

Legal Mechanisms Established to Address the Offense of Forgery in Accordance with Law N°.24-02

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Abstract:

In light of the widespread occurrence of forgery offenses and their integration into Algerian society, the legislator has sought to create a legal framework aimed at effectively combating and mitigating this serious crime. This effort is embodied in Law N°.24-02, a specific legislation designed to address the unique challenges posed by forgery.

Such crimes require tailored regulations due to their detrimental impact on the foundational principle of trust that underpins administrative, financial, and various other transactions. The breach of such trust not only jeopardizes societal security and stability but also infringes upon individual rights, leading to criminal acts that warrant judicial action and subsequent penalties for those perpetrators.

Keywords: *forgery, combat, mechanism, use of forgery, law, imitation...*

ملخص:

نظرا لتفشي جرائم التزوير بين واستعمال المزور في أوساط المجتمع الجزائري، حاول المشرع أن يضع لها إطارا قانونيا يضمن مكافحة هذا النوع الخطير من الجرائم والحد منها، وذلك من خلال سنه لقانون خاص يتعلق بالحد من هذه الجرائم وهو القانون 02-24.

هذا النوع من الجرائم أستوجب ضرورة قواعد خاصة نظرا لكونه يمس بمبدأ الثقة المفترض في المعاملات الإدارية والمالية وغيرها من عديد المعاملات الأخرى، حيث ان المساس بالثقة في هذه المعاملات يهدد أمن واستقرار المجتمع، كما يؤدي إلى انتهاك الحقوق والعبث بها، مما يخلف جريمة ومتابعة قضائية يترتب عليها جزاء لمرتكبيها.

كلمات مفتاحية: تزوير، مكافحة، قانون، استعمال المزور، تقليد، ...

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Introduction:

Crime is a social phenomenon intrinsically connected to the existence of humanity and the structure of society, evolving alongside their progress. This relationship has engaged the attention of philosophers and legal scholars throughout history, who have emphasized the significance of studying crime to mitigate and address its various forms. The diverse levels of threat posed by crime are notable, as they directly affect the foundations of security and peace, as well as the overall stability of society.

Forgery and the use of forgery are regarded as grave offenses that undermine public order and threaten the security and stability of society. These crimes erode the trust that individuals place in one another during transactions, prompting lawmakers to prioritize this issue through a dedicated legal framework.

This framework has undergone numerous amendments over the years, culminating in the enactment of Law N°.24-02 issued on Sha'ban 16th, 1445 AH, corresponding to February 26th, 2024, aimed at combating forgery and the use of counterfeit documents.

The gravity of this offense is underscored by the explicit legal provisions established by the legislator, which encompass a range of forgery-related crimes prevalent within society. This law not only identifies these offenses but also prescribes stringent penalties for those who commit such egregious acts. As we delve into this topic, a pertinent problematic issue arises:

What legal measures and frameworks has the legislator established to address the offenses of forgery and the use of forged docs in the recently enacted Law N°.24-02 concerning the Fight Against Forgery and the Use of Forgery?

This research will provide a comprehensive response to the issue at hand, structured into two distinct sections. The first section will explore the definition and implications of forgery crimes as outlined in Law N°.24-02. Subsequently, the second section will focus on the various measures and penalties established for individuals convicted of these offenses.

Section One: The concept of the crime of forgery and the use of forgery

The offenses of forgery and the use of forged documents are regarded as highly perilous crimes due to their impact on the foundational principle of trust among parties involved in various transactions, including administrative and financial dealings. Consequently, the legislator has established several provisions within Law N°.24-02 to govern and delineate the parameters of such criminal activities.

1. Definition of the crime of forgery

We will begin by examining the linguistic definition, followed by an exploration of the legal and jurisprudential interpretations of the crime of forgery.

1.1 Linguistic definition

Forgery is from the name of falsehood in the language, and falsehood is defined in the language as inclination and lying (Sobhi, 2017).

