ISSN: 2352-975X مجلـة البـاحث للـدراسات الأكـاديـمـيـة EISSN: 2588-2368
ELBAHITH for Academic Studies
Volume: 13 /N°: 02 /Year: 2026 /pp: 29 – 45

Conditions of The Criminal Judge's Authority in Adjudicating the Ancillary Civil Action in Accordance with the New Code of Criminal Procedure No. 25/14

Received date: 19/03/2026 ***Accepted date: 12/05/2026***

FEGHOUL Arbia [*]
Ali Lounici University- Blida 2 University
a.feghoul@uiv-blida2.dz

Abstract:

A person harmed by a criminal offense may resort to the criminal courts for the consideration and adjudication of the civil action attached to the criminal proceedings, in accordance with the legal rule established by the Algerian legislature in the provisions of the new Code of Criminal Procedure (CCP) No. 25/14. This rule is not novel, as it had previously been stipulated under the repealed Code of Criminal Procedure (CCP) issued by Ordinance No. 66-155.

Pursuant to the provisions governing litigation before the criminal judge introduced by the legislature under the aforementioned Code of Criminal Procedure (CCP), and with the aim of strengthening the guarantees of a fair trial for the parties to the proceedings as enshrined in Article 41 of the Constitution, the criminal judge is exceptionally vested with the authority to adjudicate the civil action when it is attached to the public action, provided that the applicable legal conditions are duly observed. Otherwise, the judgment is liable to appeal.

Keywords: *Injured Party; Civil Action AttachedTo Criminal Proceedings; Criminal Judge; Public Action; Accused.*

Introduction:

The new Code of Criminal Procedure (CCP) No. 25/14 addresses the issue of jurisdiction through strict legal provisions, as it pertains to matters of public order. The general rule stipulates that the criminal judge has jurisdiction to hear and adjudicate the public action, namely the action of public right, whereas the civil judge has jurisdiction to hear and adjudicate the civil action, namely the action of personal right. This distinction arises because the two actions differ in both subject matter and parties. However, as an exception to this rule, the

[*]***- Corresponding Author****.*

criminal judge may be competent to hear and decide both the public and civil actions simultaneously, particularly since both actions share a common source in the offense, which may constitute a felony, a misdemeanor, or a contravention. This classification determines the jurisdiction of the criminal judge.

The focus of this study lies in examining the jurisdiction of the criminal judge to adjudicate the civil action arising from damage caused by a criminal offense, in accordance with the legal conditions. Accordingly, the following question is raised: ***How is the jurisdiction of the criminal judge determined in hearing and adjudicating the ancillary civil action under the new Code of Criminal Procedure No. 25/14?***

In response to this question, the study is structured around two principal chapters:

– The first chapter: The conditions for the admissibility of hearing the ancillary civil action before the criminal judge. This section examines the conditions related to the cause of the ancillary civil action, addresses the conditions related to its subject matter, and finally considers the conditions related to the parties involved in the ancillary civil action.

– The second chapter: The criteria governing the choice of jurisdiction when the injured party resorts to either the civil or the criminal judge to adjudicate the ancillary civil action. This section examines the conditions for adjudicating the ancillary civil action when the injured party opts for the civil judge, as well as the conditions for adjudicating the ancillary civil action when the injured party opts for the criminal judge.

Chapter I: Conditions for the Admissibility of Examining the Civil Claim Ancillary to Criminal Proceedings before the Criminal Judge

The criminal judge is entitled to examine a civil claim whenever it is ancillary to the public action, in accordance with Article 3 of the new CCP No. 25/14, which provides: "The prerogative to commence a civil proceeding seeking recompense for damages emanating from a felony, misdemeanor, or infraction is vested in all parties who have sustained detriment proximately attributable to the transgression. The relinquishment of the civil recourse or the omission to institute it prior to adjudication by the criminal tribunal does not engender the abeyance or deferral of the commencement of public prosecution, contingent

upon the stipulations delineated in paragraph 3 of Article 9.[1]" This claim is subject to certain conditions for its admissibility, which will be explained in the following points:

1- Conditions Relating to the Cause:

Any person who has suffered harm as a result of a criminal offense has the right to seek compensation for that harm before the criminal courts. However, this right is not absolute, as it is contingent upon the fulfillment of the following conditions:

1.1- The Existence of an Offense Attributed to an Accused Person:

The concept of crime carries multiple meanings, yet two principal interpretations may be identified[2]:

A legal interpretation defines crime as any act that contravenes the provisions of criminal law established by the legislature, for which specific penalties are prescribed and must be applied to those who violate its commands, whether through action or omission.

