



PROVISIONS GOVERNING THE IMPLEMENTATION OF COMMUNITY SERVICE SENTENCES UNDER LAW N^O 24-06

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Abstract:

In light of the shift in the concept of punishment, modern criminal legislation has adopted alternative sanctions aimed at reducing reliance on custodial sentences. Among the most prominent is community service, reflecting a move toward restorative justice that balances societal protection with offender rehabilitation. This study examines the sentencing and execution procedures of community service under Law No. 24-06 amending the Algerian Penal Code.

Keywords: Alternative sanctions, community service, rehabilitation, Penal Code.

Introduction:

Custodial sanctions have long been regarded as the central mechanism of traditional criminal justice policy, considered the most effective means of deterring crime and upholding public order. The longstanding belief held that depriving an offender of their liberty served as a fitting punishment—fulfilling functions of condemnation, correction, and the protection of society. However, over time, accumulated practical experiences and evolving legal and social assessments have brought to light the shortcomings of this punitive approach. Its limited success in reducing crime, coupled with its inefficacy in facilitating the rehabilitation and reintegration of offenders, has called into

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question its ability to achieve justice in a holistic and sustainable manner.

Given the numerous limitations associated with custodial sanctions, contemporary criminal policy has increasingly embraced a more rational and restrained approach to the use of imprisonment. In this context, the Algerian penal system—similar to other legal systems—has undergone gradual shifts aimed at moving beyond the conventional perception of custodial punishment, through the progressive adoption of alternative measures that are characterized by greater flexibility and efficacy. Chief among these alternatives is the sanction of community service.

The legislative recognition of community service as a criminal penalty reflects a deliberate orientation toward a rehabilitative and restorative model of justice one that seeks to strike a fair balance between the imperative of protecting society and the objective of reintegrating the offender. This measure allows for the preservation of public order while simultaneously safeguarding individual rights, and it contributes to alleviating the burden on the penal system.

Accordingly, this development highlights the pressing need to reconsider the underlying philosophy of punishment and to modernize its mechanisms in a manner that responds effectively to the demands of contemporary society and promotes the realization of justice in its comprehensive and sustainable dimensions.

Community service as a penal sanction was incorporated for the first time into the Algerian criminal justice system under Law No. 09-01(Law 09-01,2009), which amended and supplemented the Penal Code. Through this legislative reform, the criminal legislator granted judges the discretion to substitute custodial sentences with community service in certain misdemeanor cases. This allows the convicted individual to perform unpaid work for the benefit of society as an alternative to imprisonment. Subsequently, Ministerial Circular No. 02, dated April 21, 2009,

was issued to define the practical modalities for the implementation of community service as a substitute for custodial penalties.

Although community service was formally introduced into Algerian criminal legislation, its practical implementation remained limited due to the absence of a comprehensive regulatory framework that clearly defines the conditions for its application, the competent authorities responsible for its execution, and the procedures for its enforcement. This legislative and institutional deficiency rendered the sanction largely inoperative in judicial practice, thereby underscoring the urgent need for a clearer, more structured, and effective legal framework that aligns with the evolving objectives of contemporary criminal policy.

Law No. 24-06 (Law No. 24-06, 2024) was enacted to address this shortcoming by establishing a detailed and coherent legal framework for the application of alternative sanctions, foremost among them community service. This law introduced precise substantive and procedural provisions aimed at ensuring the effective enforcement of community service orders, enhancing their credibility, and achieving key criminal policy objectives—particularly the reduction of prison overcrowding and the promotion of rehabilitative justice.

The legal analysis of community service under Law No. 24-06 is of particular importance, as it represents a fundamental shift in Algerian criminal policy toward the institutionalization of alternative, non-custodial measures that are more humane and proportionate, especially in cases involving minor offenses. This reform embodies a balanced approach that reconciles the goals of public protection and deterrence with the principles of rehabilitation, social reintegration, and respect for individual rights.

Based on the foregoing, the following research problem arises: What are the procedures for sentencing to community service



under Law No. 24-06, and what are the mechanisms for its implementation?

