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UPDATES ON THE JUDICIAL INVESTIGATION INTO LAW N°. 24-15 ON CRIMINAL PROCEEDINGS

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Abstract

This research aims to provide a comparative and in-depth analysis of the fundamental amendments introduced by the new Law No. 25-14 on criminal procedure, particularly with regard to the powers and functions of both the investigating judge and the Indictment Division within the Algerian judicial system.

The investigating judge and the Indictment Division, in its capacity as the highest supervisory authority, form the cornerstone of the judicial investigation phase. The investigating judge is entrusted with the task of seeking and gathering evidence in criminal cases, whilst the Indictment Division represents a higher supervisory and judicial level.

Keywords: Updates, Criminal Procedure Law 25-14, investigating judge, Indictment Chamber.

Introduction

The preliminary investigation and the Indictment Chamber represent two essential stages in criminal procedure law to ensure the proper administration of justice. The investigating judge, as an individual investigative authority, conducts inquiries and gathers evidence to interrogate the accused. In contrast, the Indictment Chamber is a higher judicial body within the Court of Appeal that oversees the legality of the investigating judge's procedures, rules on appeals against orders, and refers felony cases for prosecution.

Accordingly, this study addresses the most significant developments introduced by Law N°. 25-14 on Criminal Procedure, including but not limited to the following:

Reform of the statute of limitations: extending the limitation period for felonies to 15 years, regulating limitation periods for

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misdemeanors according to specific calculations, and stipulating that terrorist crimes and corruption-related offenses involving the smuggling of proceeds are not subject to limitation.

Strengthening individual freedoms : reinforcing the exceptional nature of pre-trial detention and expanding the scope of two-tier litigation (appeal) in all criminal cases.(Pradel, J. 2023 p244)

Restorative justice and alternatives : introducing criminal mediation as an amicable mechanism for minor offenses, and establishing "prior admission of guilt" (immediate appearance) to expedite case resolution.

Combating corruption and financial crimes : establishing a national agency for managing seized, frozen, and confiscated assets, and expanding the powers of the public prosecution to trace criminal proceeds.

Modernization of procedures: simplifying procedures through digitization, reorganizing specialized criminal divisions, and reducing the number of jurors in the criminal court.(Zerouki, F. 2021 P83).

Thus, Law No. 25-14 seeks to create a balance between protecting litigants' freedoms and ensuring the effectiveness of criminal policy in addressing modern crime. This raises the following research question: What are the main developments in judicial investigation under Law No. 25-14 in light of contemporary legislative transformations?

To answer this question, the study is divided into two main parts: Part One concerns developments relating to the investigating judge under Law No. 25-14, and Part Two concerns developments relating to the Indictment Chamber under the same law.

Part One: Developments Concerning the Investigating Judge under Law No. 25-14

The new Criminal Procedure Law introduces significant developments affecting the duties, powers, and procedural timelines related to the investigating judge, particularly concerning requests submitted before him and matters related to pre-trial detention.

1. General Provisions

The general provisions of Law No. 25-14 introduce new rules concerning the investigating judge. The investigating judge may request assistance from public officials, agents, administrative bodies, and public services entrusted with certain judicial police duties,

whereas previously this was limited to forestry services. The territorial jurisdiction of the investigating judge is determined by the place where the offense was committed, the residence of the accused or suspect, or the place of arrest, unless otherwise provided by law or regulation. The investigating judge is also granted the authority to seize assets derived from or used in the commission of a crime throughout the proceedings, either on his own initiative or upon request from the public prosecution. (Buisson, J.2023)

1.1 Rationalization of the Initiation of Judicial Investigation

The legislator maintains two methods for referring cases to the investigating judge : either through an introductory request to open an investigation issued by the public prosecutor, or through a complaint accompanied by a civil claim. A key reform concerns the restructuring of complaints with civil claims. Such complaints are now admissible before the investigating judge only if the facts are not already pending before a court, and if the complainant proves that a prior complaint was submitted to the public prosecutor regarding the same facts and persons, and that four months have passed without action or that the complaint was dismissed.(Zerouki, F. 2021).

Previously, direct recourse to the investigating judge was almost unrestricted, which sometimes overburdened investigating judges with cases not subject to prior prosecutorial assessment. This reform aims to reinforce the primary role of the public prosecution in deciding whether to initiate public proceedings, to rationalize procedures by preventing abusive or malicious use of direct civil claims, and to reduce caseload pressure by ensuring that cases reach judicial investigation only after prosecutorial screening. In addition, the public prosecutor may request the dismissal of investigative proceedings for complaints filed against persons subject to special legal procedures.

