

The Mechanism of Immediate Notification in Law 25-14: Balancing Judicial Efficiency and Personal Liberty Guarantees

آلية الإخطار الفوري في القانون 14-25 : موازنة بين نجاعة العدالة وضمانات الحرية الشخصية

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Abstract:

This study aims to analyze the procedural system introduced by Law No. 25-14 relating to the Code of Criminal Procedure concerning the mechanism of "Immediate Notification before the Court." The study seeks to clarify the Algerian legislator's philosophy in adopting this system as an alternative to the previous immediate appearance system by establishing a normative distinction between cases ready for adjudication and flagrant misdemeanors within the framework of establishing the concept of prompt justice.

The study relies on a comparative analytical approach to deconstruct the newly introduced texts and identify their strengths and weaknesses while focusing on the dual concepts of procedural controls and legal guarantees. The study concludes that the legislator succeeded through this law in restructuring the Public Prosecution's powers of detention within restricted frameworks while strengthening defense rights by institutionalizing the right of access to files and the legal preparation period. The study recommends the necessity of regulating the discretionary criteria for the referral mechanism and establishing a maximum limit for financial bails for foreign nationals to ensure equality before the law.

Keywords: Immediate Notification, Law 25-14, Prompt Justice, Procedural Guarantees, Flagrant Misdemeanors, Defense Rights

الملخص:

تهدف هذه الدراسة إلى تحليل النظام الإجرائي المستحدث بموجب القانون رقم 14-25 المتضمن قانون الإجراءات الجزائية، والمتعلق بآلية "الإخطار الفوري أمام المحكمة". تسعى الدراسة إلى استجلاء فلسفة المشرع الجزائري في تبني هذا النظام كبديل لنظام المثلث الفوري السابق، من خلال الفصل المعياري بين القضايا الجاهزة للفصل وبين الجناح المتلبس بها، وذلك في إطار تكريس مفهوم "العدالة الناجزة".

تعتمد الدراسة على المنهج التحليلي المقارن لتفكيك النصوص المستحدثة ورصد مواطن القوة والضعف فيها، مع التركيز على ثنائية الضوابط الإجرائية والضمانات القانونية. وقد خلصت الدراسة إلى أن المشرع استطاع، من خلال هذا القانون، إعادة دور سلطات النيابة العامة في الإيداع ضمن أطر مقيدة، مع تعزيز حقوق الدفاع عبر تأسيس حق الاطلاع والمهلة القانونية. وتوصي الدراسة بضرورة ضبط المعايير التقديرية لآلية الإحالة، وتحديد سقف للكفالات المالية للأجانب لضمان المساواة أمام القضاء.

الكلمات المفتاحية: الإخطار الفوري، القانون 14-25، العدالة الناجزة؛ الضمانات الإجرائية، الجناح المتلبس بها، حقوق الدفاع

Introduction:

A careful reading of the course of contemporary criminal policy confirms a radical shift from the traditional deterrent model, which focused on the severity of the penalty, to a more flexible and effective model based on managing criminal cases with speed and efficiency to ensure a balance between public interest requirements and the protection of individual rights. The objective of criminal procedures is no longer merely to impose a penalty on the offender, but has extended to the necessity for this penalty to be swift, immediate, and proportionate to the gravity of the criminal acts while strictly respecting the principle of legality and the integrity of evidence.

In line with these developments, the Algerian legislator introduced under Decree No. 15-02 a procedural system known as the "Immediate Appearance System." However, judicial practice revealed a clear procedural gap in that system, manifested in the absence of a normative distinction between the state of *flagrante delicto* and the "readiness of the file for adjudication." This led to a degree of ambiguity in defense rights and restricted the authority of the trial judge in the face of Public Prosecution decisions, which made revising this system an inevitable necessity to address those structural imbalances.