As *Ibn Fares* said in his linguistic definition: Z, R, and O are one root that indicates inclination and deviation, and from that falsehood means lying, because it deviates from the path of truth, and it is said that someone forged something, and forged something in himself, meaning he prepared it, because he deviated from a path that is closer to the listener's acceptance (Derdous, 2005).

1.2 Jurisprudential definition

There are numerous legal interpretations of the term forgery, with the most notable and thorough definition describing it as an alteration of reality intended to mislead, or the modification of a document through methods outlined by law, which is likely to cause damage.

Additionally, forgery is characterized as a criminal act involving the falsification of reality that poses a risk of harm, executed on a document using one of the legally defined methods.

1.3 Legal definition

The Algerian legislator has articulated the concept of forgery in the initial paragraph of Article 03 of Law N°.24-02, related to combating forgery and the use of forgery. The definition states that forgery involves "any fraudulent alteration of the truth in documents, papers, or other materials specified in the article, achieved through any means. This alteration must either cause harm or have the potential to lead to the acknowledgment of a right, status, or fact that carries legal implications. Furthermore, the article encompasses acts of imitation and counterfeiting as

part of the forgery definition, both of which are explicitly addressed within the law” (Law No.24-02, 2024).

The article clarifies that forgery encompasses any alteration, falsification, or imitation of an authentic item, carried out with the purpose of deception, in relation to the documents, papers, or materials specified in the preceding article. This definition is further reinforced in Article Two of the same legislation.

Article Two establishes that this legislation is applicable to all forms of document and paper forgery, including any fraudulent activities aimed at securing subsidies, public assistance, and exemptions. It also encompasses the forgery of currency and financial instruments, as well as the imitation of state seals, stamps, and other official marks.

Additionally, the law addresses issues related to false testimony and perjury, and it extends to the impersonation or improper use of positions, titles, or names by both their rightful owners and others.

Therefore, the legislator views the alteration, falsification, or imitation of any of these docs as an act of forgery. In discussing the concept of forgery, it is essential to also consider the definitions of certain related terms, including those that pertain to forgery itself, as outlined in the previously mentioned Article 3, represented in:

- **The document:**

The term "document," as defined by the legislator, encompasses any written material, regardless of being in paper or e-form, that identifies the issuer. This definition also covers documents that reference a particular fact or convey an individual's intent, which may establish, modify, end, or validate a legal status. The manner in which the document was created—whether as a foundational element for a legal effect or as a result of legal stipulations—does not alter its classification.

- **The authenticated deed:**

The law characterizes it as any document in which a public employee, public officer, or individual tasked with a public service details their actions or the receipts from relevant parties, adhering to established legal protocols and operating within their designated authority and jurisdiction. Additionally, it encompasses any document that the law specifically designates as having this formal status.

- **Idiochira:**

It is characterized as any document that is produced by the individual who authored it or by the individual who has signed or affixed their fingerprint to it, in compliance with the stipulations outlined in law.

- **The instrument:**

The term encompasses various types of correspondence, papers, or documents, including historical records, that are generated or acquired in the course of an institution's activities. This also includes materials produced by legal entities governed by private law, as well as documents issued by foreign nations or international and regional organizations.

This indicates that the instrument comprises symbols or expressions that convey a complete meaning related to a particular set of ideas articulated by an individual or group.

It is important to note that not every written text qualifies as a document, as it may also be employed verbally in a misleading manner, akin to the use of tangible methods.

2. **The elements of the crime of forgery:**

To establish the commission of a crime, it is essential that all its components are met. This section will explore the actus reus of the crime of forgery and use of forgery as outlined in Law N°.24-02, as well as mens rea associated with this offense.

2.1 **actus reus**

This is what law No.24-02, which addresses the issues of forgery and the use of forgery, encompasses via a definition of forgery outlined in the initial paragraph of Article 3. This definition incorporates the following several key elements:

- **The document:**

The text of Article 03, specifically in its third paragraph, defines a doc as any written document, whether in physical or digital format, that enables the identification of the individual who created it.

This definition encompasses the documentation of a fact or the expression of an individual's intent, which can establish, alter, or terminate a legal position, or even serve as proof, regardless of whether it was initially intended for such purposes or if this effect is mandated by law.

