



CONSENSUAL JUSTICE MECHANISMS IN ALGERIAN LEGISLATION- A STUDY ON THE REGULATIONS OF PRIOR ADMISSION OF GUILT AND THE LIMITS OF JUDICIAL VALIDATION UNDER LAW N°. 25-14

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Send Article Date: 29-03-2026

Date of acceptance of the article: 01-05-2026

Abstract:

This study examines the 'Prior Admission of Guilt' system under Algerian Law 14-25, highlighting it as a model of 'Consensual Justice.' It aims to simplify litigation in misdemeanor cases and reduce judicial burdens. The research defines the system's legal nature, scope, and the procedural path of the 'Criminal Agreement.' It analyzes the Public Prosecutor's role in proposing sentences and the judge's pivotal oversight during judicial validation. Ultimately, the study explores how the legislator balances procedural efficiency with fair trial guarantees, ensuring the accused's admission is explicit and informed.

Keywords: Consensual Justice; Prior Admission of Guilt; Law 14-25; Judicial Validation; Procedural Guarantees.

Introduction:

The principle of the Legality of Criminal Procedures constitutes the pivotal pillar for ensuring the stability of criminal litigation and safeguarding fundamental freedoms. The traditional model of litigation, based on the principles of public hearings and adversarial proceedings, has long remained the authentic path to attaining judicial truth. However, contemporary legislative developments and the increasing complexities of criminal phenomena have necessitated the introduction of alternative mechanisms aimed at enhancing procedural efficiency and the flexibility of criminal policy, thereby ensuring the swift resolution of cases without prejudice to the essence of justice.

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In this context, Law N°. 14-25 was enacted as an independent and modern piece of legislation to establish the foundations for modernizing judicial procedures in Algeria. Within this law, the system of "Prior Admission of Guilt" emerged as an innovative legal mechanism aimed at resolving public prosecution outside the classical frameworks of public trial. This trend does not merely represent a technical procedure to alleviate procedural pressure; rather, it reflects a radical shift in the legislator's philosophy toward adopting the concept of "Consensual Justice," which allows for the termination of criminal disputes based on a voluntary consensus.

The importance of this study lies in analyzing the "Prior Admission of Guilt" as a procedure based on a free and voluntary consensus between the Public Prosecution and the accused. This system represents a regulated exception to the general rules, replacing traditional debate with a documented "Procedural Consensus" subject to subsequent judicial oversight to ensure the legality of the agreement and its compliance with the procedural public order.

The central research problem focuses on the extent to which this system adheres to constitutional guarantees, primarily the "Presumption of Innocence" and the "Right to Defense." The fundamental problematic lies in the adequacy of the guarantees governing this path—are they sufficient to prevent any deviation from the requirements of a fair trial? To answer these questions, this study adopts an analytical and comparative approach, interpreting the legal texts of Law No. 14-25. The research outlines the substantive provisions and the scope of application of the admission system, followed by an analysis of the procedural requirements and the pivotal role of judicial oversight in validating the agreement.

1- Substantive Provisions of the Prior Admission of Guilt System and its Scope of Application

Establishing the legal basis for this new system requires examining its legal nature, which distinguishes it from traditional procedural systems, and subsequently defining the material and personal scope of its application. This will be detailed in the following two sections.

1.1- The Legal Basis of Prior Admission of Guilt and its Distinction from Similar Systems

The Algerian legislator's adoption of the "Appearance based on Prior Admission of Guilt" system under Law No. 25-14 (.Law No. 25-14,, August 13, 2025.).raises the issue of the legal characterization of this procedure: Are we facing an advanced "means of proof," or a "legal procedural act" of a consensual nature? To address this issue, it is necessary to explore the conceptual foundations of this system and distinguish it from other procedural mechanisms that intersect with it in terms of form or purpose, such as criminal mediation and judicial reconciliation. This section will analyze the legal nature of the admission and its position within the hierarchy of criminal procedures.