1.1.1 Expanded Investigative Powers and Procedural Safeguards

The effectiveness of judicial investigation depends on granting the investigating judge broad powers, balanced by strict procedural safeguards to protect defense rights and fundamental freedoms.

With regard to the interrogation of the accused, the law establishes guarantees during the first appearance, including verification of identity, explicit notification of the charges and applicable legal provisions, and informing the accused of the right to

remain silent. The accused must also be informed of the right to choose a lawyer, with time granted for this purpose, or a lawyer appointed if requested. The lawyer may, with the judge's permission, submit observations during questioning, which must be recorded or appended to the report, even if rejected. The accused may also consent to being notified via email or phone and must inform the judge of any changes in contact details. This represents a significant shift from the previous system, where the defense could not intervene during the first appearance.

Regarding contact with a detained accused, the investigating judge may prohibit certain persons from visiting the accused for up to ten days, but this prohibition never applies to the accused's lawyer. Lawyers for both the accused and the victim may also present observations or ask questions with the judge's authorization and under supervision, and such exchanges must be recorded.

In felony cases, a comprehensive final interrogation of the accused is mandatory before closing the investigation.

With respect to judicial orders, the legislator has maintained orders such as the summons order, arrest warrant, and detention order, while introducing procedural adjustments. In the case of a summons order, if the accused is outside the territorial jurisdiction, they are brought before the competent public prosecutor, who verifies identity, records statements, and forwards them to the issuing judge, who may request transfer or allow release with voluntary appearance.

As for the arrest warrant, new conditions require that the accused be a fugitive or outside national territory, and that the offense be punishable by imprisonment or a more severe penalty. The accused is now brought before the competent public prosecutor rather than directly to a correctional institution. The prosecutor may transfer the accused to the issuing judge, temporarily detain them if immediate interrogation is not possible, or release them if the warrant is no longer valid or has already been executed.

Finally, regarding the personal liberty of the accused, the legislator reaffirms that the principle is freedom during the investigation, subject primarily to judicial supervision and, only exceptionally, to pre-trial detention. The provisions relating to judicial supervision have been maintained with some amendments, including extending the obligation to reside in a designated place to all offenses

and requiring courts to rule on such obligations upon referral. The provisions on pre-trial detention have also been reorganized to emphasize its exceptional nature and clarify the conditions governing its application.

Pre-trial detention is considered an exceptional measure resorted to by the investigating judge during the judicial investigation. The legislator has surrounded it with a set of mandatory procedural safeguards. What is considered new under the Criminal Procedure Law mainly concerns its duration, which we shall classify as follows:

The accused who benefits from an acquittal may request the judicial authority that issued the judgment to publish it in any manner it deems appropriate at the expense of the complainant.

1.1.2-Precautionary Measures Affecting Assets, Property, and Criminal Proceeds

In light of the circumstances experienced by Algeria in recent years, the Algerian legislator addressed the shortcomings that characterized the repealed Criminal Procedure Code regarding the preservation of assets, property, and criminal proceeds, and the prevention of their transfer or concealment pending resolution of the dispute. This was achieved by granting the investigating judge the authority, after the opening of a judicial investigation, to order the seizure and/or partial or total freezing of property, assets, and criminal proceeds in cases involving prosecution for any of the following offenses :

Drug trafficking and psychotropic substances offenses; smuggling offenses; human trafficking offenses ; organ trafficking offenses; migrant smuggling offenses ; kidnapping offenses ; unlawful speculation offenses ; money laundering offenses ; terrorism financing and financing the proliferation of weapons of mass destruction; corruption offenses ; violations of legislation relating to foreign exchange and cross-border capital movements ; violations of monetary and banking legislation ; tax evasion and tax fraud offenses ; terrorism offenses; and crimes related to information and communication technologies.(Ziani,2020, p.78)

The investigating judge may issue orders either extending or lifting such precautionary measures, or may issue such orders for the

first time, whether upon request or on his own initiative according to the requirements of the investigation.

Jurisdiction to adopt any measure relating to precautionary procedures belongs to the investigating judge once the judicial investigation has been opened. Exceptionally, the president of the court may intervene in cases involving objections or requests to use part of the accused's funds to cover essential personal needs, the needs of his family and dependents, or any other necessary.

and legitimate purposes. This exception may be limited to this specific situation for the following reasons :

• Paragraph 4 of Article 52 of Law No. 25-14 on Criminal Procedure provides : "He may…," while paragraph 5 follows as an exception to the preceding paragraph.