This definition highlights several fundamental components that confer legal status upon the document. The absence of these essential elements would result in the non-existence of the material element, even if there were changes in the underlying facts. These necessary elements must be present to ensure the doc's legal validity. These elements that must be available are:

a- Written form:

It is a fundamental component of the doc, and it is not necessary for the writing to be produced by hand, a typewriter, or a printer. Additionally, there is no requirement for a specific stent or medium, as it can be presented on paper, electronic formats, or any other type of support (Izzat, 2000).

Some legal scholars argue that it is not necessary for a written document to be on a movable object, despite the fact that such a format may facilitate its legal and social functions by allowing for circulation among individuals. They contend that it is acceptable for the document to be inscribed on real estate (Moawad, 1988).

b- The content of the document:

It means that this document either enumerates a legal fact or conveys the will of one or more individuals (Ahmed, 1993).

c- The source of the document:

I.e. It refers to the individual who articulated its content message, whose will was unmistakably focused on conveying it and establishing a connection with its meaning and content.

*** The alteration of changing the truth:**

The alteration of the truth in the **actus reus** of this crime refers to any modification or distortion that renders it different or contradictory.

Consequently, this constitutes an act or criminal activity that is realized through the act of forgery. Therefore, if the truth remains unchanged, the act of forgery is also negated (Mohammed Sobhi, 2006).

*** The Damage element:**

Damage constitutes a critical component of the material element of forgery as defined by legal statutes. In the absence of this element, the offense of forgery cannot be established, regardless of the presence of other requisite elements, since the law stipulates that a harmful act of forgery must occur for any punishment to be applicable.

Therefore, it is insufficient to merely demonstrate that the truth within a document has been altered in one of the legally recognized manners; it is also imperative that such an alteration results in actual harm (Mohammed Zaki, 1984).

2.2 mens rea:

The offense of forgery is classified as an intentional crime, which means that it inherently involves a moral element characterized by criminal intent.

For a forgery to occur, this intent is essential, as the legal framework does not acknowledge the possibility of unintentional forgery.

The mere demonstration of negligence or carelessness in confirming the validity of the information by the individual committing the act is sufficient, irrespective of the extent of that negligence. In the following discussion, we will delve deeper into the crucial role of criminal intent in the context of forgery.

- General criminal intent:

The fundamental aspect of criminal intent within the moral element hinges on the components of awareness and intention. It necessitates that the offender possesses an understanding of all the elements constituting the crime, alongside a deliberate intention to engage in the unlawful act and to bring about the intended outcome.

In general, criminal intent in forgery refers to the awareness of the perpetrator that altering the truth in a document, as defined by law, will result in harm to others or create a risk of such harm. This implies that the individual possesses actual knowledge of the deceit involved

in their actions. If it cannot be demonstrated that this knowledge exists, the crime cannot be considered established, as the essential moral element is absent (Fettouh, 1997).

– **Specific criminal intent:**

The crime of forgery not only encompasses a general intent but also necessitates the existence of a specific criminal intent, which reflects a deliberate and focused purpose.

This special criminal intent is essential in both material and moral forgery, remaining constant regardless of the means employed to commit the act. Legal experts characterize this intent as the perpetrator's aim to inflict harm or to engage in fraudulent activities.

Section Two: Penalties and legal mechanisms to combat forgery

The offense of forgery, once its components and elements have been met, will be pursued through criminal prosecution if initiated by the Public Prosecution following a formal complaint.

The legislator has outlined various penalties for those found guilty of such offenses in Law N°.24-02, which addresses the fight against forgery and the use of forgery, along with specific procedures tailored to these cases.

1. Penalties outlined for forgery and use of forgery in Law N°.24-02:

Every offense is subject to a criminal penalty, and forgery is no exception. The legislature has established various penalties for those who commit forgery in an effort to address this highly serious crime, which will be examined in detail in this section.

1.1 Penalty outlined for forgery of administrative documents and certificates:

The provisions outlined in Articles 22 to 34 of Law N°.24-02 clearly indicate that individuals who engage in the imitation, forgery, or falsification of any certificates or documents specified in these articles will face penalties that include imprisonment for a term ranging from five to seven years, along with a monetary fine between 500,000 DZD and 700,000 DZD.