A sociological interpretation defines crime as a phenomenon whereby individuals breach the norms of social control established by society to ensure stability, security, and the preservation of its fundamental structures.

With regard to the national legislator, it is evident that no general definition of crime has been provided. Instead, the legislator has confined itself to defining each offense individually while specifying its three constituent elements: the legal element, the material element, and the moral element. Furthermore, offenses have been classified, according to their gravity and their impact on society and its security and stability, into three categories: felonies, misdemeanors, and contraventions, pursuant to Article 5 of the Penal Code.[3]

Jurisdiction is vested in the criminal judge to examine the ancillary civil claim where it is preceded by a public criminal action concerning a punishable act attributed to an accused person. This jurisdiction does not extend to lawful acts or to criminal acts for which no public action has been initiated. The expression "a punishable act attributed to an accused person" signifies that the accused must be a specifically identified individual by name and identity, whether a natural person or a legal entity represented by a lawful representative. Moreover, the accused must be subject to the jurisdiction of the court and must possess awareness and freedom of choice at the time the public action is instituted against them.[4]

1.2- Damage Arising from a Criminal Offense: *This refers to damage resulting from an act that constitutes a crime, whether classified as a felony, misdemeanor, or contravention, which causes loss to the rights of the injured party, deprives them of potential gain, inflicts harm upon their physical integrity, or affects their psychological and moral well-being. This is affirmed in Article 4 of the CCP, final paragraph: "... a civil liability action shall be admissible for all forms of damage, whether material, bodily, or moral...".(5)*

The criminal judge may not adjudicate the civil action ancillary to the criminal proceedings unless its subject concerns a claim for compensation for damage directly resulting from the offense. Otherwise, the judge may render a ruling of lack of jurisdiction with respect to the ancillary civil action, whether the judgment in the criminal case results in conviction or acquittal.(6)

Moreover, the damage for which compensation is sought must satisfy certain conditions, namely:(7)

– *The damage must have affected the injured party personally or a person legally representing them. In other words, the harmful act must have directly impacted the civil claimant or their legal representative. However, in some instances, difficulty arises in distinguishing between damage directly resulting from the offense and indirect damage due to the intermingling of circumstances, making it challenging to determine whether the damage stems directly from the offense, from subsequent circumstances, or merely occurred on the occasion of it.*

– *The damage must be actual and not merely potential, as the civil action guarantees a right; if this right is not established with certainty, the action does not exist. Therefore, the mere possibility of future damage is insufficient to warrant compensation, and hypothetical future assumptions do not suffice to bring an ancillary civil action.*

– *The damage must have affected a legitimate interest of the injured party. Accordingly, for the civil claimant to have the right to seek compensation, the interest that has been harmed must be lawful.*

1.3- Causal Link Between the Existing Offense and the Resulting Damage: *This condition refers to the relationship between the offense and the damage. The criminal judge cannot accept jurisdiction over a claim for compensation unless the damage is both a direct consequence of the offense and a natural result thereof.*

The general principle requires the existence of a causal link between the damage arising from a felony, misdemeanor, or contravention and the attribution of the offense to the accused.(8) In application of this principle, the court may acquit the accused of the charge and also declare a lack of jurisdiction to adjudicate the civil action. This represents the majority view among judges and has been affirmed by the Supreme Court in its decision issued by the Second Criminal Chamber in Appeal No. 24418 dated 05/04/1983.(9)

However, in compensation claims relating to traffic accidents, the Algerian legislature has introduced an exception through Ordinance No. 74-15 and Law No. 88-31 concerning compensation for traffic accidents, as amended and supplemented. Where the misdemeanor or contravention court renders a judgment acquitting the accused of the offenses of unintentional injury or involuntary manslaughter, it nonetheless adjudicates the civil action. This is because, in traffic accident cases, civil liability is based on the theory of risk rather than fault, as affirmed by the Supreme Court in several decisions, stating: "Any traffic accident causing bodily harm entails compensation for every victim or their beneficiaries.(10)"

