

The Guilty Plea Mechanism in Algerian Law: A Comparative Study with U.S. and French Systems

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Abstract:

This article offers a comparative analysis of guilty plea systems in Algeria, France, and the United States, focusing on their evolution and procedural safeguards. It shows how plea bargaining, once unique to Anglo-American law, has been adapted by civil law jurisdictions to enhance efficiency.

The study examines Algeria's Law No.. 25-14 of 2025, which introduced a supervised guilty plea framework to ease judicial congestion. While the U.S model values speed.

Keywords: Plea Bargaining; Comparative Justice; Judicial Efficiency; Algerian Criminal Reform.

INTRODUCTION

Across the globe, criminal justice systems have progressively embraced guilty plea and plea bargaining mechanisms as practical tools to expedite proceedings and reduce the burden of full trials. In a plea bargaining arrangement, the defendant agrees to plead guilty

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often to a lesser offense or in exchange for a reduced sentence while the prosecution provides certain concessions, allowing cases to be resolved more swiftly and at lower cost (**Karlsson, 2017**).

Originally a distinctive feature of Anglo-American criminal justice, negotiated justice has evolved into a global phenomenon. Between 1990 and 2017, the number of jurisdictions adopting plea bargaining or similar mechanisms rose from 19 to 66 (**Beenstock & Kamenetsky Yadan, 2021**). Nowhere is the practice more dominant than in the United States, where over 95% of criminal convictions are obtained through guilty pleas rather than trials. As the U.S. Supreme Court recognized in *Santobello v. New York* (1971), plea bargaining has become “an essential component of the administration of justice,” offering both the State and the accused a path toward prompt and final resolution (**Wright, 1984**). However, its efficiency has raised deep ethical and procedural concerns notably, the risk that innocent defendants may plead guilty under pressure, and the erosion of the public trial as a space for truth and accountability.

By contrast, Latin law systems traditionally prioritized judicial fact-finding and formal trial procedures, viewing negotiated guilt as incompatible with the inquisitorial ethos. Yet, the pressures of modern caseloads and limited resources have led even civil law jurisdictions to adopt modified forms of consensual justice. In France, the 2004 introduction of the *comparution sur reconnaissance préalable de culpabilité* (CRPC) appearance on prior admission of guilt marked a profound cultural shift. Inspired by Anglo-Saxon efficiency but grounded in judicial supervision, the CRPC offered a controlled framework for handling less serious offenses while preserving core principles of fairness and transparency (**Karlsson, 2017; The Bolloré case, 2021**). Its successful implementation, later expanded in 2011 to include white-collar crimes, demonstrated that negotiated justice could coexist with civil law traditions without undermining public trust.

The Guilty Plea Mechanism in Algerian Law: A Comparative Study with U.S. and French Systems

Against this comparative backdrop, Algeria's recent reform through Law No. 25-14 of 3 August 2025, which amended the Code of Criminal Procedure, represents a historic innovation. For the first time, Algerian law recognizes that a defendant's prior admission of guilt can lead to a negotiated resolution subject to judicial approval. This reform seeks to strike a delicate balance: ensuring procedural efficiency and judicial economy while upholding the defendant's rights and preserving the moral integrity of justice. The measure forms part of Algeria's broader policy of modernizing and simplifying judicial procedures, responding to chronic court congestion, lengthy case delays, and the need to rationalize criminal adjudication.

This research is significant for both theoretical and practical reasons. Theoretically, it examines how Algeria a Latin law jurisdiction with deep inquisitorial roots adapts the concept of negotiated justice within its own legal and institutional framework. Practically, it addresses the reform's potential impact on judicial efficiency, fairness, and the protection of human rights. The study thus contributes to comparative criminal law scholarship by evaluating whether Algeria's adaptation of the guilty plea mechanism successfully harmonizes efficiency with justice, or whether it risks replicating the pitfalls observed in other systems.

The central research problem guiding this paper can be expressed as follows:

To what extent does Algeria's newly adopted mechanism of appearance based on prior admission of guilt reconcile the goals of procedural efficiency with the guarantees of due process, and what lessons can be drawn from the comparative experiences of the United States and France?

This study adopts a comparative legal methodology, combining doctrinal, analytical, and evaluative approaches across three jurisdictions Algeria, France, and the United States.

At the first stage, the research employs a descriptive-analytical approach to delineate the evolution, objectives, and procedural features of plea bargaining in the U.S., the CRPC in France, and Algeria's newly enacted guilty plea framework. Legislative texts, judicial decisions, and doctrinal sources are analyzed to define each system's legal architecture and operational logic.

At the second stage, the study undertakes a comparative evaluative analysis, systematically juxtaposing the three systems based on key dimensions such as prosecutorial discretion, judicial supervision, voluntariness of confession, and scope of application. This comparison illuminates how different legal traditions conceptualize justice-whether as procedural efficiency, moral retribution, or institutional legitimacy- and how these conceptions shape the adoption of guilty plea mechanisms.

At the third stage, the research integrates critical reflection to identify potential strengths, weaknesses, and risks specific to the Algerian context. Comparative insights from the U.S. and France serve as diagnostic models for anticipating possible challenges in implementation, ensuring that Algeria's reform maintains its fidelity to both efficiency and fairness.

Through this multi-level comparative method, the study situates Algeria's experience within a global discourse on negotiated justice, offering both macro-level insights into transnational criminal procedure trends and micro-level recommendations tailored to national realities. The approach underscores the importance of adapting foreign legal concepts thoughtfully ensuring that procedural innovation complements, rather than displaces, the foundational values of justice.

The Guilty Plea Mechanism in Algerian Law: A Comparative Study with U.S. and French Systems

To achieve its objectives, the article is structured into two main parts:

Part I – Plea Bargaining in the United States and France:

Part II – The Prior Guilty Admission Mechanism in Algerian Law

First requirement: Plea Bargaining in the United States and France

This part explores the evolution of plea bargaining in two contrasting legal systems: the United States and France. While the U.S. model reflects a pragmatic, efficiency-driven approach rooted in prosecutorial discretion, the French CRPC represents a regulated adaptation emphasizing judicial oversight and procedural fairness. Together, they reveal how distinct legal traditions converge toward negotiated justice while preserving their institutional and cultural identities.

