

## The expiry of sanctions imposed on legal persons: A comparative analytical study

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**Abstract**---This study addresses the issue of the expiry of criminal sanctions imposed on legal persons. It highlights the distinction between cases where the penalty expires while the conviction remains valid—such as in cases of dissolution, prescription, or special pardon—and those where the conviction and all its effects are completely erased, such as through general amnesty or rehabilitation. The research shows that Algerian legislation does not include specific provisions that regulate the expiry of penalties or the rehabilitation of legal persons. This legislative gap calls for legal intervention to ensure the protection of rights and the establishment of balanced criminal justice

**Keywords**---Legal person, criminal penalty, expiry of sanction, special pardon, general amnesty, prescription, dissolution of legal person, rehabilitation, criminal liability, Algerian law, French law, comparative legislation.

### Introduction

The concept of holding legal persons criminally liable has become a turning point in the development of modern criminal law and legal doctrine. It is now more accepted—indeed, it has become a legal and practical necessity—especially with the increasing involvement of legal entities in criminal behavior, particularly in economic crimes. The reality of their criminal responsibility has become undeniable. Justice requires that not only the natural person who committed the crime be held accountable, but also the legal entity, especially when the latter has its own independent will separate from that of its members. In many cases, the crime committed by a natural person is done in the name and for the benefit of the legal person. Thus, criminal liability now applies to both natural and legal persons.

Acknowledging this responsibility has not been a mere theoretical development. It has required a rethinking of the traditional structure of criminal law and its philosophical foundations—particularly in

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relation to the concept of legal personality and criminal liability. This shift has also necessitated the creation of a specialized punitive system that takes into account the unique nature and characteristics of legal persons.

In this context, most comparative legal systems that have recognized the criminal liability of legal persons have established a distinct set of penalties, just as is the case for natural persons. These penalties may target the entity's financial standing, operations, existence, reputation, or other protected rights.

In principle, the penalties imposed on legal persons are terminated through standard legal processes, such as serving the sentence, or by expiration following the end of a probation period in cases of suspended sentences. However, beyond these typical means of termination, other legal events may also bring about the end of the legal person's obligations. These include the dissolution of the legal person, the passage of time (statute of limitations), pardon, or settlement.

From this perspective, the reasons behind the expiry of sanctions imposed on legal persons fall into two distinct categories based on their legal effects. The first category includes reasons that do not affect the judicial ruling itself—the conviction remains valid and continues to produce legal consequences as a precedent—until it is eliminated through rehabilitation. An exception to this is general amnesty, which erases the conviction entirely.

The second category includes reasons that nullify the conviction. This results in the removal of all associated penalties and legal consequences, as if the ruling had never existed.

Based on the above, the main question arises: **How does the sanction imposed on a legal person expire?**

## **I. Expiry of Sanction Without Erasing the Conviction**

There are cases in which the criminal sanction imposed on a legal person expires, while the conviction itself remains in effect and continues to produce its legal consequences. These cases include the dissolution of the legal person, the lapse of the limitation period for enforcing the sanction, and the granting of a pardon. In such instances, the inability to execute the sentence arises either because the legal person no longer exists, the right to enforce the penalty has been forfeited due to delay, or the penalty has been waived by a sovereign decision.

### **1. Dissolution of the Legal Person as a Reason for the Expiry of Sanction**

One of the foundational principles of criminal law is the personal nature of penalties. This principle means that a sanction may only be enforced against the individual or entity who committed the offense. It may not be applied to anyone else.

When a legal person is dissolved, its legal existence comes to an end. As a result, it becomes impossible to enforce a criminal sanction against it. The entity that once bore legal responsibility no longer exists. This situation creates a practical and legal barrier to the execution of any sentence, regardless of whether it concerns financial penalties, restrictions on activity, or other forms of punishment.

The dissolution may be voluntary, such as when decided by its members, or judicial, ordered by a court due to the nature or gravity of the offense. In both cases, once the legal person ceases to exist, the imposed sanction can no longer be carried out. However, the judgment itself remains in place. It is still considered a valid legal precedent and may produce effects, such as influencing future decisions

regarding related individuals or successor entities<sup>1</sup> The provisions of this principle apply equally to both natural and legal persons. When a legal person is subject to criminal proceedings and is found guilty by a final judgment, it is the legal person alone that becomes the object of the prescribed criminal measures. Accordingly, the execution of the sentence must necessarily be directed at a legal person that is active and has legal standing.