This intervention came through Law No. 25-14 dated August 13 2025 concerning the Code of Criminal Procedure, which conducted a comprehensive review of its provisions and re-categorized procedures related to trial speed under a new title: Immediate Notification Before the Court. This radical amendment was not merely a technical measure to update texts, but rather represented a "procedural revolution" that re-engineered the balance of power between the prosecution and the judiciary. For the first time, the legislator separated two integrated systems: the first is the immediate notification system based on the readiness of the lawsuit criterion, and the second is the system of flagrant misdemeanors which is subject to specific controls that protect the presumption of innocence.

Based on these data, the main problematic of this study emerges as follows: To what extent was the Algerian legislator able through Law No. 25-14 to formulate a balanced equation that combines the speed of judicial resolution with the requirements of a fair trial? And how did the separation between the systems of immediate notification and *flagrante delicto* contribute to addressing the procedural gaps identified by jurisprudence and the judiciary in the previous system?

To achieve the objectives of this study, the comparative analytical method was adopted to examine the newly introduced texts, and the study has been divided into two main sections:

- The First Section :The Legal Framework for Immediate Notification Before the Court.
- The Second Section : Flagrant Misdemeanor
- Similar Procedural Systems.

First Section: The Legal Framework for Immediate Notification Before the Court

Immediate notification before the court represents one of the modern procedural mechanisms introduced by the Algerian legislator under Law 25-14 relating to criminal procedures (Ohaibia, 2019, p. 210). This comes within the framework of its endeavor to achieve prompt criminal justice capable of adapting to the increasing volume and complexity of cases without sacrificing the fundamental principles of a fair trial. After the previous immediate

appearance system proved its inability to reconcile speed and guarantees, this section comes to analyze the legal structure of the new system through two requirements.

The first relates to the controls and conditions specified by the law for the application of this exceptional procedure while the second relates to the procedural guarantees with which the legislator surrounded the accused during the two stages of presentation before the Public Prosecution and trial before the misdemeanor judge.

The First Requirement: Legal Controls for the Application of Immediate Notification

Any procedural measure that deviates from the general rules of ordinary trial must be surrounded by a set of legal controls that define its scope of application and prevent any slide toward arbitrary use. While the general principle in criminal proceedings is that they undergo the well-known stages of investigation and trial, the exception of immediate notification cannot be applied randomly. Rather, it must be based on clear objective criteria. This requirement addresses two main controls which are:

First: Controls Related to the Crime

The Algerian legislator explicitly stated in the first paragraph of Article 478 of the new Code of Criminal Procedure that the immediate appearance procedures provided for in this section may be followed in misdemeanor cases prepared for adjudication that do not require a judicial investigation (Algerian Republic, 2025). A fundamental condition for applying immediate notification procedures is extracted from this text, which is that the lawsuit must have reached a degree of clarity and completeness such that it is ready for immediate adjudication without the need to resort to complex judicial investigation procedures like those conducted by the investigating judge (nadjmi, 2012, p. 89). These restrictions aim to limit the application of this exceptional procedure to the scope of simple crimes that do not raise complex legal or factual issues (Nadjar, 2019, p. 112).

The "readiness for adjudication" criterion adopted by Article 478 is considered a qualitative shift, but it raises the problem of ambiguity and subjectivity in application. Leaving the discretion to the Public Prosecutor without objective standards may lead to divergence in judicial interpretations and premature referrals. Furthermore, the prior judgment on the lawsuit that it does not require a judicial investigation ignores the principle of *prima facie* in the initial assessment, as legal or factual complexities may emerge during the trial proving its lack of readiness. This contradicts the goal of speed and leads to delays and a waste of the court's time.

Second: Controls Related to the Accused (According to Articles 477 and 488)

While Article 478 relates to the crime, Articles 477 and 488 relate to the person who committed it. In principle, the immediate notification procedure targets individuals who do not provide sufficient guarantees to appear before the judiciary (Article 477), whether due to the gravity of the acts attributed to them or due to their personal circumstances suggesting the possibility of flight or obstruction of justice. This condition grants the Public Prosecutor broad discretionary power, but it is not absolute, as the judiciary remains the final supervisor of the legality of applying this procedure (Mechri, 2022, p. 45). As for Article 488, it explicitly states that the provisions of this section do not apply to misdemeanors committed by children, confirming the principle of juvenile protection established by Law No. 15-12 relating to child protection, and excluding minors from these swift procedures that may not account for the specificity of their defense or their psychological and social circumstances (Guella, 2022, p. 33).