It has also held: "It is legally established that in traffic accident cases, the criminal judge is required to adjudicate the civil action and award compensation to the injured civil party, even where the accused is acquitted, since the system of compensation for traffic victims or their beneficiaries is governed by the theory of risk rather than the theory of fault.(11)"

Furthermore, pursuant to Article 450, paragraph 2, of the CCP, the civil claimant may, in the event of an acquittal or exemption from punishment, request before the criminal judge of the criminal court compensation for damage arising from the fault of the accused as inferred from the facts forming the subject of the charge. The criminal court judge must adjudicate the civil rights by a reasoned judgment that is subject to appeal or cassation.(12)

Accordingly, it may be inferred from Article 450 of the CCP, as amended and supplemented, that the scope for bringing an ancillary civil action before the criminal court judge is broad.(13)

2- Conditions Relating to the Subject Matter:

The subject matter of the ancillary civil action is compensation exclusively, in accordance with Article 3 of the CCP, which provides:

"The right to bring a civil action for the purpose of claiming compensation for damage resulting from a felony, misdemeanor, or infraction…". Compensation takes various forms that require clarification, followed by an examination of judicial fees and costs.

2.1- Compensation and Its Types: *As previously indicated, the purpose of compensation is to remedy material, bodily, or moral harm arising from a criminal offense, whether classified as a felony, misdemeanor, or infraction. All forms of harm may serve as a basis for claiming civil compensation before the criminal judge.*

Compensation may take several forms, including monetary compensation, which consists of claiming the financial equivalent of the damage caused by the offense, regardless of whether the harm is material or moral. The assessment of compensation falls within the discretionary authority of the judge, provided that it does not exceed the limits of the claim submitted by the civil claimant, except in cases where compensation is determined by law, such as compensation granted to beneficiaries in traffic accident cases. Compensation may be awarded in full, in installments, or in the form of a periodic annuity, with its assessment governed by Articles 131 and 132 of the Civil Code.[14]

Compensation in kind, or restitution, consists of restoring the situation to what it was prior to the commission of the offense, where possible. This is reflected in Article 522 of the CCP No. 25/14, which permits the accused, the victim, the civil claimant, and the person liable for civil rights to request the competent court to order the return of items placed under judicial control. Article 523 of the same Code further allows any person other than the accused, as well as the victim, the civil claimant, and the person liable for civil rights, to assert a right over items under judicial control and to request their restitution before the court hearing the case. The civil claimant may be awarded both monetary compensation and restitution concurrently, for instance when only part of the stolen property is recovered, in which case the court orders its return along with monetary compensation equivalent to the value of the remaining portion.[15]

2.2- Judicial Costs and Fees: *Judicial costs and fees refer to the expenses paid to the public treasury in connection with each case in consideration of adjudication. The CCP establishes that the judicial authority has discretion to determine whether litigants should bear*

judicial costs. The accused, the civil claimant, or the person liable for civil rights may be wholly or partially exempted from such costs. Article 519, paragraph 2, of the new CCP No. 25/14 provides that "the court may, however, exempt him from all or part of them." Article 517 of the same Code stipulates that "every judgment of conviction against the accused, and where appropriate against the person liable for civil rights, shall order them to bear judicial fees and costs in favor of the State; it shall also specify, with respect to the accused, the duration of coercive detention, subject to the provisions of Article 765 of this Code." Additionally, Articles 417 to 421 of the Code of Civil and Administrative Procedure address compensation.(16)

The general rule is that the claimant may not be burdened with judicial costs unless the claim is unsuccessful. The Supreme Court has held that "where the civil action has been admitted and the civil claimant has not lost the case, the appellate judges expose their decision to cassation if they impose the costs of the proceedings on the civil claimant.(17)"

3- Conditions Relating to the Parties to the Action:

The ancillary civil action, like the public action, involves two parties: the civil claimant and the civil defendant.