If the legal person is dissolved, it ceases to exist entirely and is removed from the political, economic, and social spheres<sup>2</sup> This necessarily results in the termination of all measures imposed upon it<sup>3</sup> Since there is no longer a subject upon which the sentence can be enforced, all measures come to an end. The French legislator, in the new Penal Code, recognized the dissolution of a legal person as one of the reasons for the expiry of criminal sanctions. In contrast, Algerian law does not explicitly consider the dissolution of a legal person as a cause for the termination of criminal penalties<sup>4</sup> As provided in Article 133-1 of the French Penal Code<sup>5</sup> *“The dissolution of a legal person, except when ordered by a criminal court, results in the suspension of the enforcement of the sentence. However, all measures related to the collection of fines, legal costs, and the execution of confiscation orders may still be carried out after the dissolution of the legal person and until the liquidation process is completed.”*

An analysis of this article shows that the French legislator distinguishes between two forms of dissolution: dissolution as a criminal penalty, and dissolution as a cause for the expiry of criminal sanctions. Dissolution as a criminal penalty is a sentence issued by a competent court against a legal person that has deviated from its lawful purpose and committed punishable acts under criminal law.

In contrast, dissolution as a reason for the expiry of penalties refers to any form of dissolution that is not ordered by a criminal court. This may include judicial dissolution by a civil, commercial, or administrative court. It can be initiated, for example, by a partner requesting the termination of the company, with the court accepting the claim. It may also be requested by the state through administrative courts when the law allows such an action. This type of non-criminal dissolution generally results in the expiration of all criminal sanctions previously imposed, including dissolution itself, closure, prohibition from operating, and similar penalties. The only exception applies to financial penalties. The French legislator, through the article cited above, permits the enforcement of fines, confiscation measures, and litigation costs against a dissolved legal person. This enforcement remains valid throughout the liquidation period, as the legal person's financial obligations continue until liquidation is fully completed<sup>6</sup> If this period ends without the enforcement of these penalties, their execution becomes no longer permissible.

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<sup>1</sup> Sultan Abdul Qader Al-Shawi and Muhammad Abdullah Al-Wuraikat, *General Principles in Criminal Law*, Dar Wael for Publishing and Distribution, 1st ed., Jordan, 2011, p. 400.

<sup>2</sup> Dissolution is considered one of the penalties that directly affect the existence and continuity of a legal person. Once this penalty is applied, the legal entity ceases to exist permanently. It also results in the entity being unable to continue its activities, even under a different name. In this sense, the dissolution of a legal person brings about its complete termination from political, economic, and social life. See: Sharif Sayed Kamel, *Criminal Responsibility of Legal Persons: A Comparative Study*, Dar Al-Nahda Al-Arabiya, 1st ed., Cairo, 1997, p. 141.

<sup>3</sup> Omar Salem, *The Criminal Responsibility of Legal Persons under the New French Penal Code*, Dar Al-Nahda Al-Arabiya, 1st ed., Cairo, p. 58.

<sup>4</sup> The Algerian legislator limited the definition of the dissolution penalty for legal persons in Article 17 of the Penal Code to the phrase: “prohibiting the legal person from continuing its social activity.” Dissolution was initially classified as a supplementary penalty under Article 9, paragraph (Penal Code). This classification was based on Law No. 89-05 dated 29 April 1989, which amended the Penal Code. However, the amendment of 10 November 2004 reclassified dissolution as a principal penalty under Article 18 bis of the Penal Code, while keeping the previous text as a supplementary penalty. This was later corrected in the amendment of 20 December 2006, which revised Article 18 bis, reestablishing dissolution as a supplementary penalty.

<sup>5</sup> Modified by Law No. 92-1336 of 16 December 1992 – Art. 353, JORF, 23 December 1992, effective from 1 March 1994.

<sup>6</sup> Mohamed Hzeit, *The Criminal Responsibility of Commercial Companies in Commercial, Criminal, and Comparative Law*, n.p., Dar Houma, Algeria, 2013, p. 293.

## 2. Prescription of Penalty

In general, the prescription of a penalty refers to its lapse after the passage of a legally defined period<sup>7</sup> It is calculated from the date the judgment is issued or becomes final<sup>8</sup>

This means that the period set by law has passed for a final judgment without any steps being taken to enforce the penalty. The failure to execute the sentence within the legal time frame implies that it is no longer enforceable against the convicted party. This is based on the presumption that the state has relinquished its right to punishment<sup>9</sup>.

