

Pre-trial Acknowledgement: Between Procedural Competence and Fair Trial Guarantees: A Comparative Study

Zohra Belhaouari ¹, and Abdelatif Fasla ²

¹ Ph.D. Student, University of Oran 2 Mohamed Ben Ahmed, Laboratory of Law, Society and Authority, Algeria. Email: belhaouari.zohra@univ-oran2.dz

² Professor, University of Oran 2 Mohamed Ben Ahmed, Laboratory of Law, Society and Authority, Algeria. Email: fasladz@yahoo.fr

Abstract---This research project examines the mechanism of pre-trial guilty pleas, which is one of the legislative innovations adopted by the Algerian parliament in the Code of Criminal Procedure. The study aims to clarify the legal nature of this mechanism and distinguish it from other mechanisms, such as plea bargaining. The study also examines this mechanism within a comparative framework that includes American, English and French legislative models, considering the conditions for its application, procedural guarantees and its impact on the course of justice. The study focuses on the Algerian experience in terms of the legal basis for adopting this mechanism, as well as its practical objectives of reducing pressure on the judiciary and speeding up case resolution. The findings concluded that pre-trial acknowledgement is an effective means of rationalising criminal justice. However, it raises issues relating to the guarantees of a fair trial and the rights of the accused, necessitating a strict legal and judicial framework that balances speed and justice.

Keywords---pre-trial acknowledgement, criminal procedures, mitigation of penalties.

Introduction

Criminal justice is a fundamental pillar for any state seeking to establish the rule of law, achieve security, and maintain stability within society (Al-Shawabi, 1996). This is particularly pertinent given the mounting challenges that judicial systems worldwide are grappling with, including an escalating caseload, protracted resolution times and exorbitant procedural costs. Consequently, there is an urgent

How to Cite:

Belhaouari, Z., & Fasla, A. (2025). Pre-trial acknowledgement: Between procedural competence and fair trial guarantees: A comparative study. *The International Tax Journal*, 52(6), 3265–3274. Retrieved from <https://internationaltaxjournal.online/index.php/itj/article/view/321>

The International tax journal ISSN: 0097-7314 E-ISSN: 3066-2370 © 2025

ITJ is open access and licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License.

Submitted: 06 February 2025 | Revised: 19 August 2025 | Accepted: 04 November 2025

need to reconsider traditional mechanisms for managing criminal proceedings. In recent decades, there have been significant changes in the way criminal proceedings are handled (Lounissi, 2024), with many modern legal systems adopting alternative approaches aimed at simplifying procedures and resolving cases more quickly without compromising the fundamental rights of individuals.

One of the most notable of these mechanisms is pre-trial acknowledgement, also known as plea bargaining or a guilty plea. This allows the accused to negotiate with the public prosecutor regarding the charges or proposed penalties in exchange for an admission of guilt. This process helps to circumvent the complexities and lengthy procedures associated with criminal trials.

Against the backdrop of this global evolution and Algeria's ongoing efforts to modernise its legal and judicial system in line with international developments, a fundamental amendment was introduced to the Algerian Code of Criminal Procedure in 2025. The new system raises critical questions about the suitability and effectiveness of this mechanism within the Algerian legal framework, which has long been associated with the principles of judicial legitimacy and the right to a fair trial.

The central issue of the study arises from the fundamental question: What are the legal framework and practical challenges of applying the pre-trial acknowledgement mechanism in the 2025 Algerian Code of Criminal Procedure? What are its implications for fair trial guarantees and the rights of the accused?

This central question branches out into several sub-questions, including: What is the precise concept of pre-trial acknowledgement and how can it be adapted to fit within Algerian procedural philosophy? What are the most significant comparative experiences of applying this mechanism, and what key benefits can be drawn from them? What conditions and controls are necessary to ensure its effective implementation achieves justice and safeguards the rights of the accused?