1.1.1- The Legal Nature of Prior Admission of Guilt

The legal nature of this system is manifested in its being a special procedural mechanism aimed at resolving the public prosecution based on a consensus between the Public Prosecution and the accused. This grants it a distinct legal nature evident in the following dimensions:

A- The Consensual Character of the Procedure (The Procedural Contract)

Based on the provisions of Articles 539 to 548 of Law No. 25-15, we find that this system deviates from the traditional rules of criminal litigation to approach the concept of "penal settlement." The procedure is essentially based on the element of "consent," as it begins with an "offer" or "proposal" from the Public Prosecutor or an explicit "request" from the accused, and ends with an unambiguous "acceptance." This nature shifts the admission from the realm of "reporting a fact" to the realm of a "legal procedural act" generating binding effects; as the "agreement minutes" replace traditional pleading procedures.

In fact, this legal structure enshrines the autonomy of the parties' will in terminating the litigation, placing us before a case of "contractualism of procedures." This grants the accused an active role in determining their criminal fate instead of being a mere passive party against whom procedures are taken, which radically changes the classics of public prosecution proceedings.(On the legal grounding and evolution of the concept of 'Procedural Convergence' (Procedural



Consensus))See: Articles 539, 540, and 541 of Law No. 15-25, previously cited.- See also: (Bousguia, 2025, p. 345).

B- Reconciling Prior Admission with Constitutional Guarantees

The Algerian Constitution of 2020(Constitution, December 30, 2020), in Article 41, guarantees a fundamental principle stating that "Every person is presumed innocent until proven guilty by a judicial authority in a fair trial." A careful reading of the prior admission system reveals a legal harmony with this text; for when the accused admits guilt in advance, they are not forced to forfeit their innocence, but rather exercise their right to "informed waiver" of lengthy trial procedures in exchange for a legal benefit (mitigation of punishment).

The legislator in Law No. 25-15 fortified this nature by requiring the admission to be "explicit" and "spontaneous," and that it must occur under the umbrella of defense (presence of a lawyer). This ensures that this waiver of the presumption of innocence stems from an informed will and not from procedural coercion. Thus, the admission transforms from a mere "means of proof" into a "legal basis for conviction," deriving its conditions from the accused's will and subsequent judicial oversight, thereby preserving the essence of Article 41 of the Constitution.(This article stipulates the 'Presumption of Innocence' as an established principle.) See also:(Mahda, 2025, p. 130; Samir, 2024, p. 198)

C-The Legal Value of the Agreed Sentence (Restriction of Discretionary Power)

The legal nature of this system is characterized by placing a legislative restriction on the judge's discretionary power in assessing the penalty. According to Article 545, once the judge verifies the establishment of facts and the integrity of the agreement, they are bound to pronounce the penalty proposed by the Public Prosecution and accepted by the accused. This "procedural obligation" grants the system stability and legal certainty; the accused accurately realizes the outcome of their admission before the judgment is issued, and society benefits from the execution of the penalty without procrastination or prolonged appeals. From a modern criminal policy perspective, this nature makes the prior admission system a tool for "rationalizing judicial work" and directing resources towards more complex crimes,

imparting a "functional" character aimed at achieving prompt and effective justice.

(Article 545 of Law No. 15-25, previously cited, stipulates the obligation of the Validation Judge (Ratification Judge) to adhere to the proposed penalty in the event of his acceptance of the agreement). See also: (Boudiaf, 2026, p. 455; Baghdadi, 2025, p. 210).

2.1.1-Distinguishing Prior Admission from Traditional Confession and Criminal Mediation

Legal methodology for regulating any newly introduced system requires drawing clear boundaries between it and other procedural systems with which it may intersect. Conceptual distinction prevents confusion in judicial application and defines the specific legal nature of each procedure. The uniqueness of the "Prior Admission of Guilt" system becomes evident through its comparison with two fundamental mechanisms:

A- Prior Admission vs. Confession as a Means of Proof

Although "confession" is the raw material in both cases, there is a vast difference between confession as a classical means of proof and confession as a system for resolving the case under Law No. 25-15:

-In terms of Discretionary Power:

Pursuant to Article 350 of Law No. 25-15. (Article 350 of the aforementioned Law No. 14-25 stipulates: 'Confession, like all other elements of evidence, is subject to the judge's discretionary power of assessment), confession remains subject to the principle of the judge's "personal conviction," where the latter possesses the authority to fragment or exclude it if it does not align with other evidence. Conversely, in the prior admission system (Articles 539 et seq.), we are before a "restricted procedural admission." Once the agreement reaches the validation stage, the trial judge's authority is confined to either accepting the agreement with the proposed penalty or rejecting it in its entirety, without having the power to modify the penalty upwards or downwards.

