Appearance Based on Prior Admission of Guilt : A Comparative Legal Study Under Criminal Procedure No 25-14

نظام المثول بناءً على الاعتراف المسبق بالذنب: دراسة مقارنة على ضوء قانون الإجراءات الجزائية 25-14

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Abstract:

This study analyzes the system of appearance based on prior admission of guilt as a modern procedural mechanism adopted by the Algerian legislator under Law No. 25-14 It aims to clarify the concept of this system and to examine the conditions and procedures governing its application The system seeks to accelerate the adjudication of criminal cases, particularly misdemeanors, and to reduce the burden on judicial authorities، It is inspired by comparative legal experiences, especially Anglo-Saxon systems, while being adapted to national procedural specificities The procedure is based on an explicit and voluntary confession by the accused in exchange for a proposed reduced sentence by the Public Prosecution، Judicial supervision constitutes a fundamental guarantee for the legality of the procedure Its application requires caution to ensure the protection of fair trial guarantees .

key words: Appearance; Prior admission of guilt; Code of Criminal Procedure 25-14.

الملخص

تهدف هذه الدراسة إلى التعريف بنظام المثول بناءً على الاعتراف المسبق بالذنب و بيان شروطه و إجراءات تطبيقه، الذي يندرج ضمن الآليات الإجرائية الحديثة التي اعتمدتها التشريعات الوطنية بهدف تسريع الفصل في القضايا الجزائية لاسيما الجنح و تخفيف العبء عن الجهات القضائية ، و قد أقر المشرع الجزائري هذا النظام بموجب قانون الإجراءات الجزائية 25-14 مستلهما إياه من التجارب السابقة خاصة الأنظمة الأنجلو-سكسونية ، مع تكييفه لخصوصيات النظام الإجرائي الوطني .

يقوم هذا الإجراء على اعتراف صريح و مسبق من المتهم مقابل اقتراح عقوبة مخففة من طرف مثل النيابة العامة تخضع لرقابة القضاء وفق شروط و قواعد يحددها قانون الإجراءات الجزائية لكل دولة حسب خصوصية نظامها الإجرائي ، لكن يظل هذا النظام إجراءً استثنائيا يتطلب تطبيقه الحذر الشديد حتى لا يتحول إلى أداة ضغط على المتهم .

الكلمات المفتاحية المثول، الاعتراف المسبق بالذنب، قانون الإجراءات الجزائية 25-14

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Introduction:

In response to the increasing caseload before the judiciary and resulting delays, national legislations have adopted modern procedural mechanisms to simplify criminal proceedings, expedite case resolution, reduce judicial burden, and encourage acknowledgment of responsibility. These reforms aim to balance the efficiency of justice with the guarantees of a fair trial, particularly the rights of the accused. Among the most prominent is the introduction of procedures based on prior admission of guilt, whose form and organization vary according to the specificities of each legal system.

In response to the evolving nature of criminal behavior, the Algerian legislator, inspired by comparative legal systems, introduced this mechanism under Law No . 25-14 amending the Code of Criminal Procedure. It aims to expedite misdemeanor proceedings based on the accused's explicit confession in exchange for a proposed sentence subject to judicial oversight, while raising questions about balancing judicial efficiency with fair trial guarantees.

The importance of this issue lies in the fact that it touches on the core of modern criminal policy, as an exceptional procedure based on consent and the accused assuming his criminal responsibility in exchange for reducing the burden on the judiciary and accelerating the adjudication of relatively minor cases. Its importance is also highlighted by its recent adoption in Algerian legislation and the practical and legal questions it raises about its suitability to the specificities of the Algerian procedural system and its constitutional guarantees.

This study aims to highlight the legal framework governing the appearance based on prior admission of guilt in Algerian legislation, clarify its conditions of application and legal effects, and identify the safeguards established to protect the accused. It also seeks to assess the extent to which the Algerian legislator has successfully adapted this Anglo-Saxon–origin mechanism to the Latin legal system, through a comparative analysis, particularly with French legislation.