The limitation period for penalties varies depending on the severity of the crime that led to the sentence, whether it is a felony, misdemeanor, or infraction. This period is defined by law, and the judge has no discretionary power to alter it, as it is a matter of public order.

Most legal systems specify the limitation periods as follows: for felonies, the penalty expires only after twenty years have passed from the date the final judgment becomes definitive. For misdemeanors, the penalty lapses after five years from the same date. For infractions, the penalty expires after two years from that date.

While the general rule is that all penalties—whether primary or ancillary—are subject to prescription, certain penalties take effect immediately by operation of law upon pronouncement, without the need for enforcement procedures. These include fines, confiscations, and litigation costs<sup>10</sup> Other criminal consequences do not expire. The judgment imposing the penalty remains as a prior conviction in cases of recidivism, unless the legal person is rehabilitated by operation of law or through a judicial ruling<sup>11</sup>

## 3. Specific Pardon of the Penalty

A specific pardon of the penalty is a procedure that results in the complete or partial cancellation of the penalty or its substitution with a lesser punishment, and this occurs after the final judgment has been executed<sup>12</sup>

This pardon applies prospectively from the date it is granted. A pardon of the penalty is an act of clemency by the head of state that ends the prescribed punishment for the offender, whether a natural or legal person. It is granted through a final judgment that fully or partially terminates the penalty or reduces its severity. However, the conviction remains effective in all respects not addressed by the pardon, such as its consideration as a prior offense in cases of recidivism<sup>13</sup>.

A pardon is considered a waiver by the state of its personal right to punish the offender. This waiver erases the crime and its criminal consequences. It removes the criminal nature of the act that constituted the offense with retroactive effect, rendering it lawful. For this reason, pardon is regarded as a cause for the extinction of the penalty<sup>14</sup> According to Articles 133-07 and 133-08 of the new French Penal Code, and as recognized by the Algerian legislator in the final paragraph of Article 677 of the Algerian Code of Criminal Procedure, full or partial exemption from a penalty through pardon is considered equivalent to its full or partial execution. The Tunisian legislator regulated this matter in Article 371 of the Tunisian Code of Criminal Procedure and the following provisions. Neither the

<sup>7</sup> The principle of the lapse of penalties implies that the enforcement of a penalty loses its purpose if not executed within a certain period. This delay reflects an implicit waiver by society of its right to enforcement, which no longer justifies the continued threat of punishment. Moreover, such a statute of limitations is necessary to ensure the stability of the legal status of a legal person.

<sup>8</sup> Abdullah Ouhaybia, *Explanation of the Penal Code – General Part*, Vol. 1, Bayt Al-Afkar, 1st ed., Algeria, 2019, p. 470.

<sup>9</sup> Nidham Tawfiq Al-Majali, *Explanation of the Penal Code – General Part: An Analytical Study in the General Theory of Crime and Criminal Responsibility*, Dar Al-Thaqafa for Publishing and Distribution, 1st ed., Amman, 2005, p. 448

<sup>10</sup> Sultan Abdul Qader Al-Shawi and Dr. Muhammad Abdullah Al-Wuraikat, same reference, p. 404.

<sup>11</sup> Ahsan Bousaqia, *The Concise Guide to General Criminal Law*, same reference, p. 494.

<sup>12</sup> Alawi Ali Ahmad Al-Sharafi, same reference, p. 240.

<sup>13</sup> Abdullah Ouhaybia, *Explanation of the Penal Code – General Part*, same reference, p. 344.

<sup>14</sup> Mabrouk Boukhezna, *Criminal Responsibility of Legal Persons in Algerian Legislation*, Al-Wafa Legal Library, 1st ed., Alexandria, p. 287.

Algerian nor the Tunisian legislator has set specific rules applying to legal persons in this regard. However, from our viewpoint, the causes for extinguishing penalties for legal persons can be the same as those for natural persons, except for certain provisions that do not align with their unique nature.

Thus, pardon serves as a means to soften the harshness of penalties up to the limit permitted by the judiciary or to reduce the severity of some harsh punishments. Moreover, this system is the best way to correct judicial errors that cannot be fixed through judicial procedures<sup>15</sup> This is particularly the case when the legal entity has exhausted all ordinary and extraordinary legal remedies to challenge the penalties imposed upon it, and such penalties have become final. In this situation, pardon remains the sole means to achieve justice.

Conversely, if the pardon is granted before the issuance of a final judgment, it is regarded as a form of leniency toward the legal entity and a form of forgiveness for the crimes it committed. Accordingly, pardon in this context serves as an important and effective mechanism to safeguard certain vital interests of society, especially economic interests linked to some prominent legal entities.

