Special Criminal Procedures in Flagrante Delicto Cases Under Law 25-14

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Abstract: This study, which takes a close look at flagrante delicto procedures in light of Law 25-14 (the Algerian Code of Criminal Procedure), tries to get at what flagrante delicto really means as a legal situation that allows judicial police officers to take exceptional and quick action either while an offence is being committed or right after it has happened.

Such procedures can be started provided that one of the recognised forms of flagrante delicto is there, along with the legal conditions that authorise investigative and inquiry measures—like detention for questioning, searches, and crime scene assessment—insofar as these help facilitate investigations and speed up the process of identifying the offender. All of this, however, must be done while carefully balancing the effectiveness of exceptional procedures against the need to safeguard individual freedoms.

Keywords: Flagrante delicto, Offence, Criminal procedure, Rights and liberties.

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Introduction

Flagrante delicto is without doubt one of the most important procedural situations to have received special treatment in codes of criminal procedure. Indeed, penal legislation across different legal systems tends to include specific procedural rules governing it, the most notable of which is the expansion of judicial police powers so that they can intervene rapidly to preserve evidence and arrest offenders before that evidence disappears or gets tampered with.

True, the Algerian legislator—much like its counterparts in comparative legal systems—has been careful to regulate flagrante delicto procedures out of concern that criminal evidence might vanish or that suspects might flee. But at the same time, it has also sought to adopt penal safeguards that ensure the protection of individual rights and liberties in such contexts. The importance of this study becomes especially clear under Algeria's new Code of Criminal Procedure, which contains distinctive provisions concerning flagrante delicto procedures, particularly with regard to judicial police competencies.

This study aims to identify the objective framework of flagrante delicto—specifically its meaning, its various forms, and its most prominent characteristics—as well as the extent to which these provisions affect the powers conferred upon judicial police authorities. From what has been said above, we can formulate the following problem: What exactly constitutes the specificity of the legal framework governing flagrante delicto, and to what extent does this affect judicial police procedures?

To address this problem, both descriptive and analytical methods have been used. We have looked at various jurisprudential opinions while analysing newly enacted procedural legal texts within the context of flagrante delicto. The topic has been divided into two main parts: the first examines the substantive provisions relating to flagrante delicto, and the second addresses the procedures applicable in flagrante delicto situations before judicial police authorities.

I. Substantive Provisions Governing Flagrante Delicto

The substantive provisions concerning flagrante delicto represent some of the most important procedural rules addressed by the Code of Criminal Procedure, given their impact on various stages of public prosecution—particularly regarding judicial police competencies. To properly delineate these procedural provisions, one must first establish the concept of flagrante delicto, along with the conditions and controls governing its situations and forms, all with a view to achieving balance between penal effectiveness and the protection of individual rights and liberties.

1. The Concept of Flagrante Delicto

Upon consulting the Code of Criminal Procedure 25-14 of August 3, 2025[1]—specifically Article 72 thereof—we find that the Algerian legislator did not provide a definition of flagrante delicto, contenting itself instead with specifying its various situations. This necessitates exploring its meaning from both jurisprudential and legal perspectives, drawing on certain comparative legal systems, in order to identify its most salient characteristics.

1.1 Definition of Flagrante Delicto

Flagrante delicto refers to the situation in which an offence is discovered either during its commission or immediately thereafter, such that its traces and evidence remain visible and detectable. To extrapolate its characteristics and situations, one must first establish a precise definition by examining its linguistic, terminological and legal meanings.

[1] Law 25-14 of August 3, 2025, containing the Code of Criminal Procedure, Official Gazette, No. 54.

-Linguistic definition

In Ibn Mandhūr's *Arab's tongue*, under the root letters (l-b-s), it is stated that "al-libs" (with a *damma* on the lām) means clothing, while "al-labs" (with a *fatha* on the lām) means "to put on" or "to become clothed with something"[2]. From this meaning, it may be understood that the offence is likened to a garment worn by a person: the offender takes the offence as his clothing, suggesting an intense closeness and adhesion between the offender and the offence committed, as well as a strong temporal proximity between the commission of the offence and its discovery.