Based on the above, we pose the following question: To what extent has the Algerian legislator succeeded in establishing a habeas corpus system based on prior admission of guilt as an effective mechanism for simplifying criminal procedures, without compromising the guarantees of a fair trial and the rights of the accused compared to other national legislation?

In this study, we relied on the analytical approach in order to analyze the rules approved by the Algerian legislator in the Code of Criminal Procedure related to this procedure, and we supported them with the comparative approach.

To answer the problem, we divided this topic into two sections:

The first requirement -: What is meant by the appearance system based on prior admission of guilt and the conditions for its application

The second requirement:-: Procedures for applying appearance based on prior admission of guilt

The first requirement: The Concept of System of Appearance Based on Prior Admission of Guilt and the Conditions for Its Application

In this section, we will provide an explanation of what is meant by the appearance procedure based on prior admission of guilt in accordance with what Algerian and French jurisprudence and legislation deem necessary, then we will go on to explain its conditions in accordance with what is required by the texts of the Algerian Code of Criminal Procedure 25-14 and some comparative legislation .

First section: The Concept of Appearance Based on a Prior Guilty Plea

Some jurisprudence calls the "appearance system based on prior admission of guilt" the "conviction litigation," while another jurisprudential trend describes it as "confession bargaining." This procedure originally arose within the Anglo-Saxon system and is based on a negotiated agreement restricted by a number of conditions, concluded between the representative of the public prosecution and the accused or his lawyer, whereby the accused confesses to the crime attributed to him, in exchange for benefiting from lenient punitive treatment.

As for legal systems, the Algerian legislator is the last legislator to introduce this procedure into the system of criminal procedures, but he did not know it, contenting himself with precisely defining its framework and conditions. By reviewing the text of Article 539 of the Algerian Code of Criminal Procedure, we find that it allows the Attorney General to resort to him himself or at the request of the person or his lawyer, provided that the person concerned confesses to the criminal acts attributed to him frankly and without ambiguity.[1]

Although the Algerian legislator did not know this procedure, by reviewing the texts of the Code of Criminal Procedure that stipulate its provisions and conditions, the following definition can be derived: (The appearance system based on prior confession of guilt is a procedure that allows the public prosecutor, on his own initiative or at the

[1] See Article 539 of Law No. 25-14 of Safar 9, 1447, corresponding to August 3, 2025, containing the Code of Criminal Procedure, Official Gazette of the Algerian Republic, No. 54.

request of the person concerned or his defense, to propose a reduced penalty to the accused who explicitly confesses to the acts attributed to him, With the aim of simplifying procedures and accelerating the adjudication of the case in exchange for reducing or replacing the penalty, provided that the procedure excludes serious misdemeanors and misdemeanors committed against some groups, or misdemeanors that are subject to special follow-up procedures)

On the other hand, the French legislator partially adopted this procedure, as it rejected the principle of negotiation because it entailed infringement on the nature of the French legal system inspired by the Latin school. Therefore, this procedure was adopted within the terminological framework of French law under the name (CRPC),That is, the appearance of the accused in accordance with his confession of guilt.[1]

However, the French legislator has not established an explicit legislative definition for this procedure, merely stating the conditions for resorting to it and defining the role of the Public Prosecution in proposing the penalty, while subjecting it to the oversight of the competent judge through the approval of the minutes of the agreement. The Algerian legislator followed the same conditions, as we will explain later, as he stipulated this procedure without defining it, contenting himself with regulating it procedurally. It should be noted in this context that the French legislator approved this system pursuant to Law No. 2004-204 of March 9, 2004, amending and supplementing the French Code of Criminal Procedure, within Articles 495-7 to 495-15.