3.1- The Civil Claimant (the Injured Party): *The civil claimant is the person who has suffered damage as a result of the committed offense, whether it constitutes a felony, a misdemeanor, or a legally punishable contravention, and whether the claimant is a natural or a legal person. For the ancillary civil action to be admissible before the criminal judge, the law requires the existence of standing, interest, and legal capacity. Standing means that the claimant must have personally suffered harm as a result of the offense, such that no other person, regardless of their relationship to the injured party, may claim compensation for that harm. The requirement of interest in bringing the civil action is aimed at obtaining the right to compensation; therefore, the existence of such interest is necessary for the admissibility of the civil action before the criminal courts. Legal capacity, in turn, requires that the injured party be competent to exercise their civil rights. If the injured party lacks or has diminished legal capacity, the action is not admissible, and their guardian, trustee, or legal representative becomes entitled to assert their rights.(18)*

3.2- The Civil Defendant (the Accused): *The general rule is that the ancillary civil action is brought against the accused, as the person who committed the offense either individually or in conjunction with others, in application of the principle of the personal nature of punishment as stipulated in Article 142 of the Constitution.*[19]

The ancillary civil action may also be brought against those who are civilly liable for the acts of the accused, namely persons who are legally responsible for the acts of others, such as parents for their minor children, in accordance with the principle of liability for the acts of another.

It is also permissible to bring the ancillary civil action against the heirs when the accused has died and left an estate, in which case the injured party is entitled to claim compensation within the limits of that estate. However, if the deceased accused has not left an estate, the injured party's right to compensation lapses.[20]

Chapter II: Criteria Governing the Choice Between the Civil Judge and the Criminal Judge in Adjudicating the Ancillary Civil Action

As a general rule, jurisdiction to adjudicate the civil action is originally vested in the civil judge alone. However, the Algerian legislator has, by way of exception, also granted this jurisdiction to the criminal judge within limited bounds, since the latter may only adjudicate such an action if the injured party elects to bring the claim before the criminal court.

Accordingly, the legislator has granted the injured party the right to seek compensation before the criminal judge and has specified the conditions for the admissibility of adjudication in accordance with legal provisions, which are as follows:

First Condition: The ancillary nature of the civil action in relation *to the public action, in accordance with Article 4 of the new CCP No. 25/14. In other words, the civil action is subordinate to the public action in terms of procedure, as it is governed by the CCP with respect to subject-matter and territorial jurisdiction, as well as the binding effect of the criminal judgment upon it. This subordination also extends to the outcome, namely the adjudication of both actions together. Legislative, doctrinal, and judicial practice in France has established the principle of procedural unity between the two actions. Accordingly, the criminal court has jurisdiction to hear the civil action regardless of the amount of compensation claimed, even if the injured party has died. However,*

if death results from the offense, its legal characterization or classification will change, particularly with respect to the accused, and the heirs may claim compensation anew for the damage they personally suffered as a result of the death of their predecessor. In such cases, the rule of striking out the civil action before criminal courts has no application, since in all circumstances a ruling must be issued on the civil aspect, even if the accused is acquitted on the criminal aspect, in accordance with the principle of subordination.(21)

Second condition: The absence of any impediment to jurisdiction. *This means that the criminal court competent to examine the ancillary civil claim is the ordinary criminal judiciary, which alone is legally authorized to adjudicate such claims. By contrast, special criminal courts are not permitted to examine them. For example, military courts may not adjudicate civil claims; consequently, even if a civil party is constituted before them, they do not rule on the claim, and this does not constitute a violation of the law. Likewise, civil claims brought against minors before the criminal courts must be submitted to the competent authority, namely the juvenile judge, the judge assigned to minors, or the juvenile division, as the case may be.(22)*

Furthermore, the CCP grants the injured party the right to choose between the civil judge and the criminal judge, in accordance with Articles 4 and 5 thereof. However, this right of choice is subject to the condition that the public action has not become time-barred, pursuant to Article 12, paragraph 2, of the CCP, as will be explained subsequently.(23)

1- Conditions Governing the Adjudication of the Ancillary Civil Claim When the Injured Party Chooses the Civil Judge:

Article 5, paragraph 1, of the CCP provides that "the civil action may be instituted separately from the public action." It follows from this provision that the person harmed by the offense may bring their claim before the civil court. Reference has been made to the authority of the civil judge to adjudicate the ancillary civil claim due to its relevance to the present subject.

This constitutes the principal avenue for seeking compensation for damage suffered as a result of a criminal offense. The injured party may also withdraw the civil claim brought before the criminal courts in order to pursue the civil route.