-Terminological definition

Jurisprudential definitions of flagrante delicto are numerous. Some have held that it is "a situation relating to the discovery of an offence with all its legal elements, depending either upon witnessing it at the moment of its commission or shortly thereafter. The actual observation of the offence, or the temporal proximity between its discovery and its commission, is the very basis of flagrante delicto"[3]. Others define it as "the temporal proximity or simultaneity between the moment of the offence's commission and the moment of its discovery"[4]. Still others have maintained that "flagrante delicto is the actual observation of the offence or the temporal proximity between its discovery and its commission—meaning that it indicates the offence has occurred, its evidence is manifest, the likelihood of error is slight, and any delay in initiating criminal procedures may obstruct the path to truth"[5].

From these jurisprudential definitions, it becomes clear that flagrante delicto presupposes the occurrence of an offence within the hearing, sight, or awareness of a judicial police officer, or its discovery shortly after commission. In this regard, the flagrante delicto situation is considered a tangible, perceptible factual situation—that is, linked either to witnessing the offence at the moment of its commission or to observing its material traces and consequences shortly thereafter. This, perhaps, is why penal legislation grants judicial police officers exceptional powers when confronting flagrant offences, out of fear that evidence might be lost, thereby obstructing the path to truth[6].

We can therefore conclude that legal jurisprudence has affirmed that flagrante delicto constitutes a factual situation accompanying the offence, realized when the offence is discovered shortly after its commission through the clear appearance of its traces. This explains why jurists employ the terms "temporal simultaneity" or "temporal proximity" between the commission of the offence and its discovery, enabling judicial police to discover and observe it with all due speed.

-Legal definition

Examining the provisions of the aforementioned Code of Criminal Procedure 25-14 reveals that the Algerian legislator did not define flagrante delicto, instead limiting itself to enumerating its situations. Article 72 provides: "A felony or misdemeanour is described as being in a state of flagrante delicto if it is being committed at that moment or immediately after

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[2] Ibn Mandhūr, Arab's tongue, al-Ma'ārif House, Cairo, 2000, p. 3989.

[3] Ahmed Fathi Sorour, The Intermediate in Criminal Procedure Law, al-Nahḍah al-'Arabiyyah House, Cairo, 1990, p. 354.

[4] Mahmoud Mahmoud Mustafa, Explanation of Criminal Procedure Law, 2nd ed., al-Thaqāfiyyah li-l-Nashr House, Cairo, 1953, p. 77.

[5] Omar al-Sa'īd Ramadan, Principles of Criminal Procedure Law, al-Nahḍah al-'Arabiyyah House, Cairo, 1984, p. 254.

[6] Fadi Muhammad 'Uqlah Muslih, Powers Granted to Judicial Police Officers in Flagrante Delicto, 1st ed., Wā'il Publishing and Distribution House, Amman, 2013, p. 16.

its commission. A felony or misdemeanour is also considered to be in flagrante delicto if the person suspected of having committed it, within a very short time following the commission of the offence, has been pursued by the public with outcries, or if objects are found in his possession, or if traces or indications are found suggesting his participation in the felony or misdemeanour. Any felony or misdemeanour committed—even under circumstances other than those provided for in the preceding two paragraphs—shall also be characterized as flagrante delicto if it was committed inside a dwelling and the homeowner reports it immediately after its occurrence and promptly summons a judicial police officer to document it."

This aligns with the approach taken by the Egyptian legislator in the new Code of Criminal Procedure No. 174 of 2025[7], Article 33 of which provides that "an offence is considered to be in flagrante delicto at the moment of its commission or shortly thereafter." The second paragraph adds: "An offence is also considered to be in flagrante delicto if the victim follows the perpetrator, or if the public follows him with outcries immediately after the offence, or if the perpetrator is found shortly after the offence carrying tools, weapons, documents, or other objects indicating that he was the perpetrator or an accomplice, or if traces or marks are found on him at that time indicating the same."