The Second section: The Conditions for Application of the System Based on a Prior Guilty Plea

The system of appearance based on prior admission of guilt, according to the Algerian Code of Criminal Procedure, is based on two basic conditions, the first of which is the explicit admission of the accused, in addition to another condition related to the crime and the penalty, with the authority of appropriateness in its application being assigned to the Public Prosecutor under the supervision of the judge. The Algerian legislator differed in some conditions when compared with some other national legislation, while agreeing with some of them, which we will explain as follows:

Firstly: The condition of explicit confession by the accused

The Algerian legislator stipulated that in order to apply the appearance procedure based on a prior confession of guilt, the accused must issue an explicit confession of the incident under criminal prosecution, provided that this confession is clear and

[1] Hatem Abdel Rahman Mansour Al-Shahat, Prior Confession of Guilt, Journal of Law, Kuwait University, Kuwait, Volume 32, Issue 04, 2008, p. 263

unambiguous, which we can see in the last sentence of Article 539 of the Algerian Code of Criminal Procedure The Algerian legislator did not require that the accused's explicit confession be issued by an adult, unlike the French legislator, which restricted this procedure to a condition issued by an adult, and that this procedure not be applied to juveniles under Articles 495-16 of the French Code of Criminal Procedure.

The Algerian legislator also did not clarify whether the aforementioned explicit recognition was issued by natural persons only, which raises a question about the extent to which this procedure applies to legal persons, and whether it includes their legal representatives only, leaving the decision on this to judicial jurisprudence.

However, the text of Article 51 bis, paragraph 1, of the Algerian Penal Code provides a partial answer to this question, stating that (.....A legal person shall be criminally responsible for crimes committed on his behalf by his agencies or legal representatives when the law so provides.[1]

This leads us to conclude that the Algerian legislator implicitly recognized the possibility of subjecting a legal entity to a habeas corpus procedure based on prior admission of guilt through its legal representative, thereby benefiting from the privilege of reducing the penalty, without prejudice to the possibility of postponing the prosecution of the legal entity in accordance with the conditions stipulated in Articles 105 to 113 of the Algerian Code of Criminal Procedure.

In contrast, the French legislator has made natural and legal persons equal in the possibility of being subject to the appearance procedure on the basis of prior admission of guilt, as stipulated in Article 495-16 of the French Code of Criminal Procedure.[2]

Secondly: Condition relating to crimes and penalties

The Algerian legislator has restricted the appearance system based on prior admission of guilt to the fact that the person concerned by the procedure has committed only one of the less serious crimes, stipulating that the crime be a misdemeanor whose maximum penalty does not exceed five years of imprisonment,[3] while the French legislator stipulated that the crime committed be a misdemeanor regardless of its penalty, in accordance with what is stipulated in Article 495-7 of the French Code of Criminal Procedure.

The Algerian legislator also stipulated that the misdemeanor committed must not be a legally exempt crime for this procedure to be applied. Article 540 of the Algerian Code

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[1] See Article 51 bis 1 of Order No. 66-156 of Safar 18, 1386, corresponding to June 8, 1966, containing the Penal Code amended and supplemented by Law 24-06 of Shawwal 19, 1445, corresponding to April 28, 2024, issued in the Official Gazette of the Algerian Republic, No. 30.

[2] Maaiza Reda, appearing on the basis of a confession of crime is an urgent necessity for Algerian criminal policy, Annals of the University of Algiers 1, University of Algiers 1, Issue 33, Part Two, June 2019, p. 16

[3] See Article 540 F2 of the aforementioned Law 25-14

of Criminal Procedure, paragraphs 3 to 6, stipulates these crimes, and their organization is as follows:

a)- Crimes contained in Chapters One to Four of Part One of Book Three of the Algerian Penal Code

- Gathering in Articles 97 to Article 101 of the Algerian Penal Code.
- Felonies and misdemeanors against the Constitution in Articles 107 to 118.
- Felonies and misdemeanors against state security stipulated in Articles 61 to 96 bis.
- Felonies and misdemeanors against public safety from Article 119 bis to Article 143.

b)- Crimes mentioned in Sections One and Three of Chapter One of Part Two of Book Three of the Algerian Penal Code

- Murder, other major felonies, and intentional acts of violence in Articles 254 to 283.
- Wrongful killing, wrong wounding, and endangering the lives and physical safety of others in Articles 288 to 290 bis.

c)- Misdemeanors specified in Article 85, Section 4 of the Algerian Code of Criminal Procedure

The Algerian legislator did well to exclude them, given their seriousness, although he did not mean the crimes stipulated in Article 85-4 per se. This is because the legislator did not mean the original crimes themselves, which are by their nature essentially felonies, but rather targeted the acts associated with them that are not considered divisible, such as preparatory acts and cover-ups.