• Requests to use part of the accused's funds for essential and legitimate purposes are situations in which the president of the court may intervene without the need to examine the investigation file or delve into the substance of the facts under investigation by the investigating judge. On the one hand, this preserves the confidentiality and integrity of the investigation ; on the other hand, it avoids any conflict between judicial orders issued in the case.

1.2 Appeals Against Orders Issued by the Investigating Judge

The legislator maintained all provisions relating to the dispositive orders issued by the investigating judge, as well as the rules governing appeals against such orders. However, two new situations concerning appeals were introduced:

• The witness may appeal the order issued by the investigating judge imposing a fine for failure to appear after being summoned (Article 172 of the same law).

1.2.1 Time Limits

Within Law No. 25-14 on Criminal Procedure, the legislator introduced new procedural time limits, particularly regarding applications, the deadlines for appealing before the Indictment Chamber, and the procedures for referral thereto. All such time limits will be summarized in the table below.

Article	Concerned Parties	Time Limit for Appeal	Time Limit for Decision	Subject Matter
239	Partis (through notification by the Indictment Chamber)	No direct appeal, but notification to the Indictment Chamber	Must be decided within 8 days	Order rejecting a request for an expert examination submitted by the parties
250	Litigants / Parties	No direct appeal, but notification to the Indictment Chamber	The judge must issue a reasoned order within 30 days; otherwise, the concerned party may notify the Indictment Chamber within 10 days	Order rejecting a request for supplementary or counter expert examination
52	Parties	Appealable within 3 days from the date of notification	Issued by the investigating judge at any stage of the investigation	Seizure and freezing measures
191, 192	Public Prosecutor or accused	3 days from the date of issuance of the order	Issued after interrogation of the accused and confirmation that the offense constitutes a misdemeanor or felony punishable by imprisonment	Detention order (Order of Placement in Detention – Dépôt
162	Accused, victim, civil claimant, Public Prosecutor, and any person claiming rights over the object	10 days from notification of the order	The judge issues the order after receiving observations within 3 days from notification	Order concerning restitution of seized objects

1.2.1.1 Orders Relating to Judicial Supervision and Pre-Trial Detention

Article	Concerned Parties	Time Limit for Appeal	Time Limitfor Decision	Subject Matter
199, 268	Accused, Public Prosecutor	3 days from notification of the order	The judge must decide on the accused's request within 15 days; otherwise, the Indictment Chamber may be notified	Order lifting judicial supervision
201, 268	Accused, Public Prosecutor	3 days from notification of the order	The accused shall be notified orally of his rights	Order of pre-trial detention
203, 204, 268	Accused, Public Prosecutor	3 days from notification of the order	Issued before the expiry of the original detention period	Order extending pre-trial detention
207, 208	Public Prosecutor	3 days from issuance of the order (only in case of refusal by the Public Prosecutor)	Request by the Public Prosecutor: decision within 48 hours; request by the accused: decision within 8 days	Release order (whether automatic or discretionary)

1.2.1.2 OrdersRelating to the Closure of the Investigation

Article	Concerned Parties	Time Limit for Appeal	Time Limit for Decision	SubjectMatter
259, 266, 269	Public Prosecutor, victim, and civil claimant	3 daysfrom notification	Issueduponcompletion of the investigation	Orderdismissingproceedings (No case to answer / Dismissalorder)
260, 266	Public Prosecutor	3 daysfromissuance of the order	Issueduponcompletion of the investigation	Referralorder to the court (misdemeanors or contraventions)
262, 266	Public Prosecutor	3 daysfromissuance of the order	Issueduponcompletion of the investigation	Ordertransmitting the file to the Prosecutor General (felony cases)

1.2.1.3 Orders Relating to Jurisdiction

Article	Concerned Parties	Time Limit for Appeal	Time Limit for Decision	Subject Matter
153, 268, 269	Accused, victim, civil claimant, Public Prosecutor	3 days from notification of the order	Issued at any stage of the investigation	Order declaring lack of jurisdiction

2: Developments Concerning the Indictment Chamber under Law No. 25-14 on Criminal Procedure

The Indictment Chamber is considered a higher judicial body during the pre-trial stage. The new law has reinforced its dual role : on the one hand, it acts as an appellate body for orders issued by the investigating judge ; on the other hand, it serves as an effective supervisory authority over judicial investigations and the judicial police in order to ensure the legality of procedures and compliance with the law.(Saad, 2022،p213)

2.1 - Composition

Pursuant to Article 272, at least one Indictment Chamber shall be established within each Court of Appeal and shall be appointed for a period of three (3) years by decision of the Minister of Justice. Thus, the legislator maintained the same system that existed under the repealed law.