To answer this question, we have adopted the descriptive and analytical method, by examining and analyzing the legal provisions introduced by Law No. 24-06, as well as other relevant legislative texts. In an effort to comprehensively address the various dimensions of the topic, the study has been structured into the following two sections:

Section I : Procedures for sentencing to community service.
Section II: Mechanisms for the enforcement of community service sentences.

SECTION I : Procedures for sentencing to community service.

The Algerian legislator introduced community service as part of the system of alternative sanctions through Law No. 24-06, as a legislative measure aimed at limiting the use of custodial penalties in cases involving minor offenses, and at reinforcing the principle of graduated criminal punishment. To ensure the effectiveness and legality of this sanction, the law established a structured procedural framework that clearly defines the conditions and safeguards to be observed when issuing a community service sentence.

The significance of studying the procedures for sentencing to community service lies in its role in delineating the scope of judicial discretion and clarifying the legal criteria that govern the applicability of this sanction. This includes an assessment of the nature of the offense, the circumstances surrounding its commission, and the offender's personal characteristics.

In order to explore this topic in depth, it is necessary first to define community service and highlight its legal and social importance (First Requirement), followed by an examination of the conditions required to benefit from this sanction (Second Requirement).

First Requirement: Definition and importance of community service.

In this Requirement, we address the definition of community service and clarify its legal meaning. We then highlight its significance by outlining the benefits it offers to both the individual and society when effectively implemented.

Paragraph 1: Definition of community service.

The Algerian legislator expressly established community service as a penal sanction under Article 5 bis 1 of the Penal Code, categorizing it as an alternative to custodial sentences. This approach differs from that of the French legislator, who classifies community service as a supplementary penalty for certain contraventions and misdemeanors, and as a principal penalty only in misdemeanor cases.

Community service is defined by some scholars as a legal obligation imposed on the convicted person to carry out certain tasks or services for the benefit of the community, without any financial compensation, and within a time period determined by the court, in accordance with the conditions and limits prescribed by law. (Othmania, 2012, p.357)

Others define community service as a sanction imposed by a competent judicial authority, consisting of the performance of unpaid work by the convicted person for the benefit of the public, as a substitute for serving a custodial sentence in a penal institution. (Amhamdi, 2016, p.136)

Based on the foregoing, community service can be defined as an alternative sanction to deprivation of liberty, whereby the convicted person is required to perform unpaid work for the benefit of a public entity or a socially oriented institution, within a specified period of time.

Paragraph 2: The importance of community service

Community service stands out as one of the most significant developments introduced by contemporary social and legal



studies, particularly those focusing on broad categories of offenders within society. This has led to its incorporation into the Algerian legal system, given its proven effectiveness on both punitive and rehabilitative levels. The sanction is recognized for its considerable importance and numerous benefits, both for the individual and for society as a whole. (Ayad, 2017, p.305) Which we present as follows:

First: The Importance of community service for society.

The enforcement of community service as a criminal sanction brings several tangible benefits to society, which can be outlined as follows:

1-The implementation of community service as a sanction significantly contributes to reducing the financial burden on the state by limiting the costs associated with the management and maintenance of correctional facilities.

2-By applying community service, the penal function of the sentence is preserved while avoiding incarceration. This results in a tangible decrease in the number of inmates, thereby addressing the persistent issue of overcrowding in prisons caused by the growing number of offenders serving short-term custodial sentences.

3-The application of community service and the reinforcement of alternative measures to short-term imprisonment allow for the execution of penal sanctions within public or socially-oriented institutions. This enhances the role of the community in the penal process and supports the broader objective of social reintegration. (Saadaoui, 2013, p.89)

4-The implementation of community service serves as a form of reparation for the harm caused by the convicted individual, as it obliges them to carry out beneficial work for the community. In this way, the offender contributes positively to society as a means of compensating for the damage they have inflicted.

Second: The importance of community service for the convicted individual

In addition to the benefits that society gains from the implementation of community service, this penalty also yields significant advantages for the offender. These benefits include:

1-Community service offers a meaningful alternative to short-term imprisonment, reducing the negative consequences typically associated with incarceration.

2-By applying community service, the process of social reintegration is encouraged, as it allows the offender to return to their role as a productive and contributing member of society.