-In terms of Procedural Outcome:

Under Article 350, confession is merely a means of proof presented for adversarial and public debate and does not waive investigation and pleading procedures. In the prior admission system, however, the admission is an "element of formation" for a procedural



agreement that leads to the shortening of judicial stages; it is replaced by the "agreement minutes" which embody the parties' will, shifting the judge's role from a "seeker of truth" to a "supervisor of the legality of will".(Compare the provisions of Article 350 with Article 545 of the same Law, which obligates the 'Validation Judge' (Ratification Judge) to adhere to the proposed penalty upon his acceptance of the agreement.) In this regard, see also:(Bousguia, "New Transformations in Algerian Procedural Law, 2026, p. 55)

B- Prior Admission vs. Criminal Mediation System

The mediation system is one of the alternatives to public prosecution that intersects with prior admission in the element of "consent," but they differ in purpose and legal effect:

-In terms of the Core Objective:

Criminal mediation primarily aims at "redressing the victim's harm" and reconciliation as an alternative to prosecution, often ending with the termination of the public prosecution without a formal conviction. In contrast, the prior admission system aims at "imposing a penalty" through an expedited path; it inevitably ends with a conviction judgment and the recording of a criminal record, making it a penal system par excellence rather than a mere procedural reconciliation mechanism.

-In terms of the Effect on the Criminal Record:

Successful mediation generally does not result in an entry in the judicial record. Meanwhile, a judgment rendered based on prior admission produces all its legal effects and is recorded in the accused's criminal record. This confirms that the legislator in Law No. 25-15 intended for prior admission to be a means of "flexible punishment" rather than a means of exemption from criminal liability (Samir, Ben Ali Samir, op. cit, p. 215)see also: (Mohammed Mahda, op. cit., p. 135.)

C-Functional Analysis of this Distinction

The legislative separation between these concepts reflects the legislator's desire to create a "procedural hierarchy." If the offense is minor and aimed at reform, mediation is the path. If the offense is established, the accused admits to it and wishes to avoid lengthy procedures, prior admission is the alternative. However, if the dispute persists regarding the facts, the traditional trial remains the rule and

the guarantee. This diversity grants Algerian criminal policy superior flexibility in managing judicial flows and achieving prompt justice in the public interest.(Ammar Boudiaf, op. cit., p. 465.)see also:(Djillali Baghdadi, op. cit., p. 195.)

2.1- The Legal Scope for Implementing the Prior Admission of Guilt System

The implementation of the "Appearance based on Prior Admission of Guilt" system is not absolute; rather, the legislator has restricted it in Law No. 25-15 with objective and personal controls. These aim to ensure a precise balance between the requirements of judicial efficiency and the protection of public order, which we will detail in the following two sub-sections:

1.2.1-Material Scope (Qualitative Criteria for Crimes and Statutory Exceptions)

The legislator defined the scope of application for this system by limiting the crimes that accept "procedural consensus" and excluding specific categories by text of law, according to the following regulations:

A-Limiting the System to "Misdemeanor Matters":

Pursuant to Article 539, the legislator restricted the Public Prosecutor's ability to resort to this procedure exclusively to "misdemeanor matters". Consequently, felonies (Crimes) are excluded due to their gravity, and summary offenses (Contraventions) are excluded due to the futility of the procedure therein. However, this limitation to misdemeanors is not absolute; Article 540 restricted it by the "prescribed penalty" criterion, as the procedure is prohibited for misdemeanors whose maximum prescribed penalty exceeds five (5) years of imprisonment.(Review the provisions of Article 539 and Article 540 (Paragraph 1) of the aforementioned Law No. 15-25. Setting a 'five-year' ceiling as the maximum penalty excludes 'aggravated misdemeanors' from the scope of the Pre-trial Guilty Plea system (Admission of Guilt). This reflects the legislator's intent to restrict this system to petty and medium-level offenses.)