The authority of the Public Prosecutor to assess the insufficiency of guarantees according to Article 477 is one of the most controversial issues, as the "sufficient guarantees" criterion is vague and undefined, which grants the Public Prosecution a wide margin of discretion that may lead to an abuse of power. Although the judiciary is the final supervisor, this supervision comes too late, meaning after the accused has already been placed in temporary detention. This is considered an implicit violation of the presumption of innocence, as the accused is treated as a danger to society before their guilt is proven.

Furthermore, while the exclusion of juveniles under Article 488 is commendable, it would have been better for the legislator to establish clear controls for the age of criminal responsibility instead of the implicit referral to the Child Protection Law, which creates a kind of legislative ambiguity. More dangerously, Article 477 did not explicitly exclude persons with psychological or mental disabilities who may not provide "guarantees" in the traditional sense, which opens the door to applying this procedure to them despite their need for special procedural treatment that considers their circumstances.

The Second Requirement: Legal Guarantees in the Presentation and Trial Stages

While the controls determine when and to whom immediate notification is applied, the guarantees addressed in this requirement determine how the application takes place, as they are the fundamental pillar that distinguishes legitimate procedures from arbitrary ones. Speed, regardless of its justifications, cannot be an excuse to bypass defense rights or prejudice the presumption of innocence. The Algerian legislator recognized this by surrounding the presentation stage before the Public Prosecutor and the trial stage before the misdemeanor judge with a series of procedural guarantees aimed at protecting the accused, securing their right to a fair trial, and avoiding judicial errors that may result from haste.

First: Guarantees Before the Public Prosecutor (The Lawyer's Right to Access and Meet - Article 481)

The stage of the accused appearing before the Public Prosecutor is the first stage in which the accused faces the prosecution authority, and it is therefore the most dangerous stage in terms of the possibility of influencing the entire course of the lawsuit. The legislator was keen in Article 481 to establish a fundamental guarantee at this stage, which is the right of the lawyer to access the file and meet with their client.

This right is not formal but rather a core right that enables the lawyer to prepare their defense, discuss with their client in complete privacy in a dedicated room, review the procedures taken against them, and submit memos and observations during the interrogation. This text constitutes a qualitative shift compared to the old law which used to prevent the lawyer from contacting the accused within the court corridors (Skamakji, 2021).

Thus, the legislator has restored the balance between the two parties of the litigation at a very early stage and made the lawyer a supervisor of the legality of the procedures taken by the Public Prosecution.

There is no doubt that Article 481 represented a true legislative breakthrough as preventing the lawyer from contacting their client in the old law was akin to tying the knight before the race as if the old legislator feared the voice of truth before it was spoken. However practical reality raises a puzzling question which is whether the conversation room prepared by the legislator will truly be a prepared place as the text states or will it turn into a mere glass booth under the eyes of security personnel where conversations lose their privacy and freedom is confiscated? Comparative experiences tell us that the text alone is not enough but there must

be a real will to apply it otherwise the lawyer's right remains ink on paper. More concerning is that Article 481 did not specify any penalty for failing to enable the lawyer to exercise this right so will nullity be the consequence for procedures if the lawyer is prevented from meeting their client? The text is silent and this is a dangerous legislative vacuum that may lead to the obstruction of rights instead of their protection. What gives rise to cautious optimism is that the legislator finally realized that justice cannot be achieved in the absence of a strong lawyer but the greatest bet remains on the judges themselves as they are the ones who will give this right its spirit or turn it into a lifeless corpse

Second: Guarantees Before the Misdemeanor Judge

Before the misdemeanor judge, the legislator was keen to surround the accused with three major guarantees that ensure a fair trial even within the framework of this swift procedure:

- **The First Guarantee: Informing the Accused of the Right to a Lawyer and Granting a Preparation Period (Article 482):** At the beginning of the session, the judge must inform the accused who does not have a lawyer of their right to seek legal assistance and their right to request a period of no less than three days to prepare their defense. This period is sufficient to enable the accused to contact a lawyer, study the file, and present evidence of innocence.
- **The Second Guarantee: The Judge's Options in Case of Postponement (Article 483):** When the court decides to postpone the case, whether at the request of the accused or because the file is not ready, it does not leave the accused in a legal vacuum but rather grants the judge three options: either releasing them if they do not pose a danger, placing them under judicial supervision with specific obligations, or placing them in temporary detention if necessity requires so (Algerian Republic, 2025, p. 483).
- **The Third Guarantee: The Non-Appealability of Court Orders (Last Paragraph of Article 483):** Article 483 explicitly states that orders issued by the court according to this article are not subject to appeal. While this guarantee might seem at first glance as depriving the accused of a second degree of litigation, the procedural logic behind it is that these orders are issued by a court, which is a judicial body by nature, and that the accused retains the right to request release at any time according to ordinary procedures in Articles 207 and following.

The legislator here seems to want to reassure the accused that justice still considers their rights even in its frantic pursuit of speed. However, a pressing question arises: are three days truly sufficient to prepare a defense in a case that may be complex? In practical reality, a lawyer often finds themselves facing a file full of papers, witnesses whose statements have not been verified, and physical evidence requiring technical expertise, so how can they accomplish all of this in only 72 hours? It is a period that may be fair in theory but is imaginary in practice. More thought-provoking is the option of temporary detention granted to the judge as while detention is supposed to be the final exceptional measure, the text places it on equal footing with release and judicial supervision as if it were a preemptive punishment before guilt is proven.

Regarding the third guarantee concerning the non-appealability of orders, there is a strange paradox: how can we call depriving the accused of the right to appeal a guarantee? The legislator might argue that these orders are issued by a court and appealing them before the same court again is redundant. However, this logic ignores the fact that a second degree of litigation grants the accused a new opportunity to correct errors of the first degree, especially

when it relates to their personal liberty. This restriction is akin to a silent trade-off: speed in exchange for waiving a fundamental right of defense.

The Second Section: Flagrant Misdemeanor procedures

If the first section addressed the new system of immediate notification as a general mechanism for speed in cases ready for adjudication, then this second section returns to analyze another procedural system that was abolished in the previous law and then revived by the legislator in the new law which is the flagrante misdemeanor procedures. Perhaps the return to this system instead of integrating it within the immediate appearance procedure represents an implicit recognition by the legislator that being caught in the act of a crime (*flagrante delicto*) maintains its specificity which requires special procedural treatment particularly regarding the Public Prosecutor's powers of temporary detention (Souikat, 2020, p. 134). This section addresses two requirements. The first defines the legal nature of *flagrante delicto* and distinguishes it from similar systems while the second analyzes the procedures applied before the Public Prosecutor and the trial judge.

The First Requirement: The Legal Nature of *Flagrante Delicto* and its Distinction from Similar Systems

The state of *flagrante delicto* is a factual and legal condition that grants procedural authorities expanded powers as a compensation for the state of certain knowledge regarding the occurrence of the crime and the identity of its perpetrator. The state of *flagrante delicto*, as defined by the legislator in Article 72, presumes that the crime is either witnessed instantly or that its traces and evidence are clear and consecutive such that they leave no room for doubt regarding the perpetrator's identity. However, in the new law, this state is no longer sufficient on its own to apply immediate notification procedures. Instead, it has become a mere additional condition that can be utilized or bypassed depending on the degree of the case's readiness

First: Definition of the Cases of *Flagrante Delicto* (According to Article 72 of Law 25-14)

The Algerian legislator defined the cases of *flagrante delicto* in Article 72 of the new law in a precise and broad manner, encompassing four main forms:

- Witnessing the crime at the time of its commission or immediately after its commission (Actual or witnessed *flagrante delicto*) (Algerian Republic, 2025, p. 72).
- The public following the suspect with shouting (A presumptive case of *flagrante delicto*) (Algerian Republic, 2025, p. para 72).
- Seizing the instrument used in committing the crime with the suspect, or the presence of traces and evidence confirming its commission (*Flagrante delicto* by material evidence) (Algerian Republic, 2025, p. para. 3).
- Committing the crime in a house, its discovery by the homeowner following its occurrence, and their initiation of a call to the judicial police (An expansive case of *flagrante delicto*).