The effect of pardon on the penalty is that the conviction remains valid and legally effective, while only the penalty is impacted. This pardon may lead to a complete exemption of the legal entity from any penalty, regardless of its type, such as exemption from enforcement of dissolution, closure, or other sanctions. It may also result in mitigation of the penalty, such as reducing the amount of a fine or shortening the duration of closure. Furthermore, the original penalty imposed on the legal entity can be replaced with a lighter sanction—for example, substituting dissolution with closure or judicial supervision.

Regardless of its form, pardon does not affect the rights arising from the crime, such as the victim's right to obtain compensation for damages resulting from the offense. Pardon does not affect third-party rights stemming from the conviction. Moreover, the judgment imposing the penalty, even if subject to pardon, remains recorded in the criminal record of the legal entity despite the total, partial, or qualitative removal of the penalty by pardon<sup>16</sup>

## **Second: Extinction of the Penalty with the Erasure of the Conviction**

In addition to the legally established grounds for the extinction of a penalty—which result only in the termination of the penalty itself while the criminal conviction remains in force and continues to produce its legal effects—there exist other grounds considered to be more comprehensive and broader in scope. The presence of these grounds leads to the extinction of both the penalty and the judgment of conviction simultaneously. As a result, the conviction becomes null and void, as if it never existed. It cannot be considered as a precedent in cases of recidivism.

These grounds that cause the extinction of the penalty followed by the erasure of the effects of the conviction can be summarized as: general pardon and rehabilitation.

### **1. General Pardon**

General pardon is a form of clemency that removes the criminal nature of the act and suspends the applicable legal provisions retroactively. This retroactive effect applies from the time the offense covered by the pardon was committed. General pardon thus constitutes a waiver by the state of its right to punish the offender<sup>17</sup>.

<sup>15</sup> Nidham Tawfiq Al-Majali, same reference, p. 453.

<sup>16</sup> Faraj Al-Qasir, *General Criminal Law*, University Publishing Center, n.d., Tunisia, p. 337.

<sup>17</sup> Ali Abdul Qader Al-Qahwaji, *Explanation of the Penal Code – General Part: Criminal Responsibility and Criminal Sanction*, Al-Halabi Legal Publications, 1st ed., Lebanon, 2009, p. 171.

General pardon is a legislative measure issued through a law enacted by the legislative authority or parliament. It is issued by the same legislative instrument that established the criminalization of the act. Therefore, it can only be issued by a body authorized to legislate, either through a law or a decision with the force of law<sup>18</sup> This is what the Algerian legislator stipulated in Article 122-7 of the Constitution. Similarly, the Iraqi legislator stated in Article 152 of the Penal Code: "General pardon is issued by law...". The same is provided for in Article 76 of the Moroccan Penal Code, as well as in the Tunisian legislator's provision in Article 376 of the Code of Criminal Procedure, which states: "General pardon is granted by law and thereby erases the crime along with the imposed punishment."

A key condition for the general pardon is that the crime must have been committed with all its legal elements under the applicable law. However, the driving force behind issuing a law of general pardon is the desire of the representatives of the people in parliament to close the chapter on the past. On the other hand, the crime itself is not removed from the law; it remains intact with its elements, and the provision criminalizing it also remains in force<sup>19</sup>.

General pardon produces a primary effect: it removes the criminal nature of the act retroactively. As a result, all legal consequences of a conviction, if one has been issued, are nullified. The punishment is not carried out, and the conviction is not considered a prior offense in cases of recidivism.<sup>20</sup> It is also considered a legal measure that may be issued at any stage of the public proceedings. If it is granted before prosecution begins, the public action is thereby terminated<sup>21</sup> If a pardon is issued after the initiation of criminal proceedings, the investigating judge shall issue a dismissal order if the case is still in the investigation stage. If it is already before the court, the court shall declare the case discontinued. However, if a final judgment has been rendered, the pardon shall nullify all its criminal consequences<sup>22</sup>. A general pardon also removes the criminal nature of the act and eliminates all its legal consequences. This effect extends to any legal entity involved in the act covered by the pardon. It therefore includes the legal person who committed the act and all those who participated in it, whether as principal or accomplice. This applies whether the participant is a natural person, such as members or representatives, or another legal entity. As a result, the general pardon prevents the enforcement of both principal and supplementary penalties imposed on the legal person. Moreover, any conviction against that legal person is not recorded in the criminal record, as it is legally considered as though it never occurred<sup>23</sup>.