B-Explicit Statutory Exceptions:

In Article 540, the legislator excluded categories of crimes despite being "misdemeanors," due to considerations relating to public order or the protection of vulnerable groups, namely:



C- Misdemeanors affecting State Security and National Unity

(Article 540 (Paragraph 2) refers to Chapters (1, 2, 3, 4) of Part I, Book III of the Penal Code. These crimes involve: Felonies and Misdemeanors against State Security (Treason, Espionage, Undermining State Authority and National Unity); , and crimes of participation in Insurrectionary Movements. By virtue of the referral in Article 540,; even if these acts are classified as 'misdemeanors', they remain excluded from the 'Pre-trial Guilty Plea' system (Admission of Guilt) due to their political and social gravity.).

D-Misdemeanors excluded under Article 85 (Paragraph 4):

The legislator in Article 540 (indent 3) excluded the misdemeanors specified in Article 85 (paragraph 4) from the scope of prior admission of guilt. Upon examining this referral, we find that the legislator intended to exclude complex economic and financial crimes, as well as organized crimes falling under the jurisdiction of "Specialized Judicial Poles," from the circle of "procedural negotiation." This exclusion is justified by the fact that these crimes, by their nature, require in-depth and complex investigations led by specialized judicial poles and cannot be resolved by a "simple admission." The supreme interest of the State in these crimes necessitates uncovering the truth in all its details and ensuring the recovery of criminal proceeds, which may conflict with the "speed" and "abbreviation" that characterize the prior admission system.(Review the provisions of Article 540 (Paragraph 3). The referral to Article 85 (Paragraph 4) encompasses crimes falling within the jurisdiction of the 'Specialized Criminal Poles' (Poles JudiciairesSpécialisés),; given their complexity or their threat to the national economy. It is noted that through this exception, the Algerian legislator prevents the 'Pre-trial Guilty Plea' system from becoming a means of 'bargaining' in corruption or money laundering crimes,; emphasizing the necessity of subjecting this category of offenses to a full public trial to ensure both general and specific deterrence".)

E-Misdemeanors committed against children or against persons suffering from vulnerability:

resulting from age, disability, or pregnancy; this is to protect the victims of these crimes from any pressure that might be exerted upon them within the framework of consensual settlement.(Article 540

(Paragraph 4) stipulates the exclusion of: 'Misdemeanors committed against children, or those facilitated by the victim's vulnerability...'. It is noted here that the Algerian legislator has adopted a 'protective' approach; a defendant accused; of crimes against childhood or persons with special needs cannot benefit from the privilege of 'Consensual Sentencing' (Plea Bargaining). This is due to the heinousness of the act against groups that require double legal protection.)

F- Misdemeanors subject to special prosecution procedures:

These are crimes for which the legislator has designated exceptional methods for investigation or trial that are inconsistent with the nature of prior admission.(Article 540 (The Last Paragraph) refers to: 'Misdemeanors subject to special prosecution procedures'. These are defined as offenses requiring specific legal; measures to initiate or conduct public prosecution, such as crimes requiring a prior complaint or special authorization (Leave to Prosecute), or those following cross-border investigation tracks.)

2.2.1-Personal Scope and Procedural Safeguards of Consent

The law has established restrictions regarding the status of the accused and the manner in which their admission is issued, to ensure that this path is optional and informed:

A- Essential Requirements for the Admission:

Article 539 stipulates that the admission must be "explicit and unambiguous." This means that mere implicit or vague acknowledgment is insufficient to initiate the "Appearance based on Prior Admission" process. The admission here is the "cornerstone" upon which the agreement minutes are built, and it must encompass the criminal facts in all their details and legal characterization.

-Explicit and Unambiguous Confession

It is the admission that leaves no room for interpretation, covering both the material act (Actus Reus) and the criminal intent (Mens Rea). The Constitutional Court, in its Decision No. 02/D.C.C/R/2025,; affirmed the constitutionality of this provision, as it guarantees the protection of the defendant's right against self-incrimination, making the defendant's 'unilateral will' the basis for the procedural legitimacy.)