First section: Plea Bargaining in the United States

Plea bargaining in the United States represents the cornerstone of negotiated justice within the common law system. Emerging from informal prosecutorial practices in the nineteenth century, it has evolved into the primary mechanism for resolving criminal cases, governed by both constitutional and judicial oversight. This section traces its historical development and legal foundations, highlighting key rulings that define its legitimacy and essential role in ensuring the efficiency of American criminal justice.

1. Evolution and Legal Framework

Plea bargaining has deep roots in the United States and today forms the cornerstone of American criminal justice administration. Although the U.S. Constitution does not explicitly mention guilty pleas or negotiations, the practice emerged informally in the 19th century and became pervasive by the late 20th century. By the 1970s, courts openly acknowledged plea bargaining's essential role. In the

landmark case *Santobello v. New York*, the U.S. Supreme Court recognized that “the disposition of criminal charges by agreement between the prosecutor and the accused... is an essential component of the administration of justice”, noting that when properly managed it benefits all parties by producing prompt, final outcomes and avoiding lengthy trials **(Wright, 1984)**.

This judicial blessing reflected the reality that most American courts would not be able to handle the volume of cases if every charge went to a full jury trial. Indeed, contemporary statistics show that upwards of 95% of all criminal convictions in the U.S. are obtained via Plea barg(20aining thus moved from shadowy practice to mainstream norm, entrenched guilty pledictsas, not trial ver **(The Bolloré case and the risks attached to the French Individual Guilty Pleas, 2021)** in both federal ahnd state court systems.

2 .Key Characteristics and Case Law

One defining characteristic of American plea bargaining is the significant discretion it affords to prosecutors. Prosecutors can effectively shape the outcome of a case by determining which charges to offer in a plea deal and what sentence to recommend. This leverage sometimes leads to a phenomenon known as the “*trial penalty*,” where defendants face the implicit threat that going to trial (and losing) will result in a much harsher sentence than if they plead guilty. The U.S. Supreme Court has upheld even tough bargaining tactics as long as they do not overtly violate due process; for example, in *Bordenkircher v. Hayes* (1978), the Court held it was permissible for a prosecutor to threaten a defendant with a significantly higher charge (one carrying a life sentence) if he refused to plead to a lesser offense – and to carry out that threat when the defendant insisted on trial. While such hard bargaining is legally accepted, it underscores the imbalances of power that can arise in plea negotiations. Consequently, the Court in recent years has also recognized the critical role of defense counsel in the plea process. In *Missouri v. Frye* (2012) and *Lafler v. Cooper* (2012), the Supreme Court ruled that the Sixth

The Guilty Plea Mechanism in Algerian Law: A Comparative Study with U.S. and French Systems

Amendment right to effective assistance of counsel extends to the negotiation and consideration of plea offers. These decisions acknowledged that plea bargaining is not a side ancillary to the criminal justice system, but rather “central to the administration of the criminal justice system” – a reality that necessitates safeguards to ensure fairness during negotiations.

Despite procedural safeguards (such as judicial colloquies to ensure voluntariness), the dominance of plea bargaining in the U.S. has provoked ongoing debate and concern. Critics argue that heavy reliance on plea deals may compromise justice by inducing defendants to waive their trial rights too readily, sometimes even when evidence of guilt is questionable. Empirical research and exoneration data lend weight to these concerns. One study noted that as of 2017, 18% of exonerated defendants in the United States had originally pleaded guilty to crimes they did not commit (**The Bolloré case and the risks attached to the French Individual Guilty Pleas, 2021**) .

The case of *Santobello* itself exemplifies some of these benefits: the defendant had pleaded guilty based on an agreement that the prosecutor would not recommend a sentence, which allowed for the possibility of leniency. (Although in *Santobello* the prosecutor breached that agreement, the Supreme Court remanded the case, emphasizing that such agreements, once made, must be honored to maintain the integrity of the plea process (**Wright, 1984**).

Second section: The Guilty Plea Procedure in French Law (CRPC)

The French comparution sur reconnaissance préalable de culpabilité (CRPC) embodies a controlled adaptation of negotiated justice within a civil law framework. Introduced by the 2004 reform, it allows defendants who admit guilt to benefit from a simplified, expedited procedure under strict judicial supervision. This section examines the CRPC’s legal foundations, its procedural

implementation, and key cases illustrating how France balances efficiency with the guarantees of due process.

1. Legal Framework and Implementation

France's adoption of a guilty plea mechanism in 2004 marked a dramatic innovation in its criminal procedure. The "Comparution sur reconnaissance préalable de culpabilité" (CRPC) – translated literally as "appearance on prior acknowledgment of guilt" – was introduced by Law No. 2004-204 of 9 March 2004 (the so-called Perben II law) and came into force on 1 October 2004. It is codified in Articles 495-7 to 495-16 of the French Code of Criminal Procedure (**Republic, 2004**).

For a justice system long predicated on formal trial proceedings, the CRPC represented a carefully calibrated import of Anglo-American plea bargaining, tailored to fit French legal culture. Initially, the scope of the CRPC was limited to relatively minor offenses ("délits"). Specifically, it could be applied only to cases involving délits punishable by up to 5 years' imprisonment; any sentence of imprisonment proposed under a CRPC deal could not exceed one year (**Lydie, L'analyse procédure de comparution sur reconnaissance préalable de culpabilité : l'éclairage de l'économie du droit sur l'équité du plaider coupable, 2010, p. 106**)

This essentially confined the procedure to mid-level crimes such as theft, fraud, certain drug offenses, and other non-violent felonies as defined in French law, while excluding the most serious crimes (crimes under French classification, like murder or rape) altogether (**Lydie & Myriam Doriât, La procédure de comparution sur reconnaissance préalable de culpabilité : l'éclairage de l'économie du droit sur l'équité du plaider coupable, 2010, pp. 269-287**).