The effect of the pardon applies only to principal and supplementary penalties. Security measures remain in force unless the pardon law states otherwise.<sup>24</sup> The effects of the pardon do not extend to the rights of others, such as the right of individuals or other legal entities to claim compensation awarded by the judgment, as reparation for the harm they suffered from the offense committed by the pardoned legal person.

## 2. Rehabilitation of the Legal Person

Rehabilitation generally refers to the removal of the criminal effects of a conviction. It allows the convicted party to regain their status in society, as if no criminal judgment had ever been issued against

<sup>18</sup> Abdullah Ouhaybia, same reference, pp. 473–474.

<sup>19</sup> Mostafa Bin Jaafar, same reference, p. 378.

<sup>20</sup> Nidham Tawfiq Al-Majali, same reference, p. 454.

<sup>21</sup> Ahsan Bousaqia, same reference, p. 489.

<sup>22</sup> Omar Salem, A Brief Explanation of the Code of Criminal Procedure, Part I, Dar Al-Nahda Al-Arabiya, n.d., Cairo, 2010, p. 432.

<sup>23</sup> Faraj Al-Qasir, same reference, pp. 346–347.

<sup>24</sup> Abdul Qader Addou, same reference, p. 518.

them<sup>25</sup> Through rehabilitation, the conviction—whether for a felony or a misdemeanor—is erased, along with all its future criminal effects<sup>26</sup>.

Rehabilitation is considered a right for the legal person when its conditions are met. These conditions include the existence of a final judgment imposing a penalty on the legal person, and the termination of that penalty—whether through execution, pardon, or limitation by time. It is also necessary to prove that the legal person has genuinely demonstrated good conduct in its activities following the conviction, as confirmed by the passage of a specific period without any further conviction for another offense. French law regulates the rehabilitation of legal persons through specific legal provisions. In contrast, Algerian law does not address this matter explicitly. As a result, it is necessary to refer to the general rules governing this issue.

The French legislator has established the legal rehabilitation of legal persons under Article 133-14 of the French Penal Code<sup>27</sup> Under this provision, a legal person is granted rehabilitation automatically by the passage of five years, provided that no conviction carrying the classification of a felony or misdemeanor has been issued against it during that time. In this case, the legal person is considered rehabilitated, and the previous penalty is removed from its criminal record. This occurs without the need for any formal action, such as submitting a request through its representative or obtaining a court decision confirming the rehabilitation.

According to Article 133-14 of the French Penal Code, this period is calculated as follows:  
– For a fine, the five-year period begins from the date of payment or from the date it became time-barred<sup>28</sup>.

For other judgments that do not impose a fine or dissolution, rehabilitation is granted after five years. This period is calculated from the date the penalty was executed or became time-barred, in accordance with paragraph 2 of Article 133-14 of the French Penal Code.

According to paragraphs 3 and 4 of the same article, the above-mentioned period is doubled if the legal person was convicted for acts committed in a case of legal recidivism. In the case of a suspended sentence, the period for rehabilitation begins from the date the conviction is deemed as not having occurred.

Article 133-17 of the French Penal Code considers a pardon to have the same effect as execution of the sentence, with respect to rehabilitation. As such, this applies whether the penalty was a fine or another type of sentence<sup>29</sup> From the date of expiration by limitation or by pardon, the legal person becomes eligible for legal rehabilitation, which results in the removal of conviction records from Record No. 01. Judicial rehabilitation, on the other hand, is granted upon a request submitted by the legal person through its representatives, in accordance with Article 798-1 of the French Code of Criminal Procedure<sup>30</sup> The representative of the legal person may submit a request for rehabilitation two years after the execution of the sentence. The request must be submitted to the Public Prosecutor at the court where the legal person is based, or to the court that issued the judgment if the legal person is

<sup>25</sup> Ali Abdul Qader Al-Qahwaji, same reference, p. 805.

<sup>26</sup> The importance of rehabilitation lies in its role as the legal mechanism that allows a legal person to be freed from the severe consequences of a criminal conviction. Such a conviction can seriously impact the entity's future dealings and operations. It becomes a form of legal precedent that hinders its ability to carry out its activities effectively. See: Hossam Abdul Majeed Youssef Jaddo, *Criminal Responsibility of Legal Persons*, same reference, p. 640.

<sup>27</sup> Modified by Law No. 2007-297 of 5 March 2007 – Article 43, JORF, 7 March 2007, in effect from 7 March 2008.