The importance of the topic:

This topic is of paramount importance for several reasons. Theoretically, this research enriches Algerian legal scholarship by introducing contemporary approaches to criminal procedure, opening new avenues for discussion and analysis of the capacity of the legal system to absorb and adapt international mechanisms. In practice, incorporating these approaches could significantly enhance the Algerian criminal justice system by alleviating the burden on courts, expediting case resolutions, reducing costs and ultimately achieving effective justice.

Objectives of the Study:

This study aims to analyse the legal concept of this procedure and adapt it within the context of Algerian law, distinguishing it from similar mechanisms. Additionally, the study aims to review leading comparative experiences in applying this mechanism, such as in Anglo-Saxon systems, and to identify the justifications and legal and philosophical foundations that support the inclusion of this mechanism in the Algerian Code of Criminal Procedure for 2025. Furthermore, the study will evaluate the legal, practical and social challenges that may arise when implementing this mechanism in Algeria, and propose solutions to overcome these challenges. The study will also provide practical suggestions and recommendations to ensure the mechanism is applied effectively and securely, achieving justice while safeguarding the constitutional and legal rights of the accused.

Methodology:

The adopted methodology involves an analytical approach, examining relevant legal texts and scholarly opinions, particularly those related to procedural guarantees. A comparative method will be employed to review and analyse the experiences of countries that have implemented this mechanism, with the aim of extracting key positives and negatives. Additionally, a descriptive method is employed to define the concept of the mechanism, its justifications and its potential effects.

Axis One: The Concept

The pre-trial acknowledgement is a significant development in the modern criminal justice system. It aims to strike a balance between the need for effective judicial procedures (Maïza, 2019) and the protection of the rights of the accused. In order to grasp the scope of this mechanism and assess its suitability for the Algerian legal system, it is crucial to accurately analyse its concept and distinguish it from similar mechanisms.

First: Definition and types

A – Definition:

There is no unified or comprehensive legal definition of pre-trial acknowledgement across various legal systems. However, its essence lies in an agreement typically reached between the accused, usually with the assistance of their lawyer, and the public prosecutor. The accused admits guilt regarding the charges brought against them, or some of them, in exchange for certain privileges from the public prosecutor or the court (Masoud, 1992). These privileges may include a reduced penalty, dropped less serious charges or downgraded more serious charges. This action is considered voluntary and must be based on the accused's full understanding of their rights, the charges against them and the legal consequences of their acknowledgement.

Since its inception in American law, this mechanism has evolved and been adopted and stabilised in many countries.

B – Types

The types of agreement that can be relied upon vary depending on the legal framework that governs them. They can be classified as follows:

1. Charge bargaining:

This is the most common type, in which the accused agrees to plead guilty to one or more charges, which may be less severe than the original charges, or to a limited number of charges, in exchange for certain concessions from the public prosecutor or the court. These concessions may include reducing the charges, recommending a lighter sentence or dropping other charges. For instance, the defendant may plead guilty to petty theft instead of aggravated robbery (Ghanem, 5025). This type functions as a procedural contract between the two parties involved and is only activated after being approved by a higher authority — namely, the court — which plays a supervisory role in ensuring the fairness and validity of this action. This is because a guilty plea constitutes a waiver of various fundamental constitutional and procedural rights, including the right to a fair and public trial and the right to confront witnesses.

2. Sentence Bargaining:

In this type of agreement, the accused and the public prosecutor either agree on a specific sentence or a range of penalties to be recommended to the court, or the public prosecutor agrees not to oppose the defence's request to reduce the penalty. This agreement is usually conditional upon the court's approval, as the court retains the discretionary power to accept or reject the recommendation.

3. Fact Bargaining:

This is the least common type, involving an agreement between the parties regarding facts relating to the case that may affect the penalty or application of laws. The prosecution may agree not to present certain evidence or mention specific facts in exchange for a guilty plea.