When deconstructing Article 72, we find that the legislator has established an expanded concept of the state of *flagrante delicto* that far exceeds the traditional concept based on direct witnessing. This expansion, while serving the goals of criminal policy in combating crime, raises fundamental legal issues related to the presumption of innocence and defense rights.

The second form, based on the public following with shouting, grants broad discretionary power to the public, representing a breach of the principle of legality of criminal procedures which must remain exclusively under judicial supervision. How can the mere shouting of a group of individuals, some of whom may be unaware of the truth of the facts, produce a legal effect of considering a person in a state of *flagrante delicto*? This text, in practice, turns popular

allegation into a legal presumption necessitating the application of flagrante delicto procedures, which contradicts the principle that a person is innocent until proven guilty by sound legal evidence.

As for the fourth form relating to the homeowner's discovery of the crime, it is based on the premise that the absolute home discovery, without the need for material evidence or additional objective presumptions, is sufficient to consider the accused person in a state of flagrante delicto. This text opens the door to potential abuse, as a homeowner, motivated by personal reasons such as dispute or revenge, could claim the discovery of a crime in their home and attribute it to a specific person, forcing the judicial police to apply flagrante delicto procedures without serious scrutiny of the discovery's credibility. This situation creates a state of legal uncertainty where any person becomes vulnerable to an accusation of flagrante delicto based on a home discovery that may be fabricated.

It is noteworthy that the legislator did not accompany these expansive forms with sufficient procedural guarantees, such as requiring additional presumptions or obliging the homeowner to provide material evidence with their discovery. Moreover, the text did not specify objective criteria to distinguish serious shouting that reflects a popular certainty from mere transient shouting that may arise from misunderstanding or momentary agitation.

From my perspective, it would have been better for the legislator to place an additional restriction on the second and fourth forms, such as requiring the shouting to have been issued by a certain number of independent individuals, or that the home discovery be supported by corroborating material elements. The unrestricted expansion in the definition of flagrante delicto, regardless of its legitimate motives, may lead to the imposition of temporary detention on innocent people before they have a real opportunity to defend themselves.

Second: Distinction Between Flagrante Delicto Procedures, Immediate Notification, and Pre-trial Guilty Pleas

The fundamental difference between flagrante delicto procedures and the immediate notification system lies in the fact that flagrante delicto procedures are exceptional preliminary investigation measures aimed at gathering evidence and apprehending the suspect, whereas immediate notification procedures are swift referral and trial measures aimed at adjudicating a ready case (Fellina, 2022, p. 134). The old law used to merge them, while separating them in the new law is more legally and procedurally correct. As for the system of appearance with prior admission of guilt (Articles 539-548), it is a system of negotiated justice where the accused themselves initiates an explicit and unambiguous confession in exchange for a reduced penalty, and it applies only to misdemeanors whose maximum penalty does not exceed five years.

The legislator's separation between flagrante delicto and immediate notification procedures was a procedural necessity, as the confusion between them in the old law was an obstacle to proper application. However, a fundamental question remains: what is the utility of having the immediate notification system alongside the pre-trial guilty plea system? The answer is that the legislator wanted to provide two alternative paths: a swift trial while the accused retains their rights, or negotiated justice based on waiving the trial in exchange for a reduced penalty.

However, what raises reservations is that Article 539 grants the Public Prosecutor the authority to resort to the pre-trial guilty plea automatically without a request from the accused. This text constitutes indirect coercion, especially in the case of an accused person in temporary detention who might accept confessing to a crime they did not commit just to be released.