The article indicates that the legislator has heightened the penalties associated with this crime, as outlined in Article 222 of the Penal Code prior to its amendment. Originally, this article prescribed a punishment of imprisonment ranging from six months to three years, along with a financial penalty between 20,000 and 100,000 DZD.

The legislator has designated certain categories in Law N°.24-02 that may be subject to criminal liability under specific legal provisions outlined in Articles 25 and 26.

These articles stipulate that individuals found guilty of the specified offenses shall face imprisonment for a term ranging from one to three years, along with a monetary penalty between 100,000 DZD and 300,000 DZD:

- Any individual who, while claiming to be a doctor, dentist, or midwife, has created a fraudulent medical or disability certificate with the purpose of evading mandatory service obligations for themselves or others is committing an offense.
- Additionally, landlords of furnished accommodations and hotel proprietors who record fictitious or assumed identities of their guests, or who intentionally fail to register these individuals in collusion with them, are also engaging in deceptive practices.

This reflects the legislator's commitment to curbing this crime in its multiple forms by enhancing certain penalties associated with forgery as outlined in the previous legislation, which featured lower penalties. Under the ancient law, individuals found guilty faced imprisonment ranging from one to six months, along with fines between 500 DZD and 5,000 DZD.

1.2 Penalty for forging public and official documents:

In this offense, a distinction can be made between forgery perpetrated by a public employee and that committed by an individual who is not employed in a public capacity.

Regarding public employees, Article 32 specifically addresses this issue, indicating in its initial paragraph that any judge, employee, or public official found guilty of intentionally committing forgery in any public or official document while executing their duties shall face a penalty of temporary imprisonment lasting between twenty and thirty years.

It should be noted that the article highlights a significant change made by the legislator regarding the penalties outlined in the law. Unlike the previous stipulation in Article 214 of the Penal Code, which mandated life imprisonment, the current legislation establishes both minimum and maximum penalties.

This raises questions about whether the legislator has indeed reduced the gravity of the punishment or if the adjustments were made for other considerations.

Furthermore, an examination of Article 33 of Law N°.24-02 reveals an increase in the fines specified in Article 217 of the Penal Code prior to the amendment, raising the minimum fine from 500 DZD to 100,000 DZD and the maximum from 1,000 DZD to 500,000 DZD.

This clearly indicates the legislator's intention to impose stricter penalties for these offenses.

The individual also incorporated penalties into Article 34 of Law N°.24-02, which modifies Article 218 of the Penal Code. As a result, the established punishment now includes a prison sentence ranging from five to ten years, along with a monetary fine set between 500,000 DZD and 1,000,000 DZD.

1.3 Penalty for forging Idiochira, commercial or banking documents:

The provisions outlined in Articles 35 to 37 of Law No.24-02, which addresses the issues of forgery and the use of forged documents, specify in the initial paragraph of Article 35 that individuals found guilty of forgery through any of the methods described in Article 31, particularly in relation to commercial, banking, or financial documents, will face a penalty of imprisonment ranging from five to ten years, along with a monetary fine between 500,000 DZD and 1,000,000 DZD.

This penalty is regarded as significantly harsher when contrasted with the punishment outlined in Article 219 of the Penal Code prior to its amendment, where the prescribed sentence for this offense ranged from one to five years of imprisonment, accompanied by a fine varying between 500 and 20,000 dinars.

It is important to highlight that the legislator included in the second paragraph of Article 35 that identical penalties are applicable to individuals who use an invoice that demonstrates materially inaccurate information with the intention to commit fraud, a detail that is absent from the provisions of Article 219 of the Penal Code.

The legislator also established in Article 219 of the Penal Code, prior to its amendment, that the maximum penalty outlined in the first paragraph would be increased twofold if the individual committing the offense is among those who approach the public with the intent to carry out any of the actions specified in the article, which includes the issuance of shares or any bonds related to a company or a commercial or industrial venture.