4. Nolo Contendere/No Contest Pleas:

In some legal systems, particularly those of Anglo-Saxon origin, the accused may choose to plead 'no contest' without admitting or denying guilt, in exchange for the same privileges granted in the case of a guilty plea. This is not considered an official admission of guilt and cannot be used against the defendant in subsequent civil cases.

C – Distinguishing it from similar concepts

To avoid confusion and clarify the specificity of the proposed mechanism, it is essential to distinguish between pre-trial acknowledgment and similar mechanisms already present in Algerian law, such as plea bargaining and reconciliation.

1. Plea Bargaining:

This is an innovative procedural mechanism in the Code of Criminal Procedure, aimed at resolving criminal disputes outside the traditional trial framework. This is achieved through an agreement between the accused and the victim or injured party, which sometimes involves the public prosecutor, in order to conclude legal proceedings or reduce the penalty. The agreement often includes compensation for harm suffered by the victim or the restoration of their rights. This procedure therefore has two dimensions: a civil dimension related to compensating those who have been harmed, and a criminal dimension aimed at terminating public prosecution.

Consequently, plea bargaining serves as an alternative dispute resolution method, alleviating the burden on courts, expediting procedures and achieving more satisfactory outcomes for those involved. It is typically used for minor offences or misdemeanours relating to personal or property attacks that do not pose a serious threat to society as a whole, such as those covered by Article 37 bis concerning certain violations and misdemeanours (Lakhil, 2018).

2. Reconciliation:

Reconciliation is a broader mechanism that may encompass specific crimes, such as economic and tax offences (Razzazfa, 2023). It is usually carried out with the relevant authorities, such as customs or tax administrations, before or during legal proceedings. The aim is to settle financial disputes (Article 265) or administrative issues arising from the crime in exchange for ending the prosecution. Therefore, reconciliation does not rely on the offender acknowledging guilt; its primary aim is to collect public treasury dues.

Conditions for reconciliation include a written request submitted by the offender or their legal representative before the final judicial ruling on the case is issued, as well as approval from the relevant administration and payment of dues, including fines, taxes and fees. This mechanism is applicable to minor, non-serious offences.

Differences:

The primary objective of pre-trial acknowledgement is to shorten trial procedures based on the accused's admission of guilt in exchange for a reduced penalty in specific cases. In contrast, plea bargaining and reconciliation aim to terminate public prosecution in exchange for financial or administrative commitments intended to protect the victim and ensure compensation, while also recovering state rights (Chnine & Al-Nahwi, 2021).

Axis Two: In Comparative Legislations

Studying comparative legal experiences in this system is a cornerstone for any legislative reform aimed at incorporating this mechanism. While it is an integral part of Anglo-Saxon systems (Jean, 2008), its adoption in continental systems may require adaptations to ensure alignment with the fundamental principles of these systems. This section aims to review the most notable experiences to draw conclusions that Algeria can benefit from.

First: in the Anglo-Saxon system – the United States.

Pre-trial acknowledgement is widely applied, covering most cases regardless of their type. It is based on the defendant's voluntary admission of guilt, made without coercion or threat and with full awareness of their rights, the charges against them and the resulting consequences, such as the loss of the right to a jury trial and the right to confront witnesses. There must be sufficient evidence to support the facts of the alleged crime, and the defendant must be represented by a lawyer to ensure they receive proper guidance.

The judge decides on negotiations concerning the charge or penalty, or both, during a public hearing between the prosecutor and the defendant or their legal representative. The agreement may be accepted, resulting in a judgment based on the agreed terms, or it may be rejected, enabling the defendant to retract their statements and restart the case (Benbrook, 2025).

Second: in the English system

In this system, practices are more restrictive. There is no bargaining in the American sense; instead, early guilty pleas are entered in exchange for a reduced penalty. The extent of this reduction is at the judge's discretion and is not the result of a prior binding agreement with the prosecution. The Supreme Court has