Notwithstanding the separation of the civil action from the public action in terms of jurisdiction, the connection between the two actions remains governed by the CCP as follows:

If the criminal court has adjudicated the public action prior to the civil action, the decision of the criminal court, having acquired the authority of res judicata, is binding on the civil action in accordance with Article 339 of the Civil Code, which provides: "The civil judge is bound by the criminal judgment only with respect to the facts that were decided therein and where such determination was necessary.(24)"

If the criminal court before which the civil action has been brought has not yet adjudicated it, then, pursuant to paragraph 2 of Article 5 of the CCP, the civil judicial authority must stay proceedings in the civil action brought before it until a final determination has been rendered in the public action, provided that the latter has been initiated. The postponement of adjudication of the civil action is subject to the following conditions(25):

– *The civil action and the public action must arise from the same criminal act.*

– *The public prosecution must have initiated the public action, whether at the investigation stage or at trial. If the public action has not been initiated, the civil court is not required to stay proceedings in the civil action.*

– *The stay of proceedings in the civil action must continue until a final judgment has been rendered by the criminal court in the public action and all avenues of appeal have been exhausted.*

– *No final or definitive judgment must have been rendered in respect of the public action, depending on whether the judgment or decision has been notified and not appealed, and all methods of appeal have been exhausted.*

2- Conditions for Adjudicating the Ancillary Civil Action When the Injured Party Opts for the Criminal Judge:

Under Article 4 of the novel CCP No. 14-25, an individual aggrieved by a criminal act has the option to initiate a supplementary civil lawsuit within the purview of criminal courts.(26) The aforementioned Code delineates three distinct mechanisms for commencing a civil action in criminal courts: first, via a civil claim submitted before the investigating judge; second, through engagement in proceedings

launched by the public prosecutor and subsequently brought to trial, achieved either by a declaration lodged with the court registry antecedent to the hearing, or during the hearing itself via a statement documented by the clerk or integrated into written pleadings;[27] *and third, via direct summons before the court in instances sanctioned by law.*[28] *These procedures are elucidated in the subsequent discussion:*

2.1- First Method: Filing a Civil Claim before the Investigating Judge: *A civil claim may be filed before the investigating judge by any person with standing who has suffered harm from a criminal offense, whether a felony, misdemeanor, or contravention, in their capacity as a party capable of initiating public proceedings. This applies where the individual has taken the initiative to submit a complaint accompanied by a civil claim before the investigating judge, in accordance with Article 147, which provides: "Any person who has suffered harm from a felony or misdemeanor not connected with facts already before the courts may bring a civil claim by submitting a complaint before the competent investigating judge...".*

A complaint accompanied by a civil claim is admissible, pursuant to Article 147, paragraph 2, of the new CCP, if the following conditions are met:

- It is established that the injured party has previously submitted a complaint concerning the same acts and against the same person or persons before the Public Prosecutor, and that it was dismissed.

- Or that a period of four months has elapsed since the submission of the complaint, and the investigating judge has verified that no decision has been taken to initiate public proceedings.

According to Article 148 of the CCP:

- If the civil claim satisfies the legal conditions, the investigating judge shall refer it to the Public Prosecutor within five days for the latter to submit their requests within an equivalent period from the date of notification of the civil claim. The Public Prosecutor may direct their requests against a named or unnamed person. The Public Prosecutor may not request the investigating judge to refrain from conducting an investigation except in three cases:[29]

- *Where the complaint is filed against a person subject to special procedural arrangements for prosecution under the law.*
- *Where the facts presented to the investigating judge render the initiation of public proceedings legally impermissible.*

- *Where the facts presented to the investigating judge, even if materially established, do not admit any criminal classification as a felony, misdemeanor, or contravention.*

2.2- Second Method: Intervention in the Proceedings before the Investigating Judge and before the Criminal Court: *A civil claim may also be brought before the investigating judge by any person with standing who has suffered harm as a result of a criminal offense, whether a felony, misdemeanor, or infraction, in the capacity of an intervening party before the investigating judge, following the initiation of public proceedings by the Public Prosecution or by another civil claimant, in accordance with Article 149 of the CCP. Intervention is likewise permissible before the criminal court pursuant to Articles 376 to 379 of the CCP No. 25/14. This will be explained in the following points:*