Following the amendment, a stringent penalty was established for individuals mentioned in the third paragraph of Article 35 of Law No.24-02. This provision stipulates that those found guilty may face imprisonment for a term of seven to twelve years, along with a financial penalty ranging from 700,000 DZD to 1,200,000 DZD, particularly if the offender falls within the aforementioned categories.

This statement affirms the clear intention of the legislator to diminish this grave offense by enforcing stringent penalties on those who commit it, including both temporary incarceration and monetary fines, which serve as a punishment for this unlawful behavior.

It is important to highlight that the legislator has raised the penalties associated with the offense of forging private documents, as outlined in Article 220 of the Penal Code.

Previously, this offense carried a prison sentence ranging from one to five years and a fine between 500 and 2,000 dinars. However, under the revised provisions in Article 36 of Law N°.24-02, the fine has been significantly increased to a range of 100,000 to 500,000 dinars.

Furthermore, it is important to highlight that the offense of forgery has been incorporated into this section as outlined in Article 37 of Law N°.24-02.

This article specifies that individuals found guilty of committing any of the enumerated acts, will face imprisonment for a term ranging from two to ten years, along with a monetary penalty that is no less than the amount of the check or the deficit in the balance, as follows:

- Forge or counterfeit a check,
- Accept receiving any forged or counterfeit check knowingly.

Any individual found guilty of forging or counterfeiting any form of payment, or who knowingly accepts such forged or counterfeit means of payment, shall face the same imprisonment penalty. This is in addition to a monetary fine ranging from 200,000 to 1,000,000 dinars, a provision that was not explicitly outlined in the Penal Code.

1.4 Penalty for forgery to obtain public subsidies, assistance and exemptions:

The provisions outlined in Articles 38 to 43 of Law No.24-02 introduce a new section and a novel offense that is not addressed in the Penal Code.

Article 38 specifies that, without prejudice to the more severe penalties previously mentioned, anyone who obtains financial, material, or in-kind assistance for any purpose through false declarations or by using information they know to be incorrect or incomplete shall be punished with imprisonment for a term ranging from three to five years, as well as a fine between 300,000 DZD and 500,000 DZD.

Any individual who continues to receive benefits, assistance, exemptions, or grants specified in this article without legitimate justification, after losing their eligibility to obtain and benefit from them, shall be subject to the same penalties.

The absence of this aspect in the penal code as a specific section indicates that the legislator has comprehensively addressed all forms of forgery. This reflects a diligent effort to mitigate the occurrence of such crimes in all their forms.

This is particularly evident in Article 40 of Law N°.24-02, which stipulates that anyone who misdirects the aid, assistance, grants, or benefits outlined in this law shall face imprisonment for a term ranging from two to five years, along with a fine between 200,000 DZD and 500,000 DZD.

The legislator's intention is clear in dedicating a specific section to address such offenses, which were explicitly stated prior to the enactment of this law.

1.5 Penalty for forgery of money and bonds:

The provisions outlined in Articles 44 to 48 of Law N°.24-02, which pertains to the fight against forgery and use of forgery, specify that Article 44 imposes a life imprisonment penalty on anyone who counterfeits or forges legal tender, whether in the form of coins or banknotes, within the national territory or abroad.

This also extends to the forgery of digital currencies recognized as legal tender within the national territory, as well as the forgery or imitation of the securities or shares referenced in this law.

The article stipulates that any individual who intentionally contributes, by any means, to the issuance, distribution, sale, or introduction of the currency, bonds, permits, or shares specified in this article into the national territory shall be subject to the same penalty as that of life imprisonment.

If the value of cash, digital currency, bonds, notes, or stocks specified in this article is less than 1,000,000 DZD, the penalty will be a temporary imprisonment ranging from ten to twenty years, along with a fine between 1,000,000 DZD and 2,000,000 DZD.

A comparison of the text of this provision with Article 197 of the Penal Code prior to its amendment reveals that the legislator has introduced a new fifth paragraph.