2.2- Supervisory Function over Investigations

Under Article 300, the Indictment Chamber exercises close supervision over the conduct of investigative procedures carried out by investigating judges within its territorial jurisdiction. It verifies, in particular, compliance with the legal provisions relating to time limits for pre-trial detention in order to prevent any unjustified excesses.

This dual appellate and supervisory jurisdiction grants the Chamber a central role in ensuring the quality and fairness of procedures before cases are referred to trial courts.

2.2.1The Indictment Chamber as an Appellate Authority

The possibility of appealing orders issued by the investigating judge before the Indictment Chamber constitutes a fundamental safeguard for the accused and the other parties to the proceedings. It enshrines the principle of two-tier litigation during the judicial investigation stage, thereby allowing the review of the investigating judge's decisions in terms of both legality and appropriateness. Several amendments were introduced in this regard, including:

- The addition of crimes against State security to the category of terrorist, subversive, and transnational crimes for which the Indictment Chamber must render its decision within a maximum period of eight (8) months pursuant to Article 294.
- Powers of the Chamber : when examining appeals, the Chamber enjoys broad powers, including affirming, annulling, or amending the appealed order. For example, it may order the release of a detained accused, place an accused under judicial supervision, or even annul an order dismissing proceedings and order the continuation of the investigation. These powers make the Indictment Chamber an effective and direct judicial supervisory authority over the decisions of the investigating judge, powers that the legislator maintained under Law No. 25-14 on Criminal Procedure.
- The legislator abolished the grievance procedure previously provided for in cases where the investigating judge rejected a request for restitution of an object placed under judicial authority. The concerned party may now directly appeal the order refusing restitution under Article 162.
- The investigating judge may no longer dispose of the case file until the Indictment Chamber issues its decision regarding requests submitted by the public prosecution, the parties, or their lawyers concerning the appointment of an expert, pursuant to Article 239 paragraph (4).
- The legislator reduced certain time limits granted to the Indictment Chamber from thirty (30) days under the previous law to twenty (20) days in the following situations :
- Appeals against orders refusing to hear statements from the victim or the accused, hear a witness, or conduct an inspection.

- Appeals against orders refusing to appoint an expert by the investigating judge.
- The legislator also fixed a period of eight (8) days for the Indictment Chamber to decide on applications relating to bail orders.

2.2.3 Referral in Felony and Misdemeanor Cases and the Issue of Appeal before the Supreme Court

The Indictment Chamber plays a decisive role in filtering felony cases before their referral to the Criminal Court. Considerable debate arose concerning the impossibility of appealing its referral decision before the Supreme Court, a principle maintained under the new law and supported by the interpretation of the Constitutional Court.

3.Referral Decision

Pursuant to Article 295, the referral decision issued by the Indictment Chamber must contain a detailed statement of the facts forming the subject matter of the accusation, their precise legal characterization, as well as the applicable legal provisions, failing which the decision shall be void.

3.1. Principle of the Inadmissibility of Appeal before the Supreme Court

Article 652 expressly provides that no appeal before the Supreme Court shall be admissible against decisions of the Indictment Chamber referring cases to the Criminal Court, the Misdemeanor Court, or the Contraventions Court. The Constitutional Court based this interpretation on a precise doctrinal distinction between a procedural decision and a judicial ruling deciding the merits of the case. It supported this principle on the following grounds :

- Nature of the decision : the referral decision is a judicial procedural measure intended to bring the case before the trial court ; it is not a judgment deciding guilt or innocence, since the Indictment Chamber does not rule on the merits.
- Nature of cassation appeals : an appeal before the Supreme Court is not considered a degree of litigation, as the Supreme Court is a “court of law” rather than a “court of facts.”
- Guarantee of two-tier litigation : the accused’s right to two levels of litigation is fully guaranteed after referral through trial before the

Criminal Court of First Instance and the right to appeal before the Appellate Criminal Court.

Through this justification, the legislator considered that this restriction serves procedural efficiency and prevents unnecessary prolongation of pre-trial proceedings without undermining the fundamental guarantees of the accused.