B-The Guarantee of "Legal Counsel" and Freedom of Communication:

The legislator has rendered the presence of a lawyer "mandatory" throughout all stages of the procedure (Articles 540 et seq.). The law did not settle for mere presence; Article 542 stipulates placing the case file at the lawyer's disposal and enabling them to communicate with the accused "freely and in private."

This safeguard aims to ensure that the accused's acceptance of the proposed penalty (which may reach half of the maximum limit pursuant to Article 541) is a decision based on sound legal advice, preventing the prosecution's authority from overpowering the accused's will.**(Article 542 (The Last Paragraph) stipulates:** 'A copy of the procedural file shall be placed at the disposal of the defense counsel, who may communicate freely with the defendant...'. This provision is considered one of the strongest guarantees of a 'Fair Trial' within consensual procedures; the lawyer here is not merely an 'observer,' but a 'procedural partner' who examines the prosecution's file before responding to the penalty proposal within the five-day grace period granted under the same article.)

2-Procedural Requirements and Judicial Oversight of the Agreement

The procedural path of the "Appearance based on Prior Admission of Guilt" system constitutes an explicit departure from the traditional patterns of criminal litigation; as the legislator replaced "adversarial confrontation" in the trial session with "procedural consensus" in the prosecution's office. This path passes through two decisive stages: the "penalty proposal and acceptance" stage before the Public Prosecution, and the "judicial oversight" stage before the trial court to ensure legality and prevent the prosecution's authority from tyrannizing the accused. We will detail this in the following two sections:

1.2-Procedures for Sentence Proposal and Acceptance Regulations

The system of "Appearance based on Prior Admission of Guilt" is a procedural mechanism based on the principle of "criminal consensus" between the Public Prosecution and the accused, through which the legislator aims to alleviate pressure on trial courts and establish the concept of "prompt justice" This process begins with the

initiative of the Public Prosecutor, who possesses the authority to "formulate the penal offer," countered by strict procedural safeguards that ensure the accused exercises their right to defense away from any procedural pressure, as detailed in the following two sub-sections:

1.1.2-The Public Prosecutor's Authority in Assessing the Proposed Penalty

Pursuant to Article 541 of Law No. 25-14, the legislator granted the Public Prosecutor a discretionary role that extends beyond merely initiating public prosecution to "defining the features of the proposed penalty." However, this role is governed by mathematical and legal controls to ensure that the essence of deterrence is not compromised. This authority is manifested in the following aspects:

A-Quantitative Controls of the Penalty (Statutory Ceiling System):

The legislator established numerical limits that the Public Prosecutor may not exceed when offering a penalty. In the case of imprisonment, or both imprisonment and a fine, it is required that the proposal does not exceed half of the maximum penalty prescribed by law for the misdemeanor. This limitation is considered a "procedural privilege" granted to the accused in exchange for their admission. Conversely, in the case of proposing a fine alone (as an alternative to imprisonment), the legislator ensured that its amount is not less than two-thirds ($\frac{2}{3}$) of the maximum limit; the purpose of this financial rigor is to ensure the effectiveness of the fine as a deterrent tool that compensates for the absence of a custodial sentence, aligning with modern criminal policy trends in activating substantial financial penalties in exchange for simplifying procedures (Aymen, 2025, p. 364).

B-Power of Individualization and Proposing Sentencing Alternatives:

The Public Prosecutor's authority is not limited to determining the amount of the penalty but extends to include "individualization of execution." They may propose suspending the execution of the sentence entirely or partially, or propose replacing effective imprisonment with an "alternative penalty" such as community service. This expansion of powers allows the Public Prosecution to consider the accused's personal circumstances, a trend adopted by



Latin systems to reduce the negative effects of short-term imprisonment. For this offer to be valid, it must be recorded in an official minute (procès-verbal) containing a precise description of the facts and their correct legal characterization, to serve as a reference for the judge during validation. (Bouat, 2025, p. 53)