2.2.1- When the Civil Claimant Intervenes before the Investigating Judge: *Pursuant to Article 149 of the CCP, any person harmed by a criminal offense may bring a civil claim at any stage during the investigation, provided that the investigating judge informs the other parties to the proceedings. The Public Prosecution, the accused, and any civil claimant may contest the civil claim before the investigating judge, who has the authority to rule on the admissibility of the claim on his own initiative, issuing a reasoned decision if he considers it inadmissible. The conditions that must be satisfied are as follows:*

- The civil claimant must have a domicile within the territorial jurisdiction of the judicial authority before which he brings his claim, whether before the investigating judge or the court. If the claimant does not reside within the jurisdiction of the court where the investigation is conducted, he must elect a domicile within that jurisdiction; otherwise, any objection based on failure to notify him of procedural acts required to be served upon him shall be deemed inadmissible, in accordance with Article 152 of the CCP.

- The investigating judge must have territorial jurisdiction, as determined under Article 70 of the CCP. If the investigating judge lacks territorial jurisdiction and, after hearing the submissions of the Public Prosecution, issues an order referring the civil claimant to the judicial

authority he deems competent, such referral shall be made in accordance with Article 153 of the CCP.(30)

2.2.2- When the Civil Claimant Intervenes before the Criminal Court: *A review of Articles 376 to 379 of the CCP indicates that intervention in an ancillary civil action before the criminal court entails the following:*

A civil claim may not be introduced for the first time before the appellate court, that is, before the criminal chamber of the judicial council, pursuant to the final paragraph of Article 603 of the CCP. This means that a victim who fails to appear before the misdemeanor or infraction court may not, at the appellate stage, seek to establish himself as a civil party before the criminal chamber of the judicial council for the purpose of obtaining compensation, whether the appeal is lodged by the accused or the Public Prosecution. Such claims would constitute new claims, which may not be submitted directly before appellate judges, as this would violate the principle of two-tier litigation and deprive the accused of one level of jurisdiction. The victim must therefore constitute himself as a civil party and submit his claims either before the investigating judge or before the court of first instance prior to the submission of the Public Prosecution's arguments on the merits for the first time; otherwise, the claim shall be inadmissible, in accordance with Article 379 of the CCP.(31)

Any victim or civil claimant who fails to appear at the hearing, or to be represented therein despite having been duly summoned, shall be deemed to have abandoned the civil claim. In such a case, judgment shall be rendered in his absence while preserving his rights, in accordance with Article 383 of the CCP. He retains the right to bring the matter before the competent judicial authority pursuant to Article 384 of the CCP. In this latter situation, the civil court must stay proceedings in the civil action brought before it until a final decision has been rendered in the public proceedings.(32)

2.2.3- The Third Method: Direct Summons to Appear Before the Misdemeanor Court: *This method allows the civil claimant to bring the action directly before the trial court without passing through the investigating judge. The injured party may directly summon the accused to appear before the misdemeanor court in cases involving the offense of family abandonment, failure to hand over a child, violation of the sanctity of a domicile, defamation, issuance of a cheque without*

sufficient funds, public insult, failure to pay alimony, infringement of the right to private life, false denunciation, and breach of trust. These offenses are exhaustively enumerated by the legislator. In other offenses classified as misdemeanors, the injured party is required to obtain authorization from the public prosecution to proceed with a direct summons to appear.[33]

Furthermore, the injured party who directly summons the accused to appear before the court must deposit in advance with the court clerk a sum determined by the public prosecutor to cover judicial costs. The summons document must also indicate the identity and address of the person complained against, as well as the election of a domicile within the national territory. Failure to comply with these requirements results in nullity.

Conclusion:

The possibility of examining the ancillary civil claim before the criminal judge, in accordance with the legal conditions set forth in the new CCP No. 25/14, and in light of the connection between the civil action and the criminal action in terms of their common source, namely the offense, is justified on several grounds. It facilitates procedures for the civil claimant, as it represents a more expeditious route in terms of saving time, effort, and costs. It also allows for a more accurate assessment of compensation by the criminal judge, who is fully apprised of the circumstances and details of the case. Moreover, it may be advantageous to the civil claimant, as it ensures effective protection of the rights of the parties to the proceedings, particularly the right of defense, which is guaranteed in criminal matters pursuant to Articles 175 and 177 of the Constitution and Article 5 of the aforementioned CCP. It likewise contributes to the proper administration of justice.