Moreover, the law explicitly prohibited use of the CRPC for certain sensitive offenses that by their nature demand a full adversarial trial for example, involuntary manslaughter, crimes of political nature,

The Guilty Plea Mechanism in Algerian Law: A Comparative Study with U.S. and French Systems

press offenses, and offenses with special procedures (such as those related to media and electoral matters (**Desprez, 2007, p. 109**))

This careful delineation shows the French intent to reserve negotiated guilty pleas for straightforward cases that do not require extensive fact-finding or public airing.

Under the French CRPC framework, the initiative for a guilty plea can come from either the prosecution or the defense, but ultimately it proceeds only if the public prosecutor agrees (**Karlsson, 2017**). The defendant is free to accept or reject the proposed sentence. French law even allows the defendant a cooling-off period of 10 days to reflect on the proposal, during which they can consult with their attorney and consider the consequences. If the defendant feels the proposal is too harsh or otherwise disagrees, he/she can refuse the deal, in which event the case will proceed to a conventional trial without any prejudice from the failed negotiation. This ensures that an accused is not forced to take an agreement on the spot and has time to weigh the options – a safeguard against impulsive or coerced decisions (**Desessard, 2017, pp. 25-35**).

If the offender accepts the prosecutor's proposed sentence, the process moves to the second phase: the "approval hearing" (audience d'homologation) before a judge. This hearing is conducted in open court but is typically brief and procedural. Notably, the prosecutor's presence is not required at the approval hearing (since the terms have already been agreed), though in practice the case file and the prosecutor's written submission are before the judge. The judge's role here is a crucial check and balance: the judge must verify the legality and appropriateness of the agreement. During the hearing, the judge will question the defendant (who is usually represented by counsel) to confirm that the guilty plea was made knowingly and voluntarily, and that the defendant indeed admits the facts of the case. The judge also examines whether the charge and the agreed sentence are supported by the case evidence and are proportionate to the offense. If the judge has

any doubt that the defendant's confession is credible or truly free (for example, if it appeared coerced or inconsistent with case facts), or if the judge finds the proposed sentence to be inappropriate or too lenient given the circumstances, the judge has the authority to refuse approval of the plea agreement (**Desprez.F, 2007, pp. 145-169**) However, the judge cannot modify the terms of the deal – he or she cannot unilaterally impose a different sentence; the choice is only to approve or reject in entirety. In the event of a rejection, the case is referred to trial in the normal way, as if the CRPC had never been attempted. French law specifies that any admissions or statements made by the accused during the failed CRPC process cannot be used against them in the subsequent trial, in order to avoid prejudicing their right to a fair defense. On the other hand, if the judge approves the agreement, a formal court order of homologation is issued, which is read publicly and which has the same effect as a conviction judgment. Unless appealed, that order becomes final and *res judicata*, and the sentence agreed upon is implemented as the resolution of the case (**Lydie, L'analyse procédure de comparution sur reconnaissance préalable de culpabilité : l'éclairage de l'économie du droit sur l'équité du plaider coupable, 2010, p. 106**)

The defendant in a CRPC case in France does retain a limited right to appeal the approved agreement – they can appeal to a higher court for a new hearing on sentence, but not on guilt (since guilt was admitted). In practice, appeals are rare because the defendant consented to the outcome. The victim of the offense, if there is one, is typically informed of the CRPC hearing and can attend, particularly to seek civil damages; the victim cannot veto the plea deal but their interests (e.g. restitution) are taken into account by the judge.

Over time, France has expanded the reach of the CRPC. A 2011 reform (Law No. 2011-1862 of 13 December 2011) broadened the range of délits eligible for CRPC to almost all offenses punishable by up to 10 years in prison, which includes a large category of intermediate crimes. This extension aimed to increase the utilization

The Guilty Plea Mechanism in Algerian Law: A Comparative Study with U.S. and French Systems

of the procedure, especially for complex economic or financial crimes that could still fit within the délits category. Even so, certain offenses remain excluded (notably those involving serious bodily harm or public officials' integrity, as listed in Article 495-16 of the code (Republic, 2004)

2. Application, Oversight, and Case Examples

In practice, the CRPC has proven to be an effective alternative for dealing with minor and medium-severity offenses in France. Common scenarios for CRPC usage include cases like driving offenses, petty thefts, minor drug possession, and first-time frauds – situations where the defendant is caught more or less red-handed or confesses early, and both sides are amenable to a quick resolution. French prosecutors appreciate the CRPC as it allows them to impose a sanction (though limited in severity) without the time of a full trial, thus “streamlining” the docket for simpler matters. At the same time, French defense lawyers often advise clients to consider the CRPC when the evidence of guilt is strong, as it guarantees a more lenient outcome (by law, the sentence is capped and usually discounted from what a trial might yield) and spares the client the uncertainty of a public trial. In effect, the CRPC creates an incentive of a lesser sentence in exchange for a guilty plea, a feature it shares with plea bargaining elsewhere (Lydie & Myriam Doriat, **La procédure de comparution sur reconnaissance préalable de culpabilité : l'éclairage de l'économie du droit sur l'équité du plaider coupable**, 2010, pp. 269-287).

This incentive, however, is carefully monitored. The French experience has revealed that judicial oversight is critical in maintaining the equilibrium of the process. French judges have not hesitated to use their veto power in cases where they sense the plea deal is not in the interests of justice. A notable example is the high-profile **Bolloré case** in 2021, which highlighted the limits of negotiated justice for serious wrongdoing. Vincent Bolloré, a

prominent billionaire businessman, was accused of involvement in a foreign bribery scheme in Togo. He opted to resolve the charges via a CRPC, admitting guilt in exchange for a €375,000 fine as the agreed penalty. However, during the homologation hearing, the Paris judge stunned observers by refusing to approve the plea agreement. The judge reasoned that Bolloré's conduct "seriously undermined public economic order and the sovereignty of Togo," and thus warranted a full public trial rather than a discreet plea deal (**The Bolloré case and the risks attached to the French Individual Guilty Pleas, 2021**).