This addition stipulates that anyone who intentionally contributes, by any means, to the issuance, distribution, sale, or introduction of the currency, bonds, permits, or shares specified in this provision into the national territory will be subject to punishment. These elements were previously outlined in Article 198 of the Penal Code before the amendment.

Accordingly, the legislator has integrated the provisions of Articles 197 and 198 of the Penal Code, prior to amendment, into Article 44 of Law N°.24-02, which addresses the fight against forgery and the use of forged documents.

It is also noteworthy that this article reflects an increase in the minimum value of money, bonds, permits, or traded shares required for a temporary imprisonment penalty to be applicable, raising the threshold from 500,000 DZD in the pre-amendment Penal Code to 1,000,000 DZD in Article 44 of Law 24-02 concerning the prevention of forgery and the use of counterfeit documents.

Regarding Articles 45, 46, 47, and 48 of Law N°.24-02, it is observed that the legislator has raised the penalties previously outlined in Articles 199, 200, 201, and 202 of the Penal Code prior to the amendment.

1.6 Penalty for imitation of seals, stamps, stamps and marks:

The provisions from Articles 49 to 55 of Law N°.24-02 concerning the fight against forgery and the use of forged documents address this issue. Article 49 specifically states that any individual who counterfeits the state seal or knowingly uses a counterfeit seal shall be punished with life imprisonment.

This contradicts the provisions of this article with the text of Article 205 of the Penal Code prior to its amendment, which stated that anyone who counterfeits the state seal or uses a forged seal shall be punished with life imprisonment. The exemptions outlined in Article 199 apply to the perpetrator of the aforementioned crime.

The legislator has added the element or condition of knowledge on the part of the perpetrator as a requirement for the commission of a crime in the new law. However, it has not provided for the application of mitigating circumstances for those who report or reveal the identities of the offenders prior to the completion of these offenses, which were previously stipulated in Article 199 of the Penal Code before the amendment.

However, The provisions of Article 50 of Law N°.24-02 indicate a consolidation of two offenses outlined in Articles 206 and 207 of the Penal Code, both of which carry the same penalty. In contrast, Article 51 of Law 24-02 appears to impose a significantly harsher penalty than that which was previously established in Article 208 of the Penal Code prior to its amendment.

The prescribed penalty for the offense is imprisonment for a period ranging from one month to six months, along with a fine between 500 and 1,000 dinars, or one of these penalties, unless the act constitutes a more serious crime.

This applies to any individual who has created a ring, stamp, seal, or emblem for the state or any authority without written permission from its authorized representatives. Additionally, it encompasses anyone who has manufactured, retained, distributed, purchased, or sold a stamp, ring, emblem, or seal that could be confused with those belonging to the state or any authority, including foreign entities.

The provisions of Article 51 of Law N°.24-02 concerning the fight against forgery and the use of forged documents have established a prison sentence ranging from seven (7) to twelve (12) years, along with a fine that has increased from 700,000 DZD to 1,200,000 DZD.

Both penalties are now mandatory, as the phrase "with one of these penalties" has been removed, underscoring the legislator's intent to deter such crimes, which pose a significant threat to the safety and stability of society.

This same level of punishment was previously applied to offenses outlined in Article 209 of the Penal Code before the amendment in Article 52 of Law N°.24-02, where the penalties were set at imprisonment for one to five years and fines ranging from 500 DZD to 10,000 DZD.

2. Follow-up procedures in cases of forgery:

When a crime is committed, judicial proceedings are initiated against the perpetrators, and this is equally applicable to forgery offenses. Upon the establishment of the elements of a forgery crime, legal action is pursued to impose penalties on those responsible. The initiation of public prosecution is carried out by judicial officials or designated personnel as mandated by law (Order 66-155, 1966).

2.1 Triggering:

Article 14 of Law N°.24-02, which pertains to the fight against forgery and the use of forged documents, stipulates that public prosecution is triggered automatically by the public prosecutor in cases of crimes outlined in this law.

This indicates that the public prosecutor holds primary authority in initiating public actions concerning the forgery offenses specified in Law N°.24-02, in accordance with the principles established in the first article of the Code of Criminal Procedure.