I- Study Findings:

1- The jurisdiction of the criminal judge to adjudicate the ancillary civil claim constitutes an exceptional jurisdiction that may only be exercised when its legal conditions are fulfilled. It must not be extended or applied by analogy except where expressly authorized by law, whereas the civil judge retains original jurisdiction where appropriate.

2- The issue of establishing the commission of the offense and attributing it to the accused in criminal proceedings is of fundamental importance, as it determines whether a judgment of acquittal or

conviction is rendered. Such determination constitutes conclusive evidence before the civil court seized of the ancillary civil claim, and the civil judge is bound by the findings of the criminal court.

3- The obligation of the civil judge to stay proceedings in the ancillary civil claim, either on their own initiative or upon being notified of the existence of a related public action, whether at the request of the public prosecutor or the parties, is a rule of public order.

II- Study Recommendations:

1- The increasing number and diversity of offenses in recent years necessitate the enactment of legal provisions aimed at protecting victims by ensuring reparation for the harm they have suffered and granting them appropriate compensation in accordance with the law.

2- The criminal judge should adjudicate compensation for damage even in cases resulting in acquittal, including situations where the act underlying the criminal proceedings does not constitute a criminal offense but nevertheless qualifies as a harmful act from a civil law perspective.

Referrals and References:

(1)- Article 9 of the new Code of Criminal Procedure sets out the grounds for the extinction of public proceedings; paragraph 3 thereof specifies particular grounds applicable to specific cases and certain categories of offences.

(2)- Jaafar Aloui, Guide to the Explanation of Moroccan General Criminal Law: Doctrine and Case Law, Rabat: Dar Al-ʿIlm, 2010, p. 61.

(3)- Ordinance No. 66-156 of 8 June 1966 containing the Penal Code, as amended and supplemented, in particular by Law No. 24-06 of 28 April 2024.

(4)- Ahmed Chouki Chelkani, Principles of Criminal Procedure in Algerian Legislation, Algiers: Office des Publications Universitaires, Ben Aknoun, 2005, p. 72.

(5)- Material damage refers to the deprivation of the use or enjoyment of property; bodily damage denotes physical impairment suffered by the victim; whereas moral damage concerns harm to reputation, dignity, and emotional well-being.

(6)- With reference to Article 8 of Law No. 74-15 relating to compulsory motor vehicle insurance and the compensation scheme for damage resulting from traffic accidents, as amended and supplemented by Law No. 88-31, the misdemeanour court is authorised to award compensation even in the event of the acquittal of the accused in cases of unintentional bodily injury arising from traffic accidents.

(7)-Abdelaziz Saad, Analytical Studies in the Code of Criminal Procedure: Flagrante Delicto Offences, Orders of the Investigating Judge, and the Civil Action Attached to Criminal Proceedings, Dar Houma, 2009, p. 182.

(8)- The accused is the person against whom a criminal charge is brought upon the initiation of criminal proceedings. This status may cease following a final judgment of acquittal, whereby the person becomes legally innocent; however, if a conviction is rendered, the person acquires the status of a convicted person.

(9)- Decision delivered in 1983 by the Second Criminal Chamber in Appeal No. 24418, cited in Mohamed Hazzit, Concise Guide to Algerian Criminal Procedure Law (Law No. 25-14), Dar Belkis, Casablanca, 2025, p. 174.

(10)- Djamal Nejmi, Algerian Code of Criminal Procedure in the Light of Judicial Jurisprudence, Vol. I, Dar Houma, 2016, p. 32.

(11)-Decision of 7 May 2002 delivered by the Criminal Chamber in Appeal No. 265144, cited in Djamal Saïs, Algerian Jurisprudence in Matters of Misdemeanours and Contraventions, Vol. III, Klic Publications, 1st ed., 2014, p. 631.

(12)- Mohamed Hazzit, Concise Guide to Algerian Criminal Procedure Law (Law No. 25-14), Dar Belkis, Casablanca, 2025, p. 175.