In other words, the case's gravity and public interest implications made a simple plea bargain inadequate. This rejection meant that Bolloré had to face ordinary prosecution (indeed, the case was sent back for further proceedings), demonstrating that in France a defendant – even one who has confessed – is not guaranteed a bargain if the court finds it contrary to the public interest or the principles of justice. There is no appeal permitted against a judge's refusal to homologate a CRPC deal, a point the French Cour de cassation (Supreme Court) upheld as constitutional, emphasizing that the law entrusts the trial judge with broad discretion to protect societal interests (**Lydie & Myriam Doriât, La procédure de comparution sur reconnaissance préalable de culpabilité : l'éclairage de l'économie du droit sur l'équité du plaider coupable, 2010**). Another example occurred in 2017, when a CRPC agreement with a former parliamentarian (in a financial misconduct case) was similarly rejected by the court for being too lenient, given the offender's position of public trust. These cases, while rare, underscore that the French system prioritizes substantive justice over procedural efficiency in exceptional circumstances – the courts will not rubber-stamp a deal that appears to trivialize serious offenses or undermine confidence in the justice system (**The Bolloré case and the risks attached to the French Individual Guilty Pleas, 2021**).

The overwhelming majority of CRPC cases, however, proceed without incident and to the satisfaction of both parties and the court.

The Guilty Plea Mechanism in Algerian Law: A Comparative Study with U.S. and French Systems

French judicial reports have credited the CRPC with helping reduce backlog in tribunaux correctionnels (misdemeanor courts) and with focusing trial resources on complex cases that truly require debate. From a defendant's perspective, the CRPC offers a chance to negotiate the outcome and often results in penalties like suspended sentences, community service, or fines in lieu of imprisonment, especially for first-time offenders. For instance, a defendant accused of a first-time shoplifting offense carrying up to 3 years in prison might, via CRPC, agree to a sentence of a few months suspended imprisonment and a fine, thereby avoiding any actual jail time while quickly resolving the case. Such outcomes can aid rehabilitation and reintegration, an aspect that aligns with the "consensual justice" approach – the idea that a penalty mutually agreed upon may be better accepted and followed by the offender. At the same time, critics of expanding plea bargaining in civil law contexts caution about the potential pitfalls. Even in France, where safeguards are robust, legal scholars have warned of the risk of a "*negotiation culture*" taking root. If prosecutors become too focused on securing guilty pleas, there is concern it might lead to a disproportionate emphasis on efficiency over individual rights. (Chavent-Leclère, 2010, p. 141).

One commentary noted that because the CRPC can apply to offenses with penalties up to 10 years, there is a non-negligible pressure on defendants – the prospect of a substantially reduced sentence can pressure even a possibly innocent or at least disputing defendant to plead guilty to avoid the gamble of trial. The European Court of Human Rights (ECtHR) has kept a watchful eye on such developments. In cases like *Natsvlishvili v. Georgia*, the ECtHR recognized that plea bargaining per se is not against the European Convention on Human Rights, but it stressed that when a defendant pleads guilty, they waive important rights (the right to a full trial, to challenge evidence, etc.), so the procedure must ensure the plea is truly voluntary and free from improper pressure (Karlsson, 2017) The ECtHR advised that judges should carefully oversee plea agreements

to guarantee that defendants are not railroaded into admitting guilt and that the public interest is not disserved by overly lenient deals. France's CRPC, with its judicial homologation step, was essentially designed to meet these criteria. So far, the French model has largely been seen as successful in avoiding the more egregious pitfalls observed in the U.S. system (such as frequent innocent pleas or severe trial penalties), thanks to its built-in limits: it deals with less serious crimes, mandates legal counsel, and gives judges veto power. As France's experience shows, negotiated guilty pleas can be integrated into a civil law system in a way that supplements rather than supplants the traditional trial process – functioning as an efficiency valve for clear-cut cases while preserving rigorous judicial oversight. These lessons have not been lost on Algerian reformers, who drew directly from the French approach when crafting Algeria's new guilty plea procedure.

Second requirement: The Prior Guilty Admission Mechanism in Algerian Law

The introduction of the guilty plea mechanism in Algeria marks a decisive step in modernizing the country's criminal justice system. Rooted in Law No. 25-14 of 3 August 2025, it allows defendants who admit guilt to benefit from a simplified and negotiated resolution under judicial oversight. This part examines the objectives of the reform and compares Algeria's emerging framework with the established models of the United States and France.

First section: Introduction of the Guilty Plea Mechanism in Algeria

Algeria's recent introduction of a guilty plea mechanism represents a significant milestone in its Criminal Justice Reform this mechanism was established by law no 25 14 of 2025 which amended the Algerian code of criminal procedures CPP (**Law No 25-14 of 3 August 2025 amended the Algerian Code of Criminal Procedure, 2025**)

The Guilty Plea Mechanism in Algerian Law: A Comparative Study with U.S. and French Systems

The reform was driven by concerns over Court congestion and drawn out proceeding policy markers sought away to resolve straightforward criminal cases more expeditiously while still upholding defendants right in essence the Algerian mechanism allows an accused person who clearly admits their guilt to negotiate an agreement with the prosecution for a reduced or alternative penalty which must then to be reviewed and approved by a judge 44 it's very much inspired by the French crpc model and by International practices as Algerian officials have openly acknowledged 45 for instance the laws drafters Incorporated safeguards like mandatory legal counsel and judicial oversight mirroring French approach to ensure that any guilty player is genuine and not the result of coercion **(Law No 25-14 of 3 Augst 2025 amended the Algerian Code of Criminal Procedure, 2025)** The undelying concept is that Speedy Justice can be achieved for cases where the accused accepts responsibility thereby benefiting all parties the courts save time and resources and the accused benefits from a lighter sanction then might be imposed after a trial.