These crimes include drug trafficking, transnational organized crime, crimes related to information and communication technologies, money laundering and terrorism crimes, crimes related to exchange legislation, and corruption crimes.

d)- Misdemeanors committed against children and vulnerable groups

These are the categories that the legislator has carefully considered to protect them from any physical or moral assault, blackmail, or anything else. It is unreasonable for the appearance to include these misdemeanors, and the legislator was right when he excluded crimes committed against these categories from this procedure.

These categories stipulated in Article 540, Paragraph 5, include children, and categories against whom crimes are easily committed due to weakness resulting from their age, illness, disability, physical or mental incapacity, or due to a visible or known pregnancy condition of the perpetrator.

e)- Misdemeanors subject to special subordinate procedures

Although the legislature did not mention these misdemeanors, they can be deduced from a review of the Code of Criminal Procedure. They include certain misdemeanors of a serious nature, such as acts related to the crime of terrorism, such as glorifying and justifying terrorist acts or failing to report them, which require special procedures, such as expanding territorial jurisdiction, extending detention under supervision, or using special investigative methods.

It also includes some misdemeanors that require special procedures due to the method of prosecution, such as misdemeanors such as prosecution by complaint, permission or request in crimes of theft between relatives, adultery, defamation and slander, and crimes committed against employees or those with a special status, as they are restricted to special procedures that are either complaint, permission or request depending on the misdemeanors committed.

We would like to point out that there are many misdemeanors that are subject to special procedures, and we have mentioned only some of them as examples.

The French legislator also stipulated that the crime committed must be a misdemeanor, regardless of the penalty applied to it, according to Article 495-7 of the French Code of Criminal Procedure. However, he excluded from it misdemeanors of journalism, manslaughter, crimes of a political nature, or misdemeanors for which prosecution procedures are subject to a special law .[1]

It also stipulates misdemeanors of intentional and unintentional breach of the safety of persons and sexual crimes committed by age mentioned in Articles 222-9 to 222-31-2 if the penalty prescribed for them exceeds 5 years. However, the French legislator, unlike its Algerian counterpart, stipulated some violations related to misdemeanors and not the violations themselves according to Circular No. 04-12-8 E issued on September 2, 2004.[2]

Accordingly, the Algerian legislator was right with his French counterpart in adopting some crimes while differing from him in others.

The second requirement: Procedures for applying appearance based on prior admission of guilt

In order for this procedure to have its legal effects, the Algerian legislator has surrounded it with a set of objective and formal conditions that aim primarily to guarantee the freedom of the accused's will to resort to it, with the integrity and legitimacy of the procedures followed. These conditions are consistent in some aspects with other national legislative provisions, while they differ from them in other aspects This is what we will work to clarify by reviewing the procedural stages that the

[1] Maaiza Reda, op. cit., p. 16
[2] Ibid., p. 16

appearance procedure goes through based on prior admission of guilt, and making a comparison between them and some relevant national legislative texts.

First section: The stage of proposing punishment by the Public Prosecutor

Although the authority to assess the penalty is considered a general principle within the jurisdiction of the sentencing judge, the Algerian legislator, within the framework of the new reforms granted to the Attorney General, granted the latter the authority to propose the implementation of one or more penalties, whether original or supplementary, on the accused or the person present before him who acknowledges the facts[1], taking into account the following legal considerations:

- When the proposed penalty is imprisonment or confinement and a fine, the period of imprisonment or the amount of the fine must not exceed half the maximum penalty determined by law.

If the Public Prosecutor proposes a fine alone without imprisonment, even though the crime was originally punishable by him, its amount must not be less than two-thirds of the maximum fine estimated by law.