3-The punitive value of this sanction lies in its potential to reduce the risk of recidivism, thereby enhancing public safety.

4-Community service plays a key role in preserving the dignity of the offender and maintaining their social status, as it avoids the stigmatization often linked to incarceration. (Saadaoui, 2013, p.83)

Second Requirement: Conditions for benefiting from community service.

Community service is considered a rehabilitative alternative to imprisonment. In order to benefit from this sanction, certain formal conditions must be met, primarily related to the judgment or decision that imposes the community service sentence. In addition, there are substantive conditions, some of which concern the convicted person, while others pertain to the original sentence.

Paragraph1 : Formal (procedural) conditions for sentencing to community service

The judicial ruling or decision that imposes a sentence of community service is subject to a set of procedural safeguards and formal requirements aimed at ensuring respect for human rights and compliance with the principle of procedural legality. Accordingly, the Algerian legislator has established a number of



mandatory conditions that must be fulfilled in any ruling involving community service. These conditions relate primarily to the procedural framework governing the issuance of such a sentence, and they include the following:

First: That the sentence be issued by a competent judicial authority.

The judicial competence to impose a community service sentence lies with the criminal judge, who is granted discretionary authority by law to substitute a custodial sentence with a community service sanction. The judge enjoys full discretion in either granting or denying this alternative to the convicted person. Even when all the conditions set forth in Article 5 bis 1 of the Penal Code are met, the competent judge may, based on their assessment, determine that the individual is not suitable for such a measure and may instead impose a custodial sentence (Zaydouma, 2011, p.153).

Second: The sentence must be pronounced in the presence of the convicted person, and their consent must be explicit.

According to Article 5 bis 1 of the Algerian Penal Code, a community service sentence may only be pronounced in the presence of the convicted person. This implies that the imposition of such a sentence requires the explicit and unambiguous consent of the convicted individual. The sentence cannot be imposed by default or in absentia; the defendant must be physically present in court to express their personal and direct approval or refusal. This consent must be given voluntarily, without any form of coercion, and cannot be delegated to another person. Moreover, silence on the part of the convicted person shall not be construed as acceptance (Saadaoui, 2013, p.84).

Third: The sentence must not be executed unless it has become final, and within a maximum period of 18 months.

Article 5 bis 6 of the Penal Code stipulates that the community

service sentence shall only be enforced once the judgment becomes final. Moreover, its execution must occur within a maximum period of eighteen (18) months, starting from the date on which the judgment becomes final (Bensalem, 2010-2011, p.71).

This ensures the stability and finality of judicial decisions and prevents the execution of any sentence before all legal remedies have been exhausted. It also implies that all legal procedures have been properly completed in accordance with the law, and that the rights of the accused have been respected throughout all stages of the trial. (Article 248, the Algerian Code of Criminal Procedure).

Fourth: The necessity of pronouncing the original sentence and clarifying that it has been substituted by community service as an alternative punishment.

Clearly stating the original custodial sentence in the judgment or ruling, followed by an indication that it has been replaced by community service, is a critically important procedural requirement. This affirms that community service is not an independent sanction, but rather a substitute for the original sentence. In cases where the sentenced person fails to fulfill the obligations associated with community service, the original custodial sentence is to be enforced. Furthermore, Ministerial Circular No. 2, which outlines the procedures for implementing community service, requires the judge to explicitly state the original sentence in the ruling before offering the alternative sanction (elkarim & Addou Abd el kader, 2019, p.361).

Fifth: Determining the duration of community service sentence

The criminal legislator requires the judicial authority that issues a community service sentence to specify the number of working hours. This is calculated at a rate of two hours of community service for each day of imprisonment in the original sentence, provided that the total duration does not exceed 18 months. For adults, the total number of hours must range between 40 and 600



hours. For minors aged 16 to 18, the range is between 20 and 300 hours. It is worth noting that the Algerian legislator has reduced both the minimum and maximum limits for minors by half, in accordance with the legal principle derived from Article 50 of the Penal Code. (Zaydouma, 2011, p.152)

It would be unjust for the legislator to equate minors and adults in terms of the duration of the sentence, given the disparity in their respective physical capacities, which prevent them from performing the work with equal strength. Furthermore, their mental and psychological capabilities are not equivalent to a degree that would justify equal criminal responsibility. (Bousri, 2017, p.6)

Sixth: The necessity of informing the convicted person about the application of the original penalty in case of non-compliance with obligations.