3.2Third : Supervision of Judicial Police Officers

The new law did not overlook the importance of judicial supervision over the work of judicial police officers, as they are the first authorities to undertake procedures against suspects. This sensitive task was entrusted to the Indictment Chamber in order to ensure their full compliance with the law during the gathering of evidence and the execution of judicial commissions.

3.3. Mechanism of Supervision

Pursuant to Articles 302 and 303, the Indictment Chamber exercises supervision over judicial police officers and agents. It may be seized of alleged misconduct either by the Public Prosecutor or directly by its President, thereby ensuring continuous oversight of their activities.(Buisson, J., &Desportes, F. 2023)

The legislator therefore extended this supervisory mechanism to judicial police agents, whereas previously it was limited solely to judicial police officers. This broadens the scope of the Chamber's supervision to include all persons exercising judicial police functions.

3.4 Disciplinary Sanctions

Where misconduct is established, the Indictment Chamber, pursuant to Article 305, has the authority to impose effective disciplinary sanctions against the offending officer according to the seriousness of the violation, including :

- Issuing observations or warnings.
- Temporary suspension from exercising judicial police duties.
- Permanent withdrawal of judicial police status.

This mechanism reinforces the supervisory role of the Indictment Chamber and establishes it as a guardian of procedural legality from the earliest stages of proceedings, thereby ensuring the protection of individual rights during the investigation and inquiry phase.

The legislator also introduced, within the chapter relating to the Indictment Chamber, the possibility for the latter to use electronic means for summonses, notifications, and service of documents

provided for under this chapter, provided that the concerned parties expressly consent thereto, in addition to the other means stipulated by law.

Conclusion

It may be concluded that the new Law No. 25-14 on Criminal Procedure introduced substantial and significant amendments to the role and functions of both the investigating judge and the Indictment Chamber as an appellate and supervisory authority over investigative acts. These amendments focused primarily on :

Accelerating procedures through the reduction of time limits granted for ruling on certain requests submitted by the parties.

Strengthening defense rights by establishing additional safeguards, such as allowing observations by counsel and modernizing notification procedures through the inclusion of electronic means.

More precise regulation of procedures, particularly through the introduction of a time requirement for the admissibility of complaints accompanied by a civil claim, with the aim of better organizing the conduct of public proceedings.

While the new law preserves the fundamental principles governing the judicial investigation stage, such as the mandatory nature of investigation in felony matters and the authority of the investigating judge to seek the truth, the new amendments constitute an important step toward achieving faster and more effective justice while providing broader guarantees for litigants.

References :

Books:

- Bousqiâa, A. (2023). Code de procédure pénale algérien commenté. Dar Houma.
- Buisson, J., & Desportes, F. (2023). Procédure pénale (29th ed.). Dalloz.
- Delmas-Marty, M., & Spencer, J. R. (Eds.). (2002). European criminal procedures. Cambridge University Press.
- Merle, R., & Vitu, A. (2001). Traité de droit criminel : Procédure pénale (7th ed.). Cujas.
- Pradel, J. (2023). Précis de procédure pénale (21st ed.). Cujas.
- Saad, A. A. (2022). Droit de la procédure pénale algérienne. Dar Houma.
- Van den Wyngaert, C. (Ed.). (1993). Criminal procedure systems in the European Community. Butterworths.
- Zerouki, F. (2021). La détention provisoire dans la législation algérienne. OPU.
- Ziani, M. (2020). Le juge d'instruction et la chambre d'accusation en droit algérien. Dar El Khaldounia.

Legislation

- Law No. 14-25 dated August 3, 2025, containing the Code of Criminal Procedure, *Official Gazette of the People's Democratic Republic of Algeria*, Issue No. 54.
- Ministry of Justice of Algeria. (2025). *Law No. 25-14 relating to the Code of Criminal Procedure*. Official Gazette of the People's Democratic Republic of Algeria.
- Ordinance No. 66-155 dated July 8, 1966, relating to Criminal Procedure, *Official Gazette No. 48* (repealed).

Jurisprudence

- Constitutional Court of Algeria. (2024). Decisions relating to criminal procedure and constitutional guarantees. Official Publications.
- Supreme Court of Algeria. (2023). Criminal chamber jurisprudence relating to judicial investigation and pre-trial detention. Supreme Court Publications.

International Treaties & Reports

- Council of Europe. (1950). *European Convention on Human Rights*. Council of Europe Publishing.
- United Nations. (2004). *United Nations Convention against Corruption*. United Nations Publications.
- United Nations Office on Drugs and Crime. (2009). *Handbook on criminal justice responses to terrorism*. Retrieved from https://www.unodc.org/