior breach was significant enough to bar future eligibility. Mitigating circumstances—such as demonstrable rehabilitation—might influence the judge's decision.

Overall, these reforms illustrate the legislator's commitment to enhancing the rehabilitative efficacy of Community Service while ensuring that it remains a meaningful sanction rather than a mere procedural alternative



Subsetion Two: Newly Introduced Conditions Relating to the Penalty

In expanding the applicability of Community Service, the legislator also revised the scope of offenses for which this alternative penalty may be imposed. Whereas Community Service was previously limited to offenses carrying a maximum custodial penalty of three years, Law No. 06-24 raised the threshold to five years. Article 2 of Law No. 06-24 explicitly states that Community Service may be considered if the legally prescribed penalty for the offense does not exceed five years of imprisonment.

1. Increasing the Maximum Punishable Range

By extending the cutoff from three to five years, the legislator broadens the pool of offenders who may qualify for Community Service, reflecting a legislative intent to provide rehabilitation opportunities to individuals convicted of offenses that are arguably more serious than those covered under the previous limit. This approach aims to reduce prison overcrowding, offer more offenders a constructive path toward social reintegration, and align with contemporary penal policies that favor alternatives to incarceration whenever feasible.

2.Maintaining the One-Year Pronounced Imprisonment Limit

Despite the increased statutory maximum, the law retains the requirement that the actual pronounced imprisonment term must not exceed one year. If the sentence imposed by the court surpasses one year, Community Service remains unavailable as an alternative. The legislator thus seeks a balance, ensuring that only certain categories of offenders—those with shorter executed sentences—can benefit¹³.

3.Balancing Broader Eligibility and Crime Severity

Raising the statutory threshold to five years raises questions regarding the classification of offenses that might now fall within the ambit of Community Service. Offenses punishable by up to five years' imprisonment could be considered relatively more serious than those capped at three years, which prompts a debate about whether Community Service should be applied to crimes posing a higher threat to public safety. A prudent and careful implementation is necessary to preserve the coherence of the penal system and maintain public confidence.



Section Two: Introduction of Public-Benefit Associations as Hosting Institutions

Prior to Law No. 06-24¹⁴, the Penal Code limited hosting entities to “legal persons” (أشخاص معنوية) of a public-service nature. Researchers and practitioners, however, highlighted several limitations in this narrow scope. For instance, a medical professional convicted of a minor offense might be better suited to serve the community through pro bono healthcare work rather than performing unrelated tasks in a public institution.

Recognizing this critique, the legislator expanded the category of eligible institutions to include public-benefit associations—nonprofit entities officially recognized for their contributions to the public good. Such organizations often operate in diverse fields, such as healthcare, education, environmental conservation, and social welfare. They are thus ideally positioned to facilitate constructive, skill-based tasks for offenders, maximizing the rehabilitative impact and benefiting the broader community¹⁵.

Nevertheless, the success of this new framework hinges on several practical considerations:

1. Legal and Administrative Support

To ensure effective implementation, the government and civil society must collaborate to create a robust regulatory environment for these associations. Adequate financial and administrative support will enable them to supervise offenders assigned to Community Service and provide meaningful tasks that align with their organizational missions.

2. Matching Offender Skills with Community Needs

By assigning a convicted professional (e.g., a doctor) to an association requiring medical services, the punishment aligns more closely with both rehabilitation goals and community benefit. This synergy can encourage an offender’s sense of responsibility and promote better reintegration outcomes.

3. Monitoring and Evaluation

The judiciary, Public Prosecution, and relevant administrative bodies must maintain rigorous oversight to ensure that convicted individuals comply with their



obligations. Transparent systems of accountability help preserve the integrity of Community Service and demonstrate its efficacy to the public¹⁶.

By enacting Law No. 06-24, the Algerian legislator has refined and expanded the legal framework for Community Service, aiming to enhance its rehabilitative potential and facilitate broader access to alternative sanctions. Key innovations include modifying the eligibility criteria to focus on prior compliance, raising the statutory threshold for applicable offenses from three to five years, and recognizing public-benefit associations as legitimate hosting entities. These developments reflect a deeper commitment to contemporary penal philosophies that prioritize rehabilitation and social reintegration. Nonetheless, their practical success will depend on careful judicial discretion, comprehensive administrative support, and ongoing scholarly analysis to ensure that Community Service fulfills its intended role within the evolving Algerian criminal justice system¹⁷.