The legislator required the judge, after substituting the custodial sentence with the community service penalty, to explicitly inform the convicted person that failure to fulfill the obligations arising from the execution of the community service sentence will result in the enforcement of the original custodial sentence, as stipulated in Article 5 bis 2 of the Penal Code.

Paragraph 2: Substantive conditions for eligibility to benefit from the community service sentence.

The Algerian legislator outlined the conditions for benefiting from this penalty in Article 5 bis 1 of the Algerian Penal Code, as amended by Law No. 24-06. These conditions include: conditions related to the convicted person, and conditions related to the original sentence.

First: Conditions related to the convicted person

In order for the convicted person to benefit from the community service penalty, the following conditions must be met:

1. The offender must not have previously been sentenced to community service and failed to fulfill the obligations imposed upon them:

The Algerian legislator, through Law No. 24-06 amending the Penal Code—specifically article 5 bis 1—introduced a new condition for benefiting from the community service penalty, which stipulates that the offender must not have previously been sentenced to this type of penalty and subsequently failed to comply with its obligations. This condition carries significant legal and social implications that warrant thoughtful consideration, as it reflects the legislator's intent to ensure the seriousness and credibility of alternative sanctions and to reinforce the rehabilitative purpose of the criminal justice system. (Mestafa & Arbaoui, 2025, p.1075)

Article 5 bis 1 clearly states that an individual who has previously benefited from a community service sentence and failed to comply with its obligations is not eligible to receive this sentence again. This raises the question of whether someone who fulfilled all prior obligations can benefit from it a second time. In this regard, the legislator appears to grant the judge discretionary authority to reimpose the sentence, provided all legal conditions are met particularly that the individual did not breach the terms of the previous sentence.

It is also worth noting that Law No. 09-01, which amended the Penal Code, originally required that the person not have any prior criminal record, meaning no final conviction involving a custodial sentence, whether suspended or not, for a felony or misdemeanor under general criminal law. This is without prejudice to the provisions governing recidivism, as outlined in Article 53 bis 5. (Mohyidine, 2021, p.133.) The legislator has dispensed with this condition in the most recent amendment to the Penal Code. Accordingly, it can be understood that an individual with a prior criminal record may now benefit from the community service penalty, provided that all other conditions



stipulated in the amended Article 5 bis 1 under Law No. 24-06 are met.

2-The convicted person must be at least 16 years old at the time the offense was committed:

The Algerian legislator requires that, in order to benefit from the alternative sanction to deprivation of liberty — namely, community service — the offender must be at least 16 years of age at the time the punishable act was committed. This is because the age of 16 constitutes the legal minimum working age in Algeria. Accordingly, an individual under the age of 16 cannot be sentenced to community service, even if all other legal conditions are met. Instead, juvenile protection measures or penalties appropriate for minors shall apply.

In support of this, article 15 of Law No. 90-11 governing labor relations stipulates that, under no circumstances, may the minimum age for employment be less than sixteen (16) years, except in cases falling under an insurance contract framework, as regulated by the applicable legislative and regulatory provisions. (Bousri, 2017, p.304)

Second: Conditions related to the original sentence

In order for the judge to substitute the original custodial sentence with a community service penalty, two essential conditions must be met regarding the original sentence, first, the penalty prescribed for the offense must not exceed five (5) years of imprisonment. second, the sentence actually imposed must not exceed one (1) year of effective imprisonment.

1- That the statutory penalty prescribed for the offense does not exceed five years:

Law No. 24-06 amending the Penal Code marked a pivotal milestone in the course of reforming Algeria's criminal policy, particularly through the expansion of the scope of application of community service.

By amending article 5 bis 1 of the Penal Code, the legislator shifted from the previous requirement—under Law No. 09-01—that the statutory penalty must not exceed three years, to raising

this ceiling to five years. This constitutes a qualitative shift with significant legal and social implications.