The Jordanian legislator has expressed this concept using the term "manifest offence" in Article 28 of the Code of Criminal Procedure, which states that a manifest offence is one witnessed at the moment of its commission or immediately upon completion. The second paragraph adds that this category also includes offences whose perpetrators are apprehended following public outcry immediately after the offence occurs, or from whom objects, weapons, or documents are seized indicating they committed the offence within twenty-four hours of its occurrence, or if traces or marks are found on them at that time suggesting the same.

It is worth noting that the theory of manifest offence—or flagrante delicto—has French origins, as most Arab laws have adopted this theory from French law. The French term (*flagrante*) derives from the Latin word (*flagrare*), meaning that the smoke of the offence is still rising[8]

From the foregoing, it is evident that the Algerian legislator—like comparative legal systems—has not provided an explicit, precise definition of flagrante delicto, contenting itself merely with enumerating its situations. This may well be explained by the legislator's desire to leave room for jurisprudence and courts to derive the legal concept of flagrante delicto in a manner suited to the factual circumstances of each individual case.

1.2 Characteristics of Flagrante Delicto

Flagrante delicto constitutes an exceptional procedural system due to the procedural provisions it contains—provisions that differ from the ordinary methods of investigation and inquiry used in standard situations. This necessitates identifying its most prominent features and characteristics to distinguish it from other ordinary powers conferred upon judicial police authorities, particularly given that these situations are exhaustively enumerated in legal texts, in addition to their objective (*in rem*) nature and their grounding in truth and reality.

[7] Law No. 174 of 2025, containing the Code of Criminal Procedure, Official Gazette, No. 54 repeat (d).

[8] Naser 'Abd al-Salam al-Sarayrah, Exceptional Competence of Public Security Personnel in Preliminary Investigation, al-Khalīj Publishing and Distribution House, Sharjah, 2019, p. 51.

-Flagrante delicto situations are exhaustively enumerated

Whether under Algerian legislation or in comparative legal systems, flagrante delicto situations are set forth exhaustively. Consequently, judges are not permitted to create new flagrante delicto situations not provided for in the text through analogical reasoning. What explains the exhaustive enumeration of flagrante delicto situations is primarily the exceptional powers these situations confer upon judicial police officers—powers that may potentially infringe upon individuals' personal liberties. It was therefore necessary to delineate the scope of these situations to safeguard the rights of suspects[9]. Another reason for prohibiting expansion of flagrante delicto situations lies in the fact that the powers applied therein are exceptional in nature; exceptions cannot be extended by analogy, nor may their interpretation be broadened, given that such authority originally belongs exclusively to the legislative branch[10].

-The objective (in rem) nature of flagrante delicto

The objective nature of flagrante delicto means that it does not involve personal elements but rather represents a factual situation based on temporal proximity between the realization of the offence's material element and its discovery. Flagrante delicto therefore attaches to the offence itself, not to the person of the offender. The criterion for flagrante delicto is the observation of the offence or its direct traces, not merely suspicion of a particular individual[11]. When the objective nature of flagrante delicto is established, judicial police authorities may exercise their exceptional investigative powers in relation to the flagrant offence—powers that require swift intervention to secure evidence and prevent perpetrators from escaping.

-Flagrante delicto is based on truth and reality

Flagrante delicto rests on apparent material facts perceptible directly by the senses, not merely on belief or conjecture. The establishment of a flagrante delicto situation presupposes the existence of a real offence and clear traces indicating its occurrence—such as witnessing the offence, finding tools used to commit it, or pursuing the offender immediately after commission. The law requires, for the validity of a flagrante delicto finding, that a factual situation be present, composed of a set of external manifestations that in themselves indicate either that the offence has occurred or that it has barely occurred[12]. Consequently, flagrante delicto is grounded in a factual situation assessed on the basis of the circumstances and context surrounding the commission of the offence; only when this real and factual basis is established may exceptional powers be exercised.