Under Algeria's new CPP provisions (articles 539 bis and produced by law 25-14) the procedure works as follows it applies only a misdemeanor cases not felonies article 511 of the amended code stipulates that the public prosecutor, May in meters of misdemeanors resort to the procedure of appearance based on prior admission of guilt either on his own initiative or at the request of the accused or his lawyer if the accused has explicitly and unequivocally admitted to the incriminating ,Acts in other words similar to France the prosecutor can initiate the process when an accused person confesses and notably the defence can also request the prosecutor to consider a plea deal but the prosecutors agreement is needed to proceed the confession by the accused must be clear and unambiguous Ensuring that there is no doubt as to the person's guilt in the matter at hand wants the procedure is invoked the public prosecutor and the accused with defence Counsel enter into negotiations at the persecution level it's required that a

defence lawyer be present to assist the accused during this discussions and mandate aimed but safeguarding the accused rights during the bargaining stage during the negotiation they will discuss the terms of a potential agreement, this can include agreeing on the legal characterization of the offense the scope of charges for instance perhaps drop in secondary charges if multiple charges exist and crucially the proposed penalty Algerian law explicitly allows negotiation on the type of charge the severity of the penalty or the number of charges, that's the accused will face 47, this flexibility means the prosecutor might offer to reduce a charge example from aggravated theft to simple theft propose a more lenient sentence than normally prescribed possibly even an alternative to imprisonment such as a fine or a community service order if the accused agrees to plead guilty 247 indeed one of the Innovations of the Algerian mechanism is the possibility of alternative or mitigated punishments in return for the guilty plea 48, this was highlighted by practitioners as a breakthrough for example a defendant who admits guilt might receive a suspended sentence or a non-custodial penalty whereas otherwise a jail term might have been imposed for the offense such outcomes not only benefits the accused but also a line with Modern Penology policy emphasizing Rehabilitation and reduction of prison overcrowding. **(Law No 25-14 of 3 Augst 2025 amended the Algerian Code of Criminal Procedure, 2025).**

The judge's role in Algeria is very much akin to the French homologation judge. The law provides that the judge must, in a hearing, ensure that the accused (and counsel, if present) confirm the admission of guilt and that the proposed sentence is in line with the law and appropriate. According to Article 17, "when the accused is brought before the court under the guilty plea procedure, the judge – after listening to the accused and his lawyer (if present) and verifying the validity of his confession to the facts, the legal description of those facts, and the lawfulness of the proposed penalties by the prosecutor – shall either approve the report or refuse to approve it.". This mandates

The Guilty Plea Mechanism in Algerian Law: A Comparative Study with U.S. and French Systems

the Algerian judge to confirm that the defendant's admission was made freely and that the outcome is just.

Article 542 provides that the judge must make a decision on the prosecutor's proposal within 5 days. Meanwhile, if the accused is in pretrial detention, the law allows that he can be kept in custody for up to 20 days while the plea deal is being processed and formalized (**Law No 25-14 of 3 Augst 2025 amended the Algerian Code of Criminal Procedure, 2025**).

This 20-Lday cap is to ensure that the accused isn't left languishing indefinitely if, for example, a judge needs a short extension to schedule a hearing or if a deal is in the works. It reflects a concern for the rights of detained persons and the need for expeditious handling once a plea is on the table. Should the judge refuse to approve the agreement, any admission made by the accused during the plea procedure cannot be used directly against him in the subsequent trial (this protection is in spirit of the French rule, although the exact wording in the Algerian law isn't quoted, it is likely similar). The case then proceeds to trial as if no plea negotiations had occurred (**Law No 25-14 of 3 Augst 2025 amended the Algerian Code of Criminal Procedure, 2025**) Algeria's guilty plea mechanism is designed to be a win-win-win proposition: a win for the courts (in speeding up justice), a win for defendants (in obtaining lighter sentences), and a win for society (in focusing judicial resources on serious disputes). The official rationale, as articulated in explanatory notes and media, is to "lighten the burden on the judiciary and accelerate the resolution of cases, especially simple ones", while ensuring that the defendant's rights are protected by the presence of counsel and a judge's supervision. It's noteworthy that the introduction of this procedure did not happen in isolation, but as part of a comprehensive reform of the Code of Criminal Procedure. Alongside the guilty plea mechanism, the 2025 amendments included reforms such as reinforcing the system

of immediate appearance (**Law No 25-14 of 3 Augst 2025 amended the Algerian Code of Criminal Procedure, 2025**)

for in flagrante delicto cases, expanding the use of penal orders (**Law No 25-14 of 3 Augst 2025 amended the Algerian Code of Criminal Procedure, 2025**) for minor contraventions, and introducing modernizations like electronic case management and clarifying rules on pretrial detention, among others. The guilty plea procedure in particular was seen as complementing the existing “comparution immédiate” process (immediate appearance) which handles cases where the evidence is straightforward and the suspect is caught red-handed. According to a report, the idea was to have two streamlined tracks: one (comparution immédiate) for ongoing offences or suspects caught in the act, and another (the new guilty plea track) for cases where the ,seven if not caught in flagrante, admits guilt and the case is ready for suspect judgment (**Law No 25-14 of 3 Augst 2025 amended the Algerian Code of Criminal Procedure, 2025**) Together, these tracks aim to tackle the “huge volume” of pending cases more effectively. In implementation, the new law requires the issuance of executive regulations to detail the procedure. As of the writing of this article, those regulations are anticipated imminently, and judicial actors in Algeria have been preparing through training sessions and informational workshops.