Conclusion

In concluding this study, entitled “Community Service as a Criminal Penalty and Its Recent Developments,” it becomes apparent that it addresses a novel and evolving legal concept within the field of criminal justice. The significance of this research lies in its focus on the newly introduced conditions—evaluating both their efficacy and importance—since Community Service simultaneously reflects the punitive dimension of criminal penalties and fosters rehabilitative and social objectives.

Key Findings

1. **Focus on Rehabilitation:** Modern criminal policy increasingly emphasizes reforming and reintegrating offenders into society.
2. **Dependence on Institutional Support:** The success of alternative sanctions, particularly Community Service, hinges upon the availability of opportunities provided by various administrative bodies and public facilities, ensuring that the penalty is implemented under conditions that guarantee its effectiveness and retain its penal character through
3. diligent supervision and prevention.

Main Recommendations

1. **Promoting Contemporary Penal Culture:** Urge the dissemination of knowledge regarding modern penal practices, including public awareness of the



benefits of Community Service—an approach proven to facilitate both rehabilitation and prevention, in contrast to the adverse impacts of custodial sentences on individuals and the community.

2. **Strengthening the Legislative Framework:**Addressing any legislative gaps related to Community Service, ensuring that the law adequately covers all procedural and substantive aspects necessary for effective implementation.

3. **Encouraging Academic Research:**Given the scarcity of specialized studies on Community Service within Algerian legal scholarship, we advocate for additional research in this promising field, particularly in view of the global trend toward humane and rehabilitative alternative sanctions.

4. **Emphasizing Rehabilitative Objectives:**Finally, it is crucial to reaffirm that the primary aims of Community Service should center on rehabilitation, offender reform, and social reintegration. Achieving these goals requires aligning assigned tasks with the convicted individual's capabilities—through explicit legal provisions—and taking into account the seriousness and nature of the offense to ensure an effective penalty and promote restorative justice.

In essence, these measures will help strengthen Community Service as a modern, socially constructive alternative penalty that not only punishes offenders but also paves the way for genuine reintegration into society.

Footnotes:

1. .1Souad Ben Halima and Hussein Jilali, Privacy; Procedures for Implementing the Penalty of Public Benefit Work in Algerian Legislation, *Journal of Legal and Social Sciences*, Volume 6, Issue 3, September 1, 2021. p. 78.
2. .2Law No. 09-01 dated February 25, 2009, amending and supplementing Order No. 66-156 dated June 8, 1966, including the Penal Code, Official Gazette No. 15, issued on March 8, 2009.
3. .3Law No. 09-01, same reference.
4. .4Rami Metwally Al-Qadi, *The Penalty of Public Benefit Work in Comparative Criminal Legislation*, Dar Al-Nahda Al-Arabiya, Cairo, 2012. p. 34.
5. .5Ahsen Bousquia, *A Brief on General Criminal Law*, 14th Edition, Dar Houma, Algeria, 2014. p. 289.
6. .6Qadri Amar, *Dealing with Acts in General Criminal Law*, Dar Houma for Printing, Publishing and Distribution, Algeria, 2012. p. 161.
7. .7Rami Metwally Al-Qadi, *Punishment for Public Benefit Work in Comparative Criminal Legislation*, previous reference, p. 32.
8. .8Law No. 09-01, previous reference.
9. Law No. 24-06 dated April 28, 2024, amending and supplementing Order No. 66-156 corresponding to June 8, 1966, including the Penal Code, Official Gazette, No. 30 of 2024.
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.14Law No. 24-06, previous reference.

.15Ministerial Circular No. 12-06 dated January 12, 2012 defining the conditions and methods for establishing associations for the public good.

.16Ministerial Circular No. 12-06, previous reference, 17. Ministerial Circular No. 12-06, same reference.