2. Situations and Conditions of Flagrante Delicto

Flagrante delicto situations are exhaustively enumerated in Article 72 of Law 25-14, as previously indicated. These refer to situations where an offence is committed before the authorities' eyes or discovered immediately after its commission under circumstances leaving no room for doubt as to its occurrence or its attribution to the perpetrator—thereby allowing judicial police authorities to exercise their exceptional powers. Nevertheless, essential conditions must be fulfilled to ensure the integrity of procedural legality.

[9] Najma Jubayrī, Flagrante Delicto and Its Effect on Personal Liberty, New University House, Egypt, 2010, p. 37.
[10] Fadi Muhammad 'Uqlah Muslih, op. cit., p. 25.
[11] Bisyūnī Ibrāhīm Abū 'Aṭā, Flagrante Delicto and Its Effect in Islamic Jurisprudence and Positive Law, New University House, Alexandria, 2008, p. 51.
[12] Muhammad Majdī Harjah, Encyclopedia of Commentary on Criminal Procedure Law, Part 1, Mahmūd Publishing and Distribution House, Cairo, 2021, p. 337.

2.1 Situations of Flagrante Delicto

Examining Article 72 reveals that it includes three flagrante delicto situations: actual flagrante delicto appears in the first paragraph, constructive flagrante delicto in the second paragraph, while the third paragraph refers neither to actual nor constructive flagrante delicto but rather to a special flagrante delicto situation.

-Actual and real flagrante delicto

This situation combines both an offence committed at the very moment and an offence committed immediately after its commission. Regarding the first scenario, it consists of witnessing the felony or misdemeanour during its occurrence, such that all or part of the material element falls within the senses of the judicial police officer—for example, an officer witnessing someone firing a pistol at another person, killing him instantly. The second scenario is realized if the judicial police officer learns of the offence shortly after its commission, as indicated by the phrase "immediately after" in Article 72. An example would be an officer arriving to find the victim breathing his last as a result of the offence. Some jurists consider this latter scenario to be constructive, rather than actual, flagrante delicto.[13]

-Constructive flagrante delicto

Constructive flagrante delicto similarly encompasses two situations. The first consists of pursuing a suspect with outcries immediately following the commission of an offence. For flagrante delicto to be established in this case, the offender must flee after committing the offence and be pursued by persons who observe him and raise outcries—whether these outcries are vocal shouts or signals emanating from the victim, his relatives, witnesses to the incident, or judicial police officers.

The second situation consists of the suspect's possession of objects used in committing the offence or obtained through it—such as tools, weapons, documents, or other items—or the presence of traces or indications suggesting his possible involvement in the offence, such as marks on his body or clothing, including wounds or torn garments.[14] Constructive flagrante delicto requires a degree of temporal proximity, unlike actual flagrante delicto.

-Flagrante delicto of a special character

This situation appears in the third paragraph of Article 72, cited above. It requires that the offence occur inside an inhabited dwelling in the owner's absence or without his knowledge; as soon as he returns and discovers the offence, he immediately notifies a judicial police officer. At that point, the officer must proceed immediately to the dwelling to document the offence and exercise the exceptional powers conferred upon him in flagrante delicto situations, whether the offender has been identified or remains unknown.[15]

2.2 Conditions of Flagrante Delicto

The mere existence of flagrante delicto situations is insufficient to justify initiating the corresponding procedures—particularly those conferred upon judicial police officers. Rather, a

[13] Ma'mūn Muḥammad Salāmah, Criminal Procedures in Egyptian Legislation, Part 1, al-Nahḍah al-'Arabiyyah House, Cairo, 2004, p. 552.

[14] Ahmed Ghayy, The Concise in Organization and Tasks of Judicial Police, 6th ed., Hūmah House, Algeria, 2014, p. 37.

Alī Shamallāl, New Developments in Criminal Procedure Law, Book One: Investigation and Accusation, Balqīs House, Algeria, 2026, p. 33.