Early commentary from Algerian legal professionals suggests optimism about the change, tempered with caution. Many see it as Algeria aligning with international best practices: “The new procedure is inspired by well-known global judicial systems”, one commentator wrote, adding that it introduces negotiation into Algerian criminal justice but “with mandatory lawyer presence and subject to a judge’s approval to ensure respect for defense rights” (**Law No 25-14 of 3 Augst 2025 amended the Algerian Code of Criminal Procedure, 2025**), The mandatory involvement of defense counsel and judicial validation are indeed crucial features that anchor the Algerian model firmly in a rights-respecting framework. By law, the defense lawyer’s presence is an absolute requirement for the agreement to be negotiated (ensuring the accused is not on his own against the state’s attorney). And the judge’s role acts as a backstop against any miscarriage, confirming that the outcome is fair and that the defendant made an informed choice. These features reflect lessons learned from the U.S.

The Guilty Plea Mechanism in Algerian Law: A Comparative Study with U.S. and French Systems

and French experiences, acknowledging the potential for abuse or error if plea deals are unchecked.

Second section: Objectives and Comparative Perspectives

The introduction of the guilty plea mechanism in Algeria is fundamentally driven by practical objectives, but it also raises important comparative and theoretical considerations. At its core, the reform aims to address chronic delays and backlog in the Algerian criminal justice system. Algerian courts, like many around the world, face an overwhelming number of cases, leading to protracted detention of accused persons awaiting trial and strain on judicial resources. By allowing some cases to be concluded swiftly through a consensual admission of guilt, the new procedure is expected to free up courts to handle more complex disputes and reduce the average time to resolve criminal matters(**(Law No 25-14 of 3 August 2025 amended the Algerian Code of Criminal Procedure, 2025)** This aligns with a broader trend of “modernizing” justice – making it more efficient and results-oriented – which can be seen in other aspects of the 2025 reforms (such as the push for digital case filings and rationalizing pretrial detention rules). In essence, Algeria is striving for a balance between the due process model and the crime control model of justice.

Comparatively, Algeria’s approach most closely mirrors the French model in structure and spirit. Both limit the procedure to mid-level offenses (no heinous crimes), both require the presence of a lawyer and the assent of a judge, and both were introduced in an environment that traditionally did not include plea negotiations. The French influence is not surprising, given Algeria’s legal system has roots in French law and the term used in Arabic sources is essentially a translation of “plaider coupable” (plead guilty). One can observe that Algeria has effectively transplanted the CRPC mechanism, with adjustments for local context. For example, French law originally capped the imprisonment in a plea deal to one year_ **(Karlsson, 2017)**,

whereas Algerian law explicitly mentions the possibility of even alternative (non-prison) penalties – signaling perhaps an even more lenient approach to sentencing under guilty plea deals, which could encourage wider use. Both systems ensure that a judge verifies the voluntariness of the plea and the appropriateness of the sentence acting as a safeguard against abuse. And notably, in both systems, if the judge rejects the deal, the case reverts to the normal trial process without the defendant being bound by the attempted plea (and statements made for the plea cannot be used to prejudice the defendant at trial). This removes a major fear that could otherwise deter defendants from attempting a plea – namely, the fear that if the deal falls through, they have effectively confessed and ruined their chance at trial. By removing that risk, the system encourages honest participation in the plea process.

When contrasted with the U.S. system, Algeria's new mechanism is much more regulated and modest in scope. In the United States, virtually any criminal charge (including murder or other serious felonies) can be resolved by a plea bargain, and there is no requirement of judicial pre-approval of the specific terms (judges generally defer to the prosecution and defense's agreement, intervening only to ensure legality and voluntariness). Prosecutors in the U.S. have broad discretion to negotiate and often do so behind closed doors, sometimes without a defense attorney present in initial discussions (though the final plea must be in court with counsel if the defendant can't afford one). By contrast, Algeria's approach is more formal and constrained: only cases where guilt is evident (clear confession) will even enter the procedure; a defense lawyer's presence from the start is non-negotiable; and the outcomes are overseen by judges who can reject any agreement that seems improper. This should, in theory, guard against some of the issues seen in U.S. plea bargaining, such as defendants feeling pressured to accept deals without understanding their rights or without having competent legal advice. Additionally, limiting the mechanism to misdemeanors means that life-and-death matters will still go through full trials in Algeria,

The Guilty Plea Mechanism in Algerian Law: A Comparative Study with U.S. and French Systems

avoiding the controversy that sometimes arises in America when, say, a homicide or a complex corruption scandal is settled quietly via a plea deal. The Algerian public, like the French public, might be more accepting of negotiated justice if it's confined to "small" cases – where the benefit of efficiency clearly outweighs the need for a lengthy trial – and not used for the most serious crimes that society expects to be fully aired in court. This mirrors the French logic that certain offenses "by their nature" require an adversarial debate and thus cannot be subject to a quick plea (**Karlsson, 2017**).

Another comparative point is the treatment of the defendant's rights. Algeria's law, by requiring explicit, unequivocal confession as a precondition, inherently filters out cases where evidence is shaky or the accused is ambivalent. This stands in contrast to the U.S., where an accused might plead *nolo contendere* or even Alford (pleading guilty while asserting innocence) to take a deal something not permissible in the Algerian or French setup, which demand a clear admission of guilt. Thus, if properly implemented, the Algerian mechanism should virtually eliminate the possibility of an innocent person taking a guilty plea deal, because an innocent (maintaining innocence) would not meet the "explicit confession" criterion. Of course, one can imagine scenarios of coerced or false confessions, but the presence of the defense lawyer and the judge's interview are meant to catch any red flags of that sort. This is an important difference: while in the U.S. a defendant may rationalize taking a plea despite innocence due to fear of a worse outcome, in Algeria such a scenario would theoretically be screened out by procedure the individual would either not confess or the judge would sense hesitation or see lack of factual basis and disapprove the plea. Moreover, both Algeria and France emphasize that the defendant must be fully aware and free from any undue pressure.

The cultural context also differs: Algerian legal culture, being new to plea bargaining, will likely approach it cautiously. There may

even be some initial reluctance among defense attorneys or defendants to trust the process until it gains a track record. In France, it took some years for the CRPC to be embraced widely; early on, some lawyers were wary that accepting a CRPC might be seen as not zealously fighting for the client, and some defendants feared admitting guilt without a trial might lead to unforeseen consequences. Over time, as success stories accumulated, confidence grew. Algeria may experience a similar learning curve. Public perception will also play a role: it is important that Algerians see this mechanism not as an “easy way out” for criminals, but as a pragmatic tool that still holds offenders accountable (they must admit guilt and receive punishment) while sparing the system and victims unnecessary delays.