This amendment was not introduced arbitrarily; rather, it reflects a clear legislative intent to enhance the effectiveness of alternative sanctions and to consolidate a new penal philosophy that strikes a balance between deterrence and rehabilitation. This expansion makes it possible to include a broader category of offenders—those who have committed non-serious crimes—within the scope of beneficiaries of community service, instead of short-term imprisonment, which is often criticized for its limited ability to achieve deterrence and reintegration objectives.

Furthermore, this measure is in line with modern trends in contemporary criminal thought, which increasingly value punitive alternatives with educational and social dimensions.

From this perspective, extending the statutory penalty ceiling to five years is not merely a procedural amendment, but rather a strategic orientation toward a more equitable and flexible criminal justice system—one that takes into account the nature of the offense, the personality of the offender, and the circumstances under which the act was committed.

2- That the sentence pronounced does not exceed one year of effective imprisonment:

For a custodial sentence to qualify for substitution with community service, the term of imprisonment pronounced must not exceed one year of effective incarceration. If the sentence is fully suspended, or if it exceeds one year, substitution is not permissible.

However, where the sentence imposed by the court includes a partially suspended term, pursuant to article 592 of the Code of Criminal Procedure, the judge may replace the enforceable portion with a community service sanction, provided that all statutory conditions are fulfilled. (Louni, 2023, p.245)



SECTIONII: Mechanisms for the enforcement of community service sentences

The implementation of a community service sentence constitutes a decisive stage in assessing the effectiveness of this alternative measure, as its success hinges on the existence of a meticulous and clearly defined framework that safeguards the rights of the sentenced person on the one hand, while serving the interests of society on the other. The Algerian legislator has endeavored to establish a robust legal and institutional framework that reinforces the efficiency of this alternative penal option and ensures the realization of its rehabilitative and social objectives.

The execution of a community service sentence is an integrated process that necessitates the concerted efforts of multiple stakeholders, including the judicial authorities comprising the Public Prosecution and the Judge responsible for the enforcement of sentences (First Requirement) as well as the host institution, which functions as the operational and field-level executor of this sanction (Second Requirement).

First Requirement: Judicial supervision over the enforcement of community service sentences.

The judicial apparatus constitutes the backbone of the enforcement of community service sentences, as it assumes the essential task of translating legislative provisions into tangible reality, thereby ensuring the activation of this alternative penal measure in full conformity with the principles of justice and the rule of law. Within this framework, the central role of judicial bodies chiefly the public prosecution and the sentence enforcement judge becomes particularly evident. The legislator has vested these two authorities with specific and well-defined responsibilities to secure the effective application of this alternative sanction, in a manner that both safeguards the rights of the sentenced individual and advances the public interest.

Paragraph1 : The role of the public prosecution in the enforcement of community service sentences.

When does a judgment imposing a community service sentence become Final, (Article 5 bis 6, Penal Code) the public prosecution is responsible for initiating the enforcement of this sanction. In this regard, the Algerian legislator has assigned the assistant prosecutor general at the level of the court of justice, in addition to his primary functions, the mandate to oversee all procedures pertaining to the execution of judgments and decisions related to this alternative penalty, in accordance with ministerial circular No. 02 referred to above. Consequently, the public prosecution plays a pivotal role in the implementation of community service sentences. Its duties in this respect include recording the sanction in the criminal record and subsequently transmitting the case file concerning the community service sentence to the sentence enforcement judge.

First: Entry of the community service sentence into the Criminal Record Register.

Upon the finality of any judgment or decision imposing a community service sentence, the court clerk assigned to the sentence enforcement department shall prepare card No. 1, expressly indicating the original penalty alongside the imposed community service sentence. The clerk shall sign the card and forward it to the public prosecutor for formal endorsement. Thereafter, the card shall be transmitted, as applicable, either to the criminal record office within the jurisdiction of the court corresponding to the convicted person's place of birth, or to the central criminal record office.

The designated clerk at the receiving office shall register the card in the official manual record, denominated the Register for Filing card No. 1 of the criminal record, and subsequently ensure its proper archival.