[15] Abd al-'Azīz Sa'd, Memoranda on Criminal Procedure Law, National Book Foundation, Algeria, 1991, p. 22.

set of conditions must be fulfilled for flagrante delicto to be procedurally valid and produce its legal effects.

-Flagrante delicto must relate to offences characterized as misdemeanours or felonies

For flagrante delicto to produce its effects, it must relate to an offence characterized as either a felony or a misdemeanour, in accordance with the situations set forth in Article 72 of the Code of Criminal Procedure. By implication, contraventions are excluded from the scope of offences subject to flagrante delicto situations, given the principle that flagrante delicto does not apply to contraventions—even when their penalty involves imprisonment.[16]

-Flagrante delicto must precede the procedure

Flagrante delicto must precede, rather than follow, the procedure, since the flagrante delicto situation is what enables the judicial police officer to exercise the authority to take legally prescribed measures. If the procedure precedes flagrante delicto, the judicial police action is considered unlawful and without effect; flagrante delicto discovered following a prior procedure produces no legal effect whatsoever. This would occur, for instance, if a judicial police officer entered a person's dwelling to seize drugs or forged documents without first obtaining a search warrant from competent authorities.[17] In such cases, the procedures undertaken by the judicial police officer—along with all subsequent procedures—are rendered null and void.

-Flagrante delicto must be witnessed by a judicial police officer

The offence that is the subject of flagrante delicto must be witnessed by the judicial police officer personally—that is, he must observe it or discover it immediately after its commission. Should this not occur and people merely report the offence to him, he must proceed personally to the scene of the offence to observe it within a very short time, in which case he may exercise the authority conferred upon him in flagrante delicto situations to secure the offence and preserve its traces.[18]

-Flagrante delicto must be witnessed through lawful means

A further condition for the validity of flagrante delicto is that it be witnessed and discovered through lawful means. In other words, the method employed by the judicial police officer in discovering the offence must be lawful; otherwise, the procedure is void and produces no legal effect whatsoever, whether concerning the procedure itself or all subsequent procedures.[19] The lawful discovery of flagrante delicto ranks among the most important legal guarantees in criminal procedure, particularly given that the establishment of such exceptional situations triggers the activation of exceptional powers by judicial police officers—powers that may infringe upon individual liberties. This justifies the need to insist upon the lawfulness and legality of the procedure relating to the discovery of flagrante delicto, precisely to the extent necessary to balance the implementation of criminal procedure against the protection of individuals' rights and liberties.

[16] Abd al-Raḥmān Khalafī, Criminal Procedures in Algerian and Comparative Law, 8th ed., Balqīs House, Algeria, 2025, p. 105.

[17] Alī Shamallāl, New Developments in Criminal Procedure Law, Book One: Investigation and Accusation, Balqīs House, Algeria, 2026, p. 33.

[18] Muḥammad Shannah, Procedures for Investigating and Inquiring into Offences under Algerian Legislation, 1st ed., Alfā Documentation House, Algeria, 2024, p. 92.

[19] Abd al-Raḥmān Khalafī, op. cit., p. 105.

II. Procedures Applicable in Flagrante Delicto Situations Before Judicial Police Authorities

Through the provisions of the Code of Criminal Procedure 25-14, the Algerian legislator has reserved special procedures for flagrante delicto situations, particularly affecting judicial police competencies by granting them exceptional and expanded powers when confronting manifest offences—powers that rise to the level of those ordinarily conferred upon investigating judges. These procedures consist primarily of investigative and inquiry powers.

1. Investigative Powers Arising from Flagrante Delicto

Judicial police officers possess specific powers and authorities vis-à-vis the suspect in flagrante delicto situations. Among these are those relating to investigative procedures, which may be divided into crime scene observation, seizure of objects, and their confiscation.