<sup>28</sup> Article 133-14: "... As for fines, five years must pass from the date of payment or the expiration of the statute of limitations..."

<sup>29</sup> With the exception of the dissolution penalty, which results in the termination of the legal person's existence upon its execution, thus making rehabilitation no longer applicable.

<sup>30</sup> Created by Law No. 92-1336 of 16 December 1992 – Article 134, JORF, 23 December 1992, in effect from 1 March 1994. Transferred by Law No. 2007-297 of 5 March 2007 – Article 43, JORF, 7 March 2007, in effect from 7 March 2008.

foreign. The request must include the date of the judgment for which rehabilitation is sought, as well as all changes that have occurred in the legal person's status since the issuance of the judgment.

Once the territorially competent Public Prosecutor receives the request, they must obtain a copy of the judgment or judgments convicting the legal person and Record No. 01 of the legal person's criminal record. The file is then forwarded, along with the prosecutor's opinion, to the Attorney General, who brings it before the Indictment Chamber.

The Indictment Chamber must decide on the request within two months after hearing the representative of the legal person or their lawyer, once they have been duly summoned. If the request for rehabilitation is denied, it may not be renewed until one year has passed<sup>31</sup> If the request is approved, it results in the expungement of convictions from Record No. 01 of the legal person's criminal record. Rehabilitation—whether legal or judicial—leads to the erasure of the conviction and the extinction of all criminal effects. From the date the rehabilitation takes effect, the legal person is considered never to have been convicted, and recidivism rules no longer apply.

As noted earlier, the Algerian legislator has not established specific provisions for applying rehabilitation to legal persons, unlike for natural persons, which are governed by Articles 676–693 of the Code of Criminal Procedure. Nevertheless, since these statutes refer to “any person” in Article 676, the term is interpreted to include both natural and legal persons. Therefore, rehabilitation in its forms under Algerian law harmonizes with the nature of legal persons and may be applied to them without legal hindrance.

However, a closer reading of the remaining articles—particularly the first paragraph of Article 677—reveals certain conditions for accessing legal rehabilitation. One such condition is that no new conviction or sentence, such as imprisonment or another penalty, have been issued against the applicant within the specified time frames. Moreover, Article 687 of the Code of Criminal Procedure requires submission of Record No. 01 by the natural person seeking rehabilitation. It makes no mention of the criminal file or notice required for a legal person<sup>32</sup>.

Finally, it can be concluded that these provisions are not legally suitable for application to legal persons, which reveals a significant legislative gap in this matter under Algerian law.

## Conclusion

This study has addressed and analyzed a sensitive and important topic in modern criminal law: the extinction of penalties imposed on legal persons. It examined the various grounds that lead to the termination of the penalty, whether the judgment of conviction remains or is entirely nullified, and the resulting legal consequences.

We have shown that a penalty may be extinguished for reasons that do not affect the judgment of conviction. These include the dissolution of the legal person, prescription of the penalty, or the granting of a special pardon. Such reasons stop the enforcement of the sentence but leave the conviction judgment in force, allowing it to be used as a prior offense unless rehabilitation is later granted.

We also addressed other reasons that lead to the erasure of the conviction itself, such as a general amnesty or rehabilitation. These produce broad legal effects, erasing all consequences of the judgment as if the offense had never occurred.

From this analysis, the study reached several conclusions, the most important of which are:

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<sup>31</sup> Omar Salem, same previous reference, p. 98.

<sup>32</sup> Mohamed Hzeit, same reference, p. 463.



- There is a legislative gap in Algerian law regarding the extinction of penalties applicable to legal persons, especially in relation to rehabilitation.
- The current legal texts do not fully cover the nature of the penalties that may be imposed on legal persons or the effects of their extinction.

In light of these findings, the following recommendations are proposed:

- The Algerian legislation should be amended to include specific provisions on the extinction of penalties for legal persons, taking into account their distinct legal nature.
- A clear legal provision should be adopted to terminate criminal proceedings against a legal person when it is dissolved by judicial order.
- A clear mechanism for legal and judicial rehabilitation for legal persons should be introduced, to avoid ambiguity in the current texts.
- Cooperation between judicial and administrative bodies should be strengthened to ensure fair and effective enforcement and extinction of penalties on legal persons, without harming public interest or infringing on the rights of others.

In conclusion, improving the legislative framework in this area would enhance legal certainty for legal persons and promote justice and fairness in the criminal justice system.

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