Where the Public Prosecutor requires card No. 2 in relation to an individual subject to a community service sentence, the clerk of the Criminal Record Office shall retrieve the document from the



secure digital platform known as the National Criminal Record Center. The card shall then be signed, entered in its designated manual register, and transmitted to the Public Prosecutor or the judge presiding over the Central Criminal Record Office for endorsement. Card No. 2 must reflect both the original penalty and the community service sentence, without omission.

In the case of card No. 3, the request must be initiated by the concerned individual. The clerk of the criminal record office shall prepare, sign, and register the card in its dedicated record before forwarding it to the Public Prosecutor for endorsement. Upon completion of these formalities, the card shall be issued to the applicant, containing no reference (Laayadi, 2020, p.37)

Second: Transmission of the case file relating to the community service sentence to the sentence enforcement judge.

In line with the implementation of Ministerial Circular No. 02, which establishes the regulatory framework for the community service sentence, and following the finality of the judgment or decision imposing such a sentence, the case files concerning this penalty are sent to the Public Prosecutor responsible for overseeing them. The process involves the following steps:

- The files are transmitted through dual channels, namely via the judicial workflow application and ordinary mail simultaneously, thereby ensuring effective transmission and follow-up.

- These files contain: the judgment or decision imposing the community service sentence; a copy of the final judgment or decision for the purpose of executing the sentence; and a copy of the certificate of non-appeal or, alternatively, a certificate of non-challenge, to be forwarded to the Sentence Enforcement Judge, who is tasked with ensuring the proper implementation of the community service sentence pursuant to Article 5 bis 3 of the Penal Code.

This procedure applies where the sentenced person is located within the territorial jurisdiction of the Sentence Enforcement Judge attached to the court of appeal. However, if the sentenced

person is outside the jurisdiction of the competent Sentence Enforcement Judge, the case file is forwarded to the jurisdiction in which the individual is located, to the Deputy Public Prosecutor, who shall then initiate the implementation of the community service sentence (Chemllal, 2021, p.358).

Paragraph 2 : The role of the sentence enforcement judge in enforcing the community service sentence.

Within the Algerian legal framework, the sentence enforcement judge constitutes a central actor in the implementation of the community service sentence (Article 23, Law 05-04). His mandate extends beyond the mere procedural supervision of its enforcement to encompass substantive judicial oversight, ensuring both the convicted person's compliance with the prescribed conditions and the safeguarding of his dignity and fundamental rights throughout the performance of the assigned work.

This judicial function is oriented towards achieving a delicate balance between the objectives of general and specific deterrence, on the one hand, and the imperatives of rehabilitation and social reintegration, on the other. In doing so, it reflects the underlying philosophy of alternative sanctions as a contemporary instrument of criminal policy designed to curtail the excessive resort to custodial penalties.

In the course of implementing a community service sentence, the Sentence Enforcement Judge is vested with specific prerogatives, including the authority to summon the sentenced person and, where circumstances so warrant, to order the suspension of the sentence's execution.

First: Summoning the person sentenced to a community service sentence

Upon receiving the case file of the person sentenced to a community service sentence, the sentence enforcement judge shall summon the sentenced person through a judicial officer, using the address recorded in his file. The summons must



indicate that failure to appear on the specified date will result in the enforcement of the custodial penalty. In this regard, one of the following two scenarios will arise:

1-Case of the sentenced person's compliance with the execution of the sentence.

When the sentenced person complies with the community service sentence, the Sentence Enforcement Judge shall take the necessary measures to ensure the proper conduct of the assigned work, taking into account the sentenced person's health, social, and family circumstances. The sentence enforcement judge shall receive the sentenced person and verify his identity as recorded in the criminal judgment or decision, before referring him to a physician for a comprehensive medical examination at the penitentiary facility located at the seat of the court of appeal, and for the preparation of a report on his state of health. Based on the findings of this report, the sentence enforcement judge may determine the type of work most suitable for the sentenced person, taking into account any existing medical conditions.