1.1 Crime Scene Observation

Article 73 of the Code of Criminal Procedure provides that any judicial police officer notified of a felony in flagrante delicto must immediately inform the public prosecutor, then proceed without delay to the crime scene to take the necessary measures. Crime scene observation consists of the judicial police officer proceeding to the location where the offence occurred—should circumstances so require—to document the state of the premises and observe any objects obtained or left behind as a result of the offence, while preventing any act likely to remove, obliterate, or alter traces relating to the offence. Thus, observation constitutes the direct, physical documentation of the state of a particular thing or person.[20]

1.2 Seizure and Confiscation of Objects

The Algerian legislator has required, pursuant to Article 73 of the Code of Criminal Procedure, that judicial police officers in flagrante delicto situations involving felonies or misdemeanours seize and confiscate all physical objects discovered either while proceeding to observe the crime scene or while searching the suspect's dwelling or other premises—objects likely to assist in revealing the truth by serving as persuasive evidence before investigating authorities and trial courts. It should be noted, however, that the legislator in Article 73 did not attach nullity to violations of these procedures, although judicial police officers may be subject to disciplinary sanctions.[21]

2. Inquiry Powers Arising from Flagrante Delicto

In principle, inquiry powers are vested exclusively in the investigating judge. However, as an exception, the legislator has conferred them upon judicial police officers in flagrante delicto situations, given the special circumstances and need for speed in initiating necessary procedures.

2.1 The Order Not to Leave the Crime Scene and the Use of Experts

Preserving the crime scene ranks among the most important criminal procedures contributing to the discovery of truth and identification of the offender. Among the most significant of these procedures are those relating to preventing departure from the crime scene before observations and inquiries are completed, in addition to the use of specialized experts—such as forensic evidence experts and forensic physicians.

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[20] Sha'bān Maḥmūd Muḥammad al-Hawārī, Evidence in Criminal Proof, 1st ed., al-Fikr wa-l-Qānūn House, al-Manṣūrah, 2013, p. 136.

[21] Abd al-Raḥmān Khalafī, op. cit., p. 107.

- The order not to leave the crime scene

This procedure is derived from Article 82 of the Code of Criminal Procedure 25-14. It refers to the order given by a judicial police officer to any person present at the crime scene not to leave it; its purpose is to investigate the facts on location.[22] This procedure is highly significant, as it may enable the officer to identify the perpetrators of the offence or at least determine the suspects.

-The use of experts

Pursuant to Article 81 of the Code of Criminal Procedure, judicial police officers may enlist qualified persons to assist them, provided that such persons take an oath before providing their written opinions prior to commencing their tasks. The use of such persons to observe the crime scene may enable the judicial police officer to document the state of the premises and traces relating to the offence before they are damaged or affected by external factors.[23] Among such persons are fingerprint experts, who collect and analyze fingerprints to identify the offender, in addition to the prominent role of forensic physicians, who examine bodies and determine the cause and manner of death. One must not forget digital evidence experts, particularly in the current era where digital space has pervaded all areas of life.

2.2 Detention for Questioning and Search

Detention for questioning and search constitute the most prominent legal procedures undertaken by judicial police authorities in flagrante delicto situations, given their role in gathering evidence and uncovering truth—provided they are conducted in accordance with legal conditions and controls.

- Detention for questioning

Detention for questioning is a procedure aimed at preventing the suspect from fleeing; it is considered one of the serious precautionary measures relating to flagrant offences, used only when strong evidence exists.[24] Detention for questioning ranks among the most dangerous procedures undertaken by judicial police authorities; recourse to it is permissible only in flagrante delicto cases where strong evidence exists against the suspect.

Turning to the Code of Criminal Procedure, Article 83 authorizes judicial police officers—should investigative necessities so require—to detain a person, provided that the detention period does not exceed forty-eight hours. The third paragraph of the same article adds that, in the absence of strong evidence against the suspect, he may be detained only for the time strictly necessary to take his statements.

The fifth paragraph of the same article addresses the possibility of extending detention for questioning periods by written order of the public prosecutor in the following cases:

- Twice, for offences involving drug and psychotropic substance trafficking, offences related to information and communication technologies, money laundering offences, offences relating to foreign exchange and capital movement legislation, corruption offences, human trafficking offences, organ trafficking offences, and migrant smuggling offences.