Negotiated justice cannot be achieved in an atmosphere dominated by fear or psychological pressure but rather requires free and informed consent.

Furthermore, the exceptions in Article 450, although they seem logical, deprive certain categories of benefiting from this system. Moreover, the texts did not specify clear mechanisms to verify that the confession was explicit and unambiguous and did not mention penalties for violating this condition. This ambiguity leaves broad discretionary power to the judiciary, which is positive in terms of flexibility but negative in terms of lacking objective criteria.

The Second Requirement: Procedures Applied in Flagrant Misdemeanors According to the New Law

After the legislator defined the cases of flagrante delicto and distinguished them from other systems, it was necessary to organize the procedures applied in these cases. The new law is characterized by restoring certain powers to the Public Prosecutor that were lost in the previous law, but while restricting them with precise objective and procedural conditions and subjecting them to the supervision of the trial judge. This requirement addresses the procedures in two stages. The first stage is before the Public Prosecutor, which is the stage of presentation and potential detention (according to Article 486). The second stage is before the trial judge, which is the stage of trial, release, and supervision (according to Article 487 and following).

First: Procedures Before the Public Prosecutor

Article 486 of the new law stipulates that the Public Prosecutor may, in cases of flagrant misdemeanors, issue an order to place the accused in temporary detention. However, this is not absolute as four cumulative conditions must be met: the accused does not provide sufficient guarantees to appear before the judiciary (Algerian Republic, 2025, p. 486), the misdemeanor is punishable by a minimum penalty equal to or exceeding six months (Algerian Republic, 2025, pp. 486, para. 2), the investigating judge has not yet been notified of the crime, and the identity of the accused is verified and they are interrogated regarding the facts attributed to them. If these conditions are met, the Public Prosecutor issues a reasoned detention order and refers the accused immediately to the court provided that the trial session is scheduled within a maximum period of five days from the date of detention.

Perhaps the most prominent feature of Article 486 is the legislator's restoration of the detention authority to the Public Prosecutor after it had been stripped from them in the old law. This reflects a shift in criminal policy philosophy toward granting the Public Prosecution greater trust in managing the first stage of the lawsuit. However, this return to power was not absolute but was surrounded by four cumulative restrictions, which is commendable in theory but raises practical issues.

The first condition regarding the failure to provide sufficient guarantees is an exceptionally vague condition as the legislator did not define the nature of these guarantees or the criteria for assessing their sufficiency.

Are they financial guarantees, in-kind guarantees such as real estate mortgages, or personal guarantees such as a bondsman? The text is silent and this ambiguity grants the Public Prosecutor broad discretionary power that may lead to divergence in application. What one Public Prosecutor in one court considers insufficient guarantees might be considered sufficient by another in a neighboring court, which undermines the principle of equality before the law.

As for the second condition regarding the minimum penalty of six months, it is an objective condition that prevents the detention of the accused in trivial misdemeanors, which is a positive aspect. However, it raises a question: why did the legislator choose the minimum

limit and not the maximum limit? In some misdemeanors, the minimum limit might be low at six months while the maximum limit is high at five years, meaning the crime could be very serious yet fall under this condition. It would have been better for the legislator to link detention to the actual gravity of the crime rather than a theoretical minimum.

The third condition regarding the non-notification of the investigating judge is a purely organizational condition aimed at avoiding overlap between the jurisdictions of the prosecution and the investigating judge. However, it raises an issue: what if the investigating judge is notified after the Public Prosecutor has already ordered the detention? The text does not clarify the fate of the issued order, creating a state of legal uncertainty.

The fourth condition concerning interrogation and identity verification is a necessary and undisputed procedural condition, but it remains largely formal as the Public Prosecutor can fulfill this condition in a few minutes without necessarily meaning that the accused truly understood the nature of the charges against them or had a real opportunity for defense.