In enforcing the community service sentence, the sentence enforcement judge must take into consideration vulnerable groups within society, particularly women and minors aged between 16 and 18 years. In this respect, the judge intervenes to adapt the nature and hours of the work in accordance with the specific characteristics of each category, while observing legislative and regulatory provisions concerning the employment of minors and women — such as the prohibition of night work for women and the requirement to ensure that the minor is not removed from his or her family and social environment (Chemllal, 2021, p.359). This procedural distinction is intended to ensure the execution of the sentence within a framework that respects human dignity and fulfills the objectives of rehabilitation, without infringing upon the rights of the sentenced persons or exposing them to conditions that may compromise their physical or psychological well-being.

Subsequently, the judge issues a placement order specifying the host institution and the modalities for the execution of the sentence. The placement order is then notified to the sentenced person, the Public Prosecutor, the host institution, and the external prison administration services responsible for the social reintegration of prisoners (Louni, 2023, p.248).

2-Case of non-compliance by the convicted person with the execution of the sentence.

If it is established that the convicted person has been personally notified of the community service sentence but fails to comply without providing a valid reason, the sentence enforcement judge shall draw up a report of non-compliance. This report shall set out the steps taken, namely the personal notification of the concerned party and their failure to appear without presenting a legitimate excuse. The report is then forwarded to the deputy public prosecutor, who in turn notifies the sentence enforcement department to proceed with the ordinary execution of the original custodial sentence. (Laayadi, 2020, p.39)

Second: Suspension of the execution of the community service sentence.

The legislator has granted the sentence enforcement judge discretionary authority to suspend the execution of the community service sentence. Such suspension may be either temporary or permanent, as will be outlined below.

1-Temporary suspension of the community service sentence:

The sentence enforcement judge may, either on their own initiative or at the request of the convicted person or their representative, issue a decision ordering the temporary suspension of the community service sentence, in accordance with the provisions of Article 5 bis 3 of the Penal Code. The judge must issue an order suspending the execution of the sentence until the serious cause ceases to exist.

These causes may be social in nature, such as social or family problems; health-related, such as the convicted person's illness or



injury; or family-related, such as the need to care for a close family member.

A copy of the suspension order must be sent to the public prosecutor's office, the concerned individual, the host institution, and the external prison administration service in charge of the social reintegration of prisoners. The sentence enforcement judge may, where necessary, conduct all necessary investigations through the public prosecutor's office to verify the validity of the justification provided (Louni, 2023, p.248).

2-Notification of the completion of the community service sentence:

The community service sentence is considered completed either when the convicted person fulfills all obligations or when they fail to do so.

A – Completion of the community service sentence through fulfillment of obligations:

If the convicted person fully complies with all obligations during the execution of the community service sentence, whether within the prescribed period or even before its expiry, the host institution shall notify the Sentence Enforcement Judge of the completion of the service period specified in the placement order. The judge shall then draw up a formal notice of completion of the sentence and forward it to the public prosecutor's office, which, in turn, transmits a copy to the criminal Records Department for the purpose of annotating this on bulletin No. 01 and in the margin of the relevant judgment or decision (Ministerial Circular No. 02, 21 April 2009).

B- Termination of the penalty of community service due to the sentenced person's breach of obligation:

If, during the execution period, the sentenced person fails to fulfill their obligations within the prescribed deadlines—whether by not starting at all, not completing the service, or not performing it as determined by the judge responsible for the enforcement of sentences—the penal institution shall notify the

latter (Article 5 bis 2, Penal Code), The judge responsible for the enforcement of sentences shall then notify the assistant public prosecutor, who undertakes to amend the sentenced person's criminal record form No. 01. The amended form is subsequently forwarded to the sentence enforcement department in order to execute the original custodial sentence. This amendment is also noted in the margin of the judicial decision or judgment issued against the sentenced person (Article 5 bis 4, Penal Code).

Second Requirement: The role of the host institution in the enforcement of community service sentences:

Following the issuance of the judicial ruling and the determination of the nature and duration of the work, the institution benefiting from this service is entrusted with the responsibility of receiving the sentenced person and providing the practical framework that ensures the effective execution of the sentence in legal and humane conditions that preserve the individual's dignity. In this context, we will first define the host institution and then outline its duties.

Paragraph 1: Definition of the host institution for the enforcement of community service sentences.