[22] Ra'ūf 'Ubayd, Principles of Criminal Procedures in Egyptian Law, 16th ed., al-Fikr al-'Arabī House, Cairo, 2006, p. 64.

[23] Alī Shamallāl, op. cit., p. 36.

[24] Akhmad Ḥusayn, The Useful in Explaining the New Criminal Procedure Law, 1st ed., al-Wafā' House, Alexandria, 2025, p. 188.

- Four times, for state security offences and organized cross-border crime.
- Five times, for offences characterized as terrorist and subversive acts.

-Dwelling searches

In principle, the state guarantees the inviolability of dwellings and criminalizes any violation thereof. However, the legislator has exceptionally permitted judicial police officers to conduct dwelling searches as part of combating crime—particularly offences committed in flagrante delicto—pursuant to Article 75 of the Code of Criminal Procedure. Search is an inquiry procedure undertaken by competent authorities to seek evidence of an offence that has occurred within a private, inviolable place, regardless of the owner's consent.[25]

Given the seriousness of this procedure, the Algerian legislator has restricted dwelling searches with substantive conditions: the offence must have actually occurred (searches for future offences are impermissible)[26], and the offence must be characterized as a felony or misdemeanour. Furthermore, strong suspicion must exist against a specific individual, necessitating a search of his dwelling to find evidence useful in revealing the truth.

In addition to substantive conditions, formal conditions must also be satisfied: judicial police officers may not proceed to search the dwellings of persons suspected of involvement in a felony or misdemeanour, or who possess documents or objects related to the offence, without first obtaining a written warrant from the public prosecutor—and they must produce this warrant before entering the dwelling and commencing the search. This is provided for in the first paragraph of Article 76 of the Code of Criminal Procedure. The search must be conducted between 5:00 a.m. and 8:00 p.m., pursuant to Article 78 of the same law.

Under Article 78 of the Code of Criminal Procedure, judicial police officers may search hotels, furnished premises, and establishments open to the public at any hour, day or night, when the matter involves moral offences.

Furthermore, judicial police officers are exempt from the specific timing requirements for searches under the third paragraph of Article 78 when the matter involves intentional homicide, drug offences, organized cross-border crime, money laundering offences, offences relating to foreign exchange and capital movement legislation, offences relating to automated data processing systems, corruption offences, human trafficking offences, organ trafficking offences, migrant smuggling offences, and kidnapping offences—provided that the search is conducted upon written order of the public prosecutor.

Conclusion

Flagrante delicto constitutes one of the most significant legal situations conferring upon judicial police officers exceptional powers that rise to the level of judicial inquiry procedures ordinarily reserved for investigating judges. The rationale for granting such powers to judicial police lies in the need, dictated by flagrant felonies and misdemeanours, for swift and effective intervention to uncover the offence, apprehend offenders, and preserve evidence before it is destroyed. Such procedures also contribute to enhancing the effectiveness of criminal procedure and criminal justice generally, provided that they are conducted within the legal controls established to protect individuals' rights and personal liberties.

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[25] Abd al-Raḥmān bin Muhayyidib bin 'Abd al-Raḥmān al-Muhayyidib, "Provisions of Flagrante Delicto in the Saudi Code of Criminal Procedure: A Comparative Study with Egyptian Law", Arab Journal of Security Studies, Nayif Arab University for Security Sciences, Vol. 35, No. 3, 2019, p. 309.

[26] Bint Sulaymān Sharīfah, Effects of Flagrante Delicto Procedures on Personal Liberty, Master's thesis, Faculty of Law, University of Algeria, 2009–2010, p. 79.

Among the recommendations that may be proposed at the conclusion of this research paper are:

- Strict adherence to legal controls when conducting flagrante delicto procedures, to prevent any unlawful infringement upon individuals' rights and liberties.
- Enhanced scientific training for judicial police officers to develop both their practical and legal capacities, particularly given ongoing developments.
- Coordination among various security and judicial authorities to ensure the effectiveness of procedural work.