Second: Procedures Before the Trial Judge

- **Judicial Supervision of Detention:** Although the Public Prosecutor is the one who orders detention, the legislator made the trial judge (the court) the final supervisor of the legality of this detention. In the event of a postponement of the case, the court remains the competent authority to adjudicate the request for the release of the accused.
- **Foreigner's Bail (Article 487 in referral to Article 213):** If the accused is a foreigner, the legislator has permitted in Article 487 that their release be conditional upon providing financial bail in cases where release is not by force of law. However, the text did not specify an upper limit for this bail, which may raise practical issues related to discrimination between foreigners or arbitrariness in assessing its value (El-Kady, 2022, p. 57).

In principle, subjecting the Public Prosecutor's power of detention to the supervision of the trial judge is a fundamental procedural guarantee as it prevents the Public Prosecution from becoming an entity that monopolizes the power to deprive liberty without oversight. However, this supervision, although existing in theory, remains limited in effectiveness in practice for several reasons. First, because the supervision is exercised too late, meaning after the accused has already been detained and has lost days or weeks of their liberty. Second, because when the court adjudicates the release request, it has often reviewed the case file and formed an initial conviction that may make it inclined to support the Public Prosecutor's decision rather than overturning it.

Regarding the foreigner's bail, the text reflects an explicit legislative distinction between the citizen and the foreigner. This distinction may be justified in some cases such as the risk of fleeing the national territory but it remains dangerous if misused. Permitting the request for financial bail from a foreigner without specifying any upper limit, and by referring only to Article 213 which speaks of bail that guarantees the appearance of the accused and the execution of the judgment, grants the judge a very broad discretionary power.

Conclusion:

Following this in-depth analysis of the controls and guarantees surrounding the immediate notification system and flagrant misdemeanor procedures in Law No. 25-14, and after reviewing various theoretical and practical issues raised by the studied texts, a set of findings and recommendations can be drawn. We hope these will contribute to evaluating the efficacy of this new system and guiding the legislator in addressing remaining loopholes.

First: Findings

Based on the thorough analysis of the previous sections, the following core findings can be extracted:

- The distinction established by the Algerian legislator in Law No. 25-14 between the immediate notification system (specific to ready cases) and flagrant misdemeanor procedures (specific to the state of flagrante delicto) is a commendable legislative step. It restores the proper order of things and ends the confusion that plagued the old law. However, this separation, while necessary, was not accompanied by clear objective criteria to distinguish between the two systems in practical application, which may reproduce the same issues in a different form.
- To a large extent, the legislator succeeded in achieving a difficult balance between the requirement of speed in adjudicating simple cases and the necessity of respecting defense rights and the presumption of innocence. Yet, this balance remains fragile, as the absence of effective mechanisms to appeal the Public Prosecutor's decisions and the lack of clear penalties for violating procedural guarantees create a gap between theory and practice that is difficult to bridge without bold judicial intervention.
- The legislator restored the Public Prosecutor's authority for temporary detention in flagrant misdemeanors, not as an absolute power, but as one restricted by precise objective conditions (Article 486). Nevertheless, the condition regarding the "failure to provide sufficient guarantees" remains vague and subject to varying interpretations, constituting a legal loophole that could lead to the de facto abuse of power, even if theory prohibits it.

Second: Recommendations

- We recommend that the legislator issue a regulatory text defining the nature of acceptable guarantees (such as financial bail, house arrest, or the surrender of travel documents) and the criteria for assessing their sufficiency, rather than leaving the matter solely to the discretion of the Public Prosecutor.
- We recommend amending Article 539 to require the presence of a lawyer during the sentencing proposal, while explicitly stating that the accused's rejection of the proposal cannot be used against them in any subsequent proceeding, in order to protect the accused from indirect coercion.
- We recommend establishing an upper limit for the financial bail required from foreigners under Article 487, linking this limit to the potential sentence duration and the gravity of the crime, while granting the right to appeal the bail assessment before the Indictment Chamber.
- We recommend providing the right to appeal (recourse) the Public Prosecutor's decision to refer a case as "ready for adjudication" under Article 478, so that the accused or their lawyer may contest this assessment before the Indictment Chamber prior to the commencement of trial proceedings.

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