The Public Prosecutor may propose that the aforementioned penalties be higher and include a complete or partial stay of execution. He may also replace them with alternative penalties in accordance with what is stipulated in the Penal Code.[2]

The procedures for proposing penalties vary in US legislation, as this procedure is allowed at any stage of the public lawsuit, including the trial stage, provided that this is done before the commencement of pleadings. In this context, the public prosecutor offers the accused, in exchange for obtaining his confession, one of the following formulas: proposing a reduced sentence, dropping some of the charges against him, or amending the legal description of the crime being prosecuted, such as prosecuting him for the crime of simple theft instead of theft accompanied by violence.[3]

The French legislator requires the presence of the accused's lawyer when submitting the proposal. The public prosecutor shall prove this proposal in a written report under penalty of nullity, which includes the implementation of one or more of the original or supplementary penalties prescribed for the crime. If the proposed penalty is imprisonment, its duration must not exceed, and in all cases it may not exceed half of the maximum period legally prescribed for the crime The penalty may also be suspended in whole or in part.[4]

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[1] See Article 541 F1 of the aforementioned Law 25-14

[2] - See Article 541, F2, of the aforementioned Law 25-14

[3] Ben Qala Leila, The system of appearance with prior confession to the crime, - a comparative study -, Journal of the Research Professor for Legal and Political Studies, Volume 07, Issue 01, Faculty of Law and Political Science, Mohamed Boudiaf University, M'Sila, June 2022, p. 1724.

[4] Maaiza Reda, op. cit., p. 17

It should be noted that during this stage, we are faced with three possibilities highlighted by the Algerian Code of Criminal Procedure, which we explain as follows:

Firstly: The accused did not agree to the Public Prosecutor's proposal

The accused may reject the Public Prosecutor's proposal and may refrain from requesting the deadline set by law for his response. In this case, the Public Prosecutor may return to initiating public proceedings in accordance with the general rules of criminal procedure by using one of the legally prescribed methods of prosecution, such as prosecuting the accused pursuant to the procedures for immediate appearance before the court or by direct summons, or pursuant to the procedures for a case of flagrante delicto, or pursuant to an opening request to conduct an investigation.

Secndy: The accused agreed to the Public Prosecutor's proposal

If the accused agrees to the proposal of the Public Prosecutor, whether immediately after his presentation or after the expiry of the legal response period (5 days), this agreement shall be recorded in a report signed by the accused, the Public Prosecutor and the Registry Secretary. This report must include, under penalty of nullity, the identity of the perpetrator of the criminal acts, an accurate description of the facts attributed to him, specifying the time, place and circumstances of their commission, in addition to his explicit confession thereof.

The report also includes the legal classification of these acts and the amount of the penalty or penalties proposed, and the accused's explicit acceptance of them with the immediate implementation of them.[1]

After that, the public prosecutor immediately refers the accused before the court, requesting the judge to approve the report, with the victim being notified of the date of the session. [2]

Thirdly: The accused or his lawyer requests a deadline for response

Article 542 of the Code of Criminal Procedure grants the accused or his defense the right to seek a deadline to respond to the penalty or penalties proposed by the Public Prosecutor, provided that this deadline does not exceed five (5) days. In this case, the Public Prosecutor decides either to keep the accused on release, or if the proposed penalty includes effective imprisonment, the accused shall be presented to the head of the judicial authority or the judge who represents him After hearing the statements of the accused and his lawyer, if possible, the person concerned will be subjected to judicial oversight or his temporary detention will be ordered, provided that the period of temporary detention does not exceed twenty (20) days.

[1] See Article 544 of Law 25-14 mentioned above
[2] Same source

If the accused agrees to the proposal of the Public Prosecutor within a period of five (5) days, this acceptance shall be recorded in a report signed by the accused, the Public Prosecutor, and the Registry Secretary, and shall include the same data referred to in Article 544 of the Code of Criminal Procedure. However, if the accused rejects the proposal of the Public Prosecutor within the period granted to him, the Public Prosecutor shall take appropriate action regarding him In accordance with what is stipulated in Article 543 of the same law, as will be explained as follows:

- If the accused is detained, his appearance must be guaranteed before the ruling authority or the competent investigating judge and before the effect of the temporary detention order stipulated in Article 542 of the Code of Criminal Procedure disappears.