Emphasizing that the accused gets a lighter sentence and the court saves effort helps sell the idea that society isn’t losing out – the guilty party is still punished (albeit less severely), and justice is not denied but delivered more efficiently. At the same time, it has been stressed that a judge will ensure the deal is fair and that the accused’s rights (especially the right to defense) are fully respected (**Law No 25-14 of 3 Augst 2025 amended the Algerian Code of Criminal Procedure, 2025**), to counter any fear that this is a shortcut that tramples on the right to a fair trial.

Looking ahead, there are potential challenges and questions regarding the implementation of Algeria’s guilty plea mechanism. One challenge is ensuring that all stakeholders – judges, prosecutors, defense lawyers, and defendants – are adequately educated about the new procedure. Since this is a novel concept in Algerian practice, initial cases will set important precedents. Training sessions (as reportedly being conducted by judicial authorities in Algeria) and perhaps pilot programs in certain courts may be used to gradually roll out the practice. Another consideration is the impact on case outcomes. Will Algerian prosecutors readily offer significantly reduced penalties to encourage pleas? The law allows alternative or mitigated sentences, but it does not spell out specific discount rates

The Guilty Plea Mechanism in Algerian Law: A Comparative Study with U.S. and French Systems

(unlike some jurisdictions that have formal guidelines for sentence reduction on a guilty plea). It will likely depend on prosecutorial guidelines and discretion. If prosecutors are too stingy in their offers, defendants might choose to take their chances at trial; if offers are generous, it could greatly boost the uptake of the mechanism. Finding the right balance will be key.

Additionally, the judicial oversight introduces a slight uncertainty as seen in France, high-profile cases or those touching on public interest might see judges refuse deals they deem inappropriately lenient. **(The Bolloré case and the risks attached to the French Individual Guilty Pleas, 2021)** Algerian judges may face similar dilemmas, for instance, if an official or well-known figure attempts to plead out a case of corruption or serious wrongdoing the judge might feel public policy demands a trial. The Algerian law, like the French, does not seem to provide an appeal if the judge refuses the plea agreement, which is intended to keep the judge's authority paramount. This means defendants and prosecutors entering a plea deal in Algeria must be reasonably confident that the proposed outcome will pass judicial muster. Criteria such as the gravity of the offense, the circumstances of its commission, the defendant's background, and the interests of any victims will likely influence judges' decisions. Over time, jurisprudence may develop guiding when a plea agreement is acceptable or not.

From a human rights perspective, the Algerian mechanism's safeguards appear robust on paper. International fair trial standards (like those of the ECtHR) are satisfied by having the plea be voluntary, informed, and subject to review **(Karlsson, 2017)**. Defendants still have the option of a normal trial if they do not wish to plead guilty, and there is no indication of punitive "trial tax" for those who go to trial, aside from losing the benefit of a lighter sentence had they pleaded (which is a natural consequence). One could argue that by formalizing plea bargaining, Algeria is actually enhancing

transparency: instead of informal practices or coercive confessions, there is a clear procedure with records and oversight. However, vigilance is necessary to ensure that in practice the presence of counsel is effective (quality of legal aid, if the accused is poor, will matter), and that judges truly probe the voluntariness of pleas and are not simply rubber-stamping agreements to save time. Judges will have to strike a balance between trusting the parties' agreement and intervening if something seems off – a judicial skill that may require new training since it's a different role than the traditional trial judge or investigative judge.

In conclusion, Algeria's adoption of a guilty plea mechanism reflects a convergence with global criminal justice trends and a willingness to innovate for efficiency's sake, while also reflecting a careful adaptation to the Algerian legal tradition. By comparing it with the U.S. and French systems, we can appreciate that Algeria has opted for a model that hews closely to the controlled, safeguard-rich French approach rather than the wide-open American model. This is likely a prudent choice, given the need to maintain public trust and uphold rights in a system not accustomed to plea bargaining. If successfully implemented, the mechanism could significantly reduce delays for minor offenses and benefit defendants who deserve a second chance through leniency. Nonetheless, its success will depend on the judicious exercise of discretion by prosecutors and judges, and on defendants and lawyers embracing the new opportunity in appropriate cases. The comparative experiences of the U.S. and France suggest that plea bargaining can be a double-edged sword it can greatly increase efficiency and even benefit defendants, but it can also risk sidelining the search for truth and pressuring defendants. Algeria's framework, with its emphasis on clear admissions and oversight, is designed to minimize those risks.

The Guilty Plea Mechanism in Algerian Law: A Comparative Study with U.S. and French Systems

Conclusion

I. Key Findings

1. A Dynamic Balance Between Efficiency and Justice

The comparative analysis reveals that the evolution of guilty plea mechanisms reflects a continuous attempt to reconcile judicial efficiency with procedural fairness. The United States demonstrates the remarkable efficiency of negotiated justice, yet it also exposes inherent dangers notably, the risk that innocent defendants may plead guilty under coercive conditions, undermining the truth-seeking function of public trials.

2. The French CRPC: A Controlled Hybrid Model

France's comparison sur reconnaissance préalable de culpabilité (CRPC) embodies a more balanced framework, integrating efficiency within a structure of judicial oversight. By preserving the role of the judge and ensuring procedural transparency, the French model proves that plea mechanisms can coexist with the fundamental guarantees of due process within a civil-law tradition.

3. Algeria's Reform as a Milestone in Criminal Policy

Algeria's introduction of plea-based appearance through Law No. 25-14 of 3 August 2025 marks a turning point in its criminal justice modernization. The reform incorporates lessons from comparative systems while adapting them to national legal culture, embedding mandatory defense representation and judicial validation as core safeguards against coercion or imbalance.