(13)- The Criminal Court is obliged to rule on the civil action when issuing a judgment of acquittal and may not decline jurisdiction. Likewise, a ruling declaring the extinction of the public action, or an acquittal based on a ground excluding punishment, does not preclude civil liability.

(14)- Abderrahmane Khalfi, Criminal Procedure in Algerian and Comparative Legislation, Dar Belkis, Casablanca, 2017, p. 324.

(15)- Mohamed Hazzit, Concise Guide to Algerian Criminal Procedure Law (Law No. 25-14), op. cit., p. 176.

(16)- Code of Civil and Administrative Procedure issued by Ordinance No. 08-09 of 25 February 2008, Official Gazette No. 21 of 23 April 2008.

(17)- Criminal cassation decision of 13 April 1991, Judicial Review, No. 4, 1992, p. 218, cited in Abdellah Ouhaibia, Commentary on the Code of Criminal Procedure, Vol. I, Dar Al-Afkar, Casablanca, 2023, p. 243.

(18)- This is provided for under Articles 3 and 376 of the Code of Criminal Procedure (Law No. 25-14).

(19)- Constitution of the People's Democratic Republic of Algeria (1996), as amended by Presidential Decree No. 20-442 of 30 December 2020 concerning the promulgation of the constitutional amendment approved by referendum on 1 November 2020, Official Gazette No. 82 of 30 December 2020.

(20)- Abderrahmane Khalfi, op. cit., p. 324.

(21)- Souria Nawasser, "The Effects of Bringing a Civil Action before the Criminal Courts - A Comparative Study," Communication in Economics, Administration and Law, Faculty of Law and Political Science, Badji Mokhtar University, Vol. 24, No. 2, August 2018, p. 70.

(22)- Farid Rouabeh, Lectures on Criminal Procedure Law, Faculty of Law and Political Science, Mohamed Lamine Debaghine Setif 2 University, Academic Year 2025-2026, p. 113.

(23)- However, in certain Anglo-Saxon legal systems, such as United Kingdom and most states of the United States, the civil claimant is not permitted to bring a civil action before criminal courts to seek compensation for damage resulting from the offence before the criminal court (see Hania Amirouche, "The Authority of Criminal Judgments over Civil Actions: A Study under Algerian Legislation," Journal of Legal and Political Thought, Vol. 5, No. 2, 2021, p. 304).

(24)- Civil Code issued by Ordinance No. 75-58 of 26 September 1975, as amended and supplemented.

(25)- Mohamed Hazzit, Concise Guide to Algerian Criminal Procedure Law (Law No. 25-14), op. cit., p. 182.
(26)- See Articles 147 and 149 of the Code of Criminal Procedure.
(27)- See Articles 377, 378, and 379 of the Code of Criminal Procedure.
(28)- Article 476 of the Code of Criminal Procedure.
(29)- The judge is required to ensure a fair trial in accordance with Article 14(1) of the International Covenant on Civil and Political Rights, adopted by a resolution of the United Nations General Assembly and entered into force on 23 March 1976. Algeria ratified it by Law No. 89-08 of 25 April 1989 (see El Aid Hilal, "Limits of the Criminal Judge's Authority to Examine the Civil Action in Algerian and Comparative Legislation," Academic Journal for Legal Research, Vol. 10, No. 3, 2019, p. 311).
(30)- The criminal judge may not examine the civil action where jurisdiction is excluded by a statutory provision. This constitutes a limitation on the criminal judge's competence to hear the civil claim, even where the damage is directly related to the offence. Accordingly, where the condition of jurisdiction is not fulfilled, the criminal court must declare of its own motion that it lacks jurisdiction to examine the civil action (see El Aid Hilal, op. cit., p. 313).
(31)- A civil claim may not be introduced for the first time before the appellate court by way of a new application, in compliance with the principle of double degree of jurisdiction enshrined in Article 165 of the Constitution. However, an increase in compensation may be requested in respect of damage occurring after the judgment at first instance, in accordance with Article 603 of the Code of Criminal Procedure (Law No. 25-14) (see Farid Rouabeh, op. cit., p. 112).
(32)- Mohamed Hazzit, Concise Guide to Algerian Criminal Procedure Law (Law No. 25-14), op. cit., p. 184.
(33)- See Article 476 of the Code of Criminal Procedure (Law No. 25-14).