If the file is referred to the court and the judge decides to postpone it, the accused remains in temporary detention for 20 days until the case is decided, unless the court decides to release him.

If the investigating judge contacts the file, he must decide whether to keep the accused in detention, release him, or subject him to judicial oversight obligations. It should be noted that the case cannot be decided by the judge who ordered the accused to be placed in temporary detention.[1]

The French legislator stipulated a slightly longer period for response, setting it at ten (10) days according to Article 495-8 of the French Code of Criminal Procedure, with the possibility of extending it to twenty (20) days according to Article 495-10, in the event that the proposed penalty is imprisonment for a period exceeding two months.[2]

This shows that the Algerian legislator has established special rules to regulate the stage of proposing punishment that differ from the French system, the aim of which is to speed up the accused's response in order to decide the case.

The Second section: Trial stage

At this stage, a distinction can be made between proceedings before the court and those before the Judicial Council, according to the procedural sequence in the event of an appeal of a court ruling, as follows:

Firstly: proceedings before the Court

When the accused accepts the proposal of the Public Prosecutor and signs the report of prior confession of guilt in accordance with the requirements of Article 544 of the Code of Criminal Procedure, the accused is referred to the court and the case is scheduled before the Misdemeanor Division. The trial session is held in accordance with what is customary, as the judge listens to the accused and his lawyer if possible,

[1] See Article 543 of the aforementioned Law 25-14

[2] Ben Qala Laila, previous reference, p. 1725

then verifies the validity of his confession of reality, its legal description, and the appropriateness of the penalty proposed to it by the Public Prosecutor.[1]

After that, the judge decides either to approve the report in person even if the accused is absent from the session[2] , and he confronts the civil lawsuit, if any, after hearing the requests of the civil party and the accused or his lawyer[3], and decides pursuant to an appealable ruling in both the public and civil lawsuits. [4]

If the judge decides not to approve the report, he orders the case to be referred to the Public Prosecution to take the appropriate action to initiate the public lawsuit, provided that the accused remains (if he is imprisoned) in temporary detention for a period of 20 days until the end of the appeal period for refusing to approve the report If no appeal is registered, the Public Prosecutor must dispose of the proceedings file within a maximum period of 5 days, otherwise the accused will be released.[5]

It should be noted that the appeal of the judge's rejection of the appearance record based on the prior admission of guilt focuses only on the issues stipulated in Article 545 in its first paragraph and mentioned above in accordance with what is required by Article 545 in its fifth paragraph.

The Algerian legislator followed the example of the American legislator, who reduced the role of the judge and limited him to ratifying the confession and monitoring the extent to which his procedures and formal conditions were respected only, without examining the incriminating evidence for the truth, unless he noticed a lack of respect for the formal conditions, in which case he could refuse to ratify.[6]

Secondly: Procedures before the Judicial Council

If the ruling approving the report or the ruling refusing to approve it is appealed, the Judicial Council must decide on it within a maximum period of two (02) months starting from the date of appeal.[7]

If the Council decides to cancel the ruling approving or upholding the report, it must decide, accordingly, either to keep the accused in detention or to release him, with the file being referred to the Public Prosecution to take what is required by law, within a period not exceeding twenty (20) days, and failure to do so shall result in the immediate release of the accused, in accordance with the provisions of Article 546, paragraph two.

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[1] See Article 545 of the aforementioned Law 25-14

[2] Mohamed Abdel-Hay, Prior Confession of Guilt under the Code of Criminal Procedure No. 25-14, Algerian Journal of Human Security, Volume 11, Issue 01, University of Batna 01, December 2025, p. 724

[3] See Article 545, F2 of the aforementioned Law 25-14

[4] See Article 545, Part 3 of the aforementioned Law 25-14

[5] See Article 545, F4 of the aforementioned Law 25-14

[6] Ben Qala Laila, previous reference, p. 1727

[7] See Article 546, F1 of the aforementioned Law 25-14

The ruling or decision to approve the appearance report based on the prior admission of guilt shall be considered a ruling or a conviction decision, which shall have the strength of executive authority, both criminal and civil, in accordance with what is required by Article 547 of the Code of Criminal Procedure.