4. Guarantees for the Protection of the Accused

The Algerian framework places the defendant's free will at the center of the procedure. The explicit requirement of a clear, voluntary confession and the obligation of judicial verification mitigate risks of

wrongful admissions and align the mechanism with international fair-trial standards.

5. Potential to Enhance Judicial Efficiency

The reform offers a pragmatic response to systemic delays and judicial congestion. By diverting minor cases through an expedited process, courts can allocate resources to complex litigation, thereby reinforcing the right to trial within a reasonable time and improving overall trust in the justice system.

6. Challenges and Cautions

The implementation stage must be closely monitored. The voluntariness of guilty pleas must remain inviolable, and judicial vigilance is necessary to prevent misuse or undue inducements. The mechanism's credibility will depend on transparent documentation, proper oversight, and an evolving professional culture among judges and prosecutors.

II. Recommendations

1. Strengthening Judicial and Prosecutorial Training

Comprehensive training programs should be established for judges, prosecutors, and defense lawyers on the ethical and procedural dimensions of negotiated justice, ensuring consistent application of the new mechanism.

2. Enhancing Judicial Oversight and Transparency

Each plea agreement should be formally recorded and archived, with explicit documentation of voluntariness and legality. This transparency will foster public confidence and facilitate academic and institutional review of the system's functioning.

3. Ensuring the Defendant's Free Will

The Guilty Plea Mechanism in Algerian Law: A Comparative Study with U.S. and French Systems

Particular attention must be given to detention conditions and negotiation dynamics to guarantee that pleas are made knowingly, voluntarily, and without psychological or material coercion.

4. Gradual Expansion Based on Evaluation

Algeria should adopt an incremental approach to extending the scope of plea procedures, assessing their effectiveness and fairness through empirical monitoring before expanding to additional categories of offenses.

5. Integrating Plea Mechanisms into Broader Judicial Reform

The guilty plea framework should be seen as part of a comprehensive modernization of Algeria's criminal justice system including digitization, access to legal aid, and human-rights compliance rather than as a stand-alone procedural innovation.

6. Institutionalizing Research and Continuous Assessment

The establishment of an academic or governmental observatory to monitor outcomes, collect data, and propose reforms would ensure the mechanism's sustainability and alignment with international best practices.

Bibliographie

Beenstock, M., & Kamenetsky Yadan, S. G. (2021). plea bargaining and the miscarriage of justice. *Journal of Quantitative Criminology* .

Chavent-Leclère, A. (2010). La défense pénale et la comparution sur reconnaissance préalable de culpabilité: enjeux et entorses. *Revue pénitentiaire et de droit pénal* .

Desessard, L. (2017). L'ordonnance pénale et la comparution sur reconnaissance préalable de culpabilité. In *Quelle place pour les alternatives à la prison au seaul du XXle siècle* .

Desprez.F. (2007). L'application de la comparution sur reconnaissance préalable de culpabilité à Nîmes et Béziers. Au regard du principe de judicialité. . Archives de politique criminelle .

Karlsson, A. T. (2017). Pleading guilty an overview of the french procedure. Blog of the European Journal of international Law .

(2025). Law No 25-14 of 3 August 2025 amended the Algerian Code of Criminal Procedure. Algerien: Officiel Gazette, No 54.

Lydie, A. (2010). L'analyse procédure de comparution sur reconnaissance préalable de culpabilité : l'éclairage de l'économie du droit sur l'équité du plaider coupable. Archives de politique criminelle.

Lydie, A., & Myriam Doriat, D. (2010). La procédure de comparution sur reconnaissance préalable de culpabilité : l'éclairage de l'économie du droit sur l'équité du plaider coupable. Archive de politique criminelle.

Republic, O. J. (2004). Law No 2004-204 of 9 March 2004 on Adapting Justice to Developments in Crime. Jorf, No.59.

The Bolloré case and the risks attached to the French Individual Guilty Pleas. (2021, 06 14). Bastille Day Newsletter Enforcement & Court Decisions .

Wright, D. (1984). Plea bargaining-A necessary tool. Connecticut Law Review .

Bibliography List :

1. Laws:

Law No. 25-14 of 3 August 2025 amending the Algerian Code of Criminal Procedure. (2025). Official Gazette of Algeria, No. 54.

2. Theses:

Lydie, A. L'analyse procédure de comparution sur reconnaissance préalable de culpabilité: l'éclairage de l'économie du droit sur l'équité du plaider coupable. Archives

The Guilty Plea Mechanism in Algerian Law: A Comparative Study with U.S. and French Systems

de politique criminelle, Sciences Economiques et
Gestions, University of Nancy 2, France, 2010.

3. Journal article :

Beenstock, M., & Kamenetsky Yadan, S. G. (2021). plea bargaining and the miscarriage of justice. Journal of Quantitative Criminology .

Chavent-Leclère, A. (2010). La défense pénale et la comparution sur reconnaissance préalable de culpabilité: enjeux et entorses. Revue pénitentiaire et de droit pénal .

Desessard, L. (2017). L'ordonnance pénale et la comparution sur reconnaissance préalable de culpabilité. In Quelle place pour les alternatives à la prison au seauil du XXIe siècle .

Desprez, F. (2007). L'application de la comparution sur reconnaissance préalable de culpabilité à nîmes et Béziers. Au regard du principe de la chose jugée. Archives de politique criminelle.

Karlsson, A. T. (2017). Pleading guilty an overview of the french procedure. Blog of the European Journal of international Law .

Lydie, A., & Myriam Doriat, D. (2010). La procédure de comparution sur reconnaissance préalable de culpabilité : l'éclairage de l'économie du droit sur l'équité du plaider coupable. Archive de politique criminelle.

The Bolloré case and the risks attached to the French Individual Guilty Pleas. (2021, 06 14). Bastille Day Newsletter Enforcement & Court Decisions .

Wright, D. (1984). Plea bargaining-A necessary tool. Connecticut Law Review .