The right to triggering is not limited to the public prosecutor. According to Article 21 of Law N°.24-02 concerning the fight against forgery and the use of forged documents, it is stated that "in addition to the procedural rules outlined in this law, judicial authorities shall apply the provisions of the Code of Criminal Procedure and the relevant Civil and Administrative Procedure Laws."

This implies that, alongside the procedures specified in this law, the provisions of the Code of Criminal Procedure must also be applied, thereby granting the affected party the right to initiate public action, as previously mentioned in Article 1 of the Code of Criminal Procedure.

The text of Article 19 of Law N°.24-02 concerning forgery and the use of forged documents stipulates that the legal representative of the treasury may be established as a civil party during trials in front of judicial authorities for the crimes outlined in this law. This

provision applies specifically when the public treasury has suffered harm as a result of these offenses. In such cases, when the public treasury is the affected party, the legal representative is permitted to act as a civil party before the judicial bodies.

2.2 Territorial jurisdiction:

According to the general principles of criminal procedure law, jurisdiction is determined by the national territory based on several criteria.

However, Law N°.24-02 specifies in Article 12 that, in addition to the general rules of jurisdiction outlined in the Criminal Procedure Code, Algerian judicial authorities are also competent to adjudicate crimes defined in this law that are committed outside the national territory, causing harm to Algeria or its institutions and citizens.

This indicates that the legislator has extended national jurisdiction to encompass international jurisdiction concerning forgery crimes committed abroad that are intended to harm Algeria and/or its institutions and/or its citizens.

2.3 Inspection procedures:

The text of Article 13 of the same law stipulates that, in addition to judicial police officers and their assistants, the examination of the crimes outlined in this law is also permitted for employees and assistants of various administrations, as well as public service agents assigned specific judicial control tasks under special laws, depending on the circumstances presented.

However, these examinations must be conducted within the limits defined by those laws and the Code of Criminal Procedure. This indicates that the legislator has broadened the scope of authority for investigating forgery crimes, extending it beyond just judicial police officers to include certain employees and public service agents tasked with specific judicial oversight responsibilities as mandated by special laws.

2.4 Investigation and inquiry procedures:

In this context, the Algerian legislator's text in Article 15 of Law N°.24-02, which pertains to the fight against forgery and the use of forged documents, clarifies the possibility of resorting to specific investigative procedures outlined in the applicable legislation.

This provision aims to facilitate judicial police officers in gathering all evidence related to the crimes specified in this law, thereby enabling them to obtain evidence through all legitimate means to mitigate these highly serious offenses.

*** Conducting e-inspection:**

The legislator, in Article 16 of Law N°.24-02 concerning forgery and the use of forged documents, has established a specific procedure that judicial authorities may utilize, in addition to the investigative measures outlined in the Code of Criminal Procedure.

The first paragraph of this provision states that the competent judicial authorities, either on their own initiative or at the request of a judicial police officer, may order electronic searches, even remotely, of an information system or a part thereof, as well as the data stored within it or an information storage system. This is intended to investigate the crimes specified in this law.

From this, we can infer that the procedure authorized by the legislator for judicial authorities to examine and investigate forgery-related crimes is electronic searching, commonly referred to in legal terminology as the search of information systems (Rida, 2012).

E-inspection has been defined by legal scholars as the examination of a suspect's digital repository for both tangible and intangible items that may aid in uncovering the truth and attributing it to the individual.

Additionally, it is characterized as a thorough investigation and review of a location that is granted special legal protection, as it serves as a repository for the owner's secrets, whether that location is a residence, a computer, or internet systems (Ali, 2004).

Electronic inspection is a judicial procedure that facilitates the collection of evidence stored or recorded electronically. The rationale behind its establishment in cases of forgery is that many of these crimes in the modern era are perpetrated using computers or other electronic devices.

Consequently, the legislator has included it as a part of the investigative process for forgery offenses to secure evidence that may be challenging to access, such as digital stamps, electronic documents, and other similar examples. This procedure aims to uncover the truth in these criminal cases.