2.1.2-Reflection Period and "Informed Consent" Guarantees

For the admission to produce its legal effects, it must be characterized by "voluntariness" and "certainty." To achieve this, the legislator, in Article 542, surrounded the accused's will with a legal environment that protects them from haste, through two primary mechanisms:

A-The Reflection Period and the Accused's Legal Status:

The legislator granted the accused or their lawyer a maximum period of five (5) days to respond to the prosecution's proposal. This period allows the accused to comprehend the consequences of their admission and its impact on their legal status. If ensuring the accused's appearance is necessary, they are presented before the head of the judicial body, who alone possesses the authority to order their placement in pre-trial detention for a period not exceeding twenty (20) days. This safeguard prevents the Public Prosecutor from exercising any pressure through detention, as the power to deprive liberty remains in the hands of the trial judge, a principle reaffirmed by the Constitutional Court in its Decision No. 02/P.M.D/R.D/2025 regarding the separation between prosecution and trial authorities. (Al-Shahat, 2025, p. 351)

B-The Right to Defense and Comprehensive Access to the Proceedings File:

The legislator mandated placing a copy of the proceedings file at the disposal of the lawyer, while enabling them to communicate with their client freely and in private. The importance of this "access" lies in allowing the defense to assess the "weight of the evidence"; the lawyer here exercises a strategic advisory role, comparing the strength of the evidence against the proposed penalty. Comparative jurisprudence emphasizes that the defense's lack of access to the file at this stage nullifies the admission, as it would be an admission based on ignorance of the legal status, which contradicts the principle of

"equality of arms" in criminal litigation. (Jean-Claude Marin, 2025, p. 112)

2.2- Judicial Oversight of the Agreement Minutes and its Effects

The agreement concluded between the Public Prosecution and the accused does not acquire its binding legal force upon mere signature; rather, it remains a "draft agreement" contingent upon a fundamental condition, which is "Judicial Validation." In Law No. 25-14, the legislator introduced a supervisory role for the trial judge aimed at verifying the legality of the procedure and ensuring that the rights of the parties are not compromised, as detailed in the following two sub-sections:

1.2.2- Validation Procedures and the Scope of the Trial Judge's Authority

Once the accused accepts the offer, the Public Prosecutor draws up minutes (procès-verbal) containing the essential data (identity, facts, admission, and the proposed penalty) and immediately refers the accused to the judge pursuant to Article 544 of the Code of Criminal Procedure. Here, the judge exercises a "triple-dimensional oversight" under Article 545 of the same law as follows:

A-Verifying the Consensual and Factual Element:

The judge must ensure that the accused's admission to the facts attributed to them was explicit, clear, and voluntary, and that this admission finds its basis in the case file. The judge here is not merely a "notary" of the agreement, but rather an examiner of the extent to which the admission corresponds to the material truth, and they may interrogate the accused to ensure the absence of any pressure or coercion. (Yacine Aymen, op. cit., p. 351.)

B-Oversight of Legality and Legal Characterization:

The scope of oversight extends to include examining the "legal description" (characterization) of the acts. If it appears to the judge that the characterization adopted by the Public Prosecutor is incorrect, or that the proposed penalty exceeds the ceilings stipulated in Article 541 of Law No. 25-14, they must refuse the validation. Jurisprudence emphasizes that the judge's authority here is a "power of examination and scrutiny" that prevents consensual justice from turning into a means of circumventing the principle of the legality of crimes and punishments. (Mohammed Bouat, op. cit., p. 54)



Third: Adjudication of Civil Rights:

Pursuant to Article 545 of the same law, the legislator mandated the necessity of hearing the victim or the civil party (if present) and submitting their claims for compensation. The judge adjudicates these claims within the validation judgment itself, ensuring "redress of harm" for the victim within a single procedural path. This trend enshrines the values of restorative justice, which aims to terminate the dispute in both its criminal and civil aspects together.(Hatem Abdel Rahman Mansour El-Shahat, op. cit., p. 351.)