On this basis, the procedures file is referred to the Penal Enforcement Department in order to create a case law card No. (01), and issue the final extract of the imprisonment or fine according to the sentence imposed, with the delivery of an executive copy of the ruling or decision to the civil party, despite the cassation appeal.[1]

As for the French legislator, he in turn approved a basic guarantee for the accused, which is his right to appeal the order approving the Public Prosecution's proposal, despite the existence of a prior agreement between them, in implementation of the general rule that stipulates that every person against whom a conviction has been issued has the right to have his conviction resubmitted to a higher judicial authority.[2]

Conclusion :

In conclusion, by reviewing the legal texts regulating the appearance system based on prior admission of guilt in the Code of Criminal Procedure No. 25-14, and comparing them with some comparative legislative texts, especially the French Code of Criminal Procedure, we have reached a number of results and suggestions, which we summarize as follows:

Results:

The appearance system based on prior admission of guilt is a modern procedural mechanism that contributes to reducing the burden on the judicial authorities, without prejudice to the fundamental guarantees guaranteed to the accused within the framework of a fair trial.

- The fact that the Algerian legislator did not adopt this procedure until recently under the Code of Criminal Procedure No. 25-14 is not, in our view, a legislative failure, but rather reflects a conscious orientation towards establishing the basic rules capable of its optimal application. This is due to the fact that this procedure has Anglo-Saxon origins, based on a procedural philosophy that differs in its foundations from the rules adopted in the Latin legal system This required its gradual adaptation to the structural peculiarities of the Algerian procedural system.

The Algerian legislator differed in its text on the rules regulating this procedure from some of the legislation that preceded it in its application, especially on the one hand, and postponed the response, while some of them agreed. The reason, according to our point of view, is the difference in the nature of Algerian society, which is not yet accustomed to simple procedures, on the one hand, On the other hand, it is necessary

[1] Muhammad Abd al-Hayy, op. cit., p. 725

[2] Hatem Abdel Rahman Mansour, previous reference, p. 333

to expedite the adjudication of cases related to this procedure so as not to infringe upon the rights of the accused, especially since he is treated as a convict, even though he is presumed innocent until the verdict is pronounced.

The Algerian legislator has established a robust legal framework that defines the conditions for implementing this procedure, precisely regulates the sequence of its procedures, and subjects it to strict judicial oversight to ensure the legality of recognition and punishment. It also ensures that litigation begins in two stages in the event of an appeal.

This system is an exceptional measure whose implementation requires extreme care to prevent it from becoming a means of pressuring the accused by forcing him to confess in exchange for a reduced sentence, which makes his success dependent on his proper employment.

Suggestions:

By reviewing the provisions of the Code of Criminal Procedure, it becomes clear that the legislator has established strict procedural rules that regulate the appearance procedure based on prior admission of guilt. However, this does not prevent the introduction of some practical suggestions that would improve its application, which we summarize as follows:

- Strengthening the role of the lawyer in this procedure by explicitly stipulating that he must be present alongside the accused during the confession, and that any procedure conducted in his absence must be declared invalid, given the fundamental importance of his presence in clarifying the legal consequences of the accused's confession and ensuring that it was issued of his own free will.
- Enabling the accused to withdraw his confession, as long as the judge has not yet approved the confession report, in order to enshrine the principle of freedom of conviction and protect the presumption of innocence.
- Organizing specialized training courses for public prosecutors and judges, explaining the philosophy of this procedure and its comparative principles, particularly within the framework of the Anglo-Saxon system, to ensure its proper implementation.
- If this procedure proves to be practically effective, the legislator may in the future consider introducing other procedural mechanisms inspired by the Anglo-Saxon systems. This should be done after prior preparation for judges and public prosecutors through specialized training that takes into account the specificities of the Algerian legal system.

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