The same article outlines the procedures for conducting electronic inspections, stating in other sections that such inspections are carried out under the direct supervision of the judge who authorized them. It also specifies that this process occurs within the necessary timeframe to obtain the electronic evidence related to the crime.

In the context of the investigation, the authorities responsible for inspections may enlist the assistance of any individual who possesses knowledge and expertise regarding the information system under scrutiny or the measures implemented to safeguard the data it contains. This is aimed at aiding the investigation into the crime and providing the necessary information to facilitate their mission.

Service providers are required to offer all necessary assistance to the authorities responsible for inspections in order to collect or record all relevant data pertaining to the offenses outlined in this law, and to make the pertinent information available to them.

It is also essential for them to maintain the confidentiality of the operations they conduct and the information related to these investigations, as failure to do so may result in penalties established for the disclosure of investigative secrets.

The text of the article indicates that the legislator has stipulated that electronic inspection must be conducted under the direct supervision of the judge who authorized them. Furthermore, no specific duration for these searches has been established; instead, the duration is linked to the time necessary to obtain evidence.

The article also states that the judge who granted the authorization may enlist any individual with expertise in information systems. It is imperative that the appointed individual ensures that the information obtained is made available to the relevant authorities.

Additionally, this individual is required to maintain confidentiality regarding professional secrets and any information acquired during the investigation, as failure to do so may result in penalties for the offense of disclosing investigative secrets.

*** Conducting judicial expertise:**

The provisions outlined in Article 17 of Law 24-02 concerning forgery and the use of forged documents state that “judicial authorities may resort to expert testimony to establish the crimes specified in this law, unless the forgery is evident from the nature of the forged document or from statements made by the issuing authority”.

The text indicates that the legislator has permitted the use of judicial expertise in situations where it is challenging for judicial authorities to identify forgery in the presented document. This provision has been established to facilitate investigations for judicial bodies dealing with this complex and serious category of crimes.

Conclusion:

In summary, it can be concluded that the legislator enacted Law N°.24-02 concerning forgery and the use of forged documents to establish comprehensive rules governing these offenses.

This law not only intensified the penalties previously outlined in the penal code but also introduced new crimes that were not included before.

Additionally, it amended procedural aspects by allowing the relevant judicial authorities to employ specialized investigative procedures for these offenses. Notably, it introduced e-inspections as a method for investigation, which must be conducted under the direct supervision of the authorizing judge.

Uniquely, the law permits the relevant authorities to enlist any knowledgeable individual to assist in this process, while mandating confidentiality regarding the investigation details, with penalties for breaches of professional secrecy.

Furthermore, the legislator has empowered judicial authorities to use expertise examinations to gather necessary evidence related to forged documents.

Results:

This research allows us to present the following findings:

- The Algerian legislator has separated the law concerning forgery from the Penal Code, establishing its provisions in an independent law that complements the existing legal framework.

- This separation underscores the significance of combating this crime, which poses a serious threat due to its potential to inflict substantial harm on the national economy and disrupt public order.
- The legislator has made a prudent decision by delineating the law on combating forgery and the use of forged documents, while also intensifying the penalties associated with these offenses, serving as a strong deterrent.
- Furthermore, the Algerian legislator has included in Law N°.24/02 clear definitions of forgery and the relevant documents to eliminate any ambiguity for judges in their judicial duties related to these crimes.
- The primary objective of enacting Law N°.24/02 is to eradicate all forms of fraud in obtaining undeserved services and benefits, regardless of their nature, and to address the societal imbalances resulting from forgery and the use of forged documents in a comprehensive and punitive manner.

Recommendations:

In conclusion, several recommendations can be proposed regarding this matter;

- Firstly, it is essential to broaden the procedural aspects of combating forgery crimes, allowing judicial authorities to utilize any investigative measures they deem appropriate for uncovering these serious offenses.
- Secondly, the Algerian legislator should appoint specialized technical and expert professionals to assist judicial bodies in detecting and investigating these crimes, whether related to physical document forgery or electronic fraud. Lastly, it is crucial to establish stringent regulations for various sensitive central administrations to effectively address this serious type of crime.

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