2.2.2- Effects of Refusal and the Probative Force of the Validation Judgment

The Algerian legislator has attached decisive effects to the outcomes of this procedure, aimed overall at protecting the legal status of the accused and the stability of judicial rulings:

A-The principle of "Procedural Immunity" in Case of Refusal:

Article 548 of Law No. 25-14 constitutes the major guarantee for the accused; in the event the judge refuses to validate the agreement, or if the accused withdraws their acceptance, the minutes must be mandatorily withdrawn from the case file, and its use as evidence or even as a presumption against them in any subsequent ordinary trial is prohibited. This "procedural erasure" aims to encourage defendants to negotiate without fear that their honesty or admission will be used against them if the settlement fails—a well-established principle in Latin systems to protect the presumption of innocence. (Al-Qadi, 2010., p. 380)

B-Res Judicata of the Judgment and the Appeals System:

The validation judgment is considered a conviction judgment and possesses the force of an executive title (enforcement order) immediately upon its pronouncement, pursuant to Article 547 of Law No. 25-14. Despite its consensual nature, the legislator did not deprive the accused of the right to appeal; an appeal (Appel) before the Judicial Council is permitted within the legal deadlines specified in Article 545 of the same law, provided that the appeal is limited to the "legality of the procedure" or the "validity of the admission." To ensure efficiency, the legislator mandated the Judicial Council to adjudicate the appeal within two months if the accused is in custody, emphasizing the philosophy of "speed" upon which this system was

founded. (Yacine Aymen, op. cit., p. 353) It is also recommended to review the provisions of Article 546 of Law No. 14-25 regarding the two-month deadline for ruling on the appeal.)

Conclusion

This analytical study has demonstrated that the system of "Appearance based on Prior Admission of Guilt" under Law No. 14-25 represents a fundamental shift in the structure of Algerian criminal litigation. The legislator has adopted "Consensual Justice" as a legal alternative to transcend the classical "adversarial litigation" model, aiming to expedite proceedings and achieve "procedural efficiency" while maintaining full commitment to "fair trial" guarantees. From a legal standpoint, we support this legislative trend which replaces the "traditional procedural path" with "penal consensus," transforming the accused into an active party in resolving the public prosecution. However, the success of this system remains contingent upon objective judicial oversight that ensures rights are not compromised under the pretext of speed.

-Main Findings:

- **The Probative Force of the Procedural Agreement:** This system creates a "consensual conviction" that restricts the judge's discretionary power; the judge is bound by the agreed-upon penalty as long as it meets legal requirements.
- **Informed Consent as a Validity Criterion:** The accused's admission is a "legal procedural act" that produces no effects unless it stems from free will and full awareness, guaranteed by the mandatory presence of legal counsel.
- **The Effectiveness of Procedural Nullification:** Article 548 strictly protects the "Presumption of Innocence"; if validation fails, admission minutes must be withdrawn and cannot be used as evidence, ensuring court neutrality.
- **Modernizing Penal Policy:** This system is an ideal mechanism for activating alternatives to custodial sentences and the individualization of punishment, reducing overcrowding in correctional institutions.

-Recommendations and Proposals:

- **Raising the Maximum Penalty Threshold:** We recommend increasing the penalty limit for misdemeanors eligible for this



procedure to seven (7) years instead of five to further alleviate court congestion.

- **Linking the Agreement to Victim Compensation:** We suggest making "victim restitution" a mandatory condition for the procedure to ensure that victim rights are not overlooked.
- **Expanding the Scope to Financial Crimes:** We recommend allowing this system in certain corruption crimes, provided the accused offers substantial information to help recover looted funds.
- **Granting Judicial Authority to Mitigate Penalties:** We suggest enabling the judge to reduce an agreed-upon penalty if it is found excessive, without rejecting the entire agreement.
- **Digital Documentation:** We recommend audio-visual recording of the sessions where the accused accepts the penalty to prevent subsequent claims of coercion.
- **Judicial Specialization:** We suggest designating specific judges to handle "prior admission" files to ensure the unification of judicial practice.

In conclusion, the system of prior admission of guilt in Algerian legislation is an embodiment of "Flexible Criminal Policy." It is disciplined in its objectives for efficiency and rigorous in its legal controls for rights. Its success remains a trust in the hands of judicial practice, ensuring that justice remains the ultimate goal.

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