According to the provisions of Article 5 bis 1 of the Penal Code, public legal entities may receive individuals sentenced to community service. This role is therefore limited to public legal persons, which can be defined as a group of persons and assets established by the state under a statutory system and serving a legitimate purpose, such as public institutions, public bodies, and local administrative councils (Mohyidine, 2021, p.137).

The judge responsible for the enforcement of sentences plays a pivotal role in ensuring the success of the law and the procedures related to community service. This is achieved through direct communication with public law institutions and the conclusion of agreements with these entities regarding the implementation of



community service penalties, while clearly defining rights and obligations to ensure proper execution of the sentence.

It is worth noting that the Algerian legislator has not specified the method for designating host institutions for sentenced individuals, unlike the French legislator, who has established a clear procedure for such designation. Under the French system, the process begins with the submission of a request specifying the type of work to be carried out, which is then delivered to the Judge for the Enforcement of Sentences. The judge examines the request, without proposing any specific measures, other than obtaining the opinion of the Public Prosecutor (Chemllal, 2021, p.350).

Paragraph 2: Duties of the host institution

In the framework of executing the community service penalty, the host institution assumes a set of core responsibilities designed to ensure the penalty's effective, lawful, and humane implementation, in strict compliance with the relevant legal and regulatory provisions. These responsibilities include:

- Forming a specialized reception and supervision team to welcome convicted persons and integrate them into the designated work environment. This team must be composed of qualified and specially trained staff, as required by the relevant legal texts, and will oversee the convict throughout the entire execution period.

- Ensuring compliance with judicially determined conditions of the community service penalty, including the precise working hours, total number of hours, and assigned duties as stipulated by the judge responsible for the enforcement of sentences. The institution must also exercise ongoing supervision over the quality and timeliness of the work performed, in accordance with internal regulations and official guidelines.

- Guaranteeing the preservation of human dignity in the treatment of the convicted person, in alignment with human rights standards, while addressing any inappropriate conduct through

corrective measures aimed at fostering behavioral reform, rehabilitation, and eventual reintegration into society.

- Submitting detailed periodic reports to the judge responsible for the enforcement of sentences, specifying the convict's level of compliance, punctuality, and the extent to which the assigned work has been satisfactorily completed.

- Promptly notifying the judge in the event of a work-related accident involving a convicted person, so that all necessary legal and administrative measures can be taken in accordance with Law No. 90-11 governing labor relations.

- Preserving the convict's existing professional and social situation by ensuring that, where the person has an established occupation, they are not removed from it. This safeguard—one of the key advantages of alternative sanctions—ensures that the individual can maintain their social stability and meet professional and family commitments while fulfilling the alternative sentence (Bousri, 2017, p.8)

Conclusion:

In conclusion, by adopting and emphasizing the community service penalty through Law No. 24-06, the Algerian legislator has taken a major step toward realizing the punitive and rehabilitative value of this sanction, thereby reinforcing the principles of contemporary penal policy, which prioritize respect for human rights through rehabilitation and social reintegration.

Despite the positive nature of this orientation, the implementation of community service raises several practical and legal challenges, particularly regarding the adequacy of the institutional framework and the capacity of the executing bodies to uphold the core principles of the sanction. The absence of detailed regulatory provisions in certain areas, coupled with weak coordination between the judiciary and host institutions, risks stripping the penalty of its rehabilitative substance and reducing it to a mere procedural formality.



Based on the above, the following recommendations are proposed:

- Provide for community service as a principal penalty rather than solely an alternative to short-term custodial sentences, in view of its long-term potential to reduce crime and rehabilitate both the individual and society.
- Address legislative gaps by amending the conditions related to the principal penalty, specifically by increasing the maximum custodial sentence eligible for substitution from one year to two years of imprisonment. This would broaden the scope of community service to cover more offences, thereby enhancing opportunities for rehabilitation and reintegration.
- Encourage judges to limit the imposition of short-term custodial sentences wherever possible particularly for offenders without a history of criminal conduct and to favor community service penalties.
- Require the legislator to specify the procedure by which host institutions for convicted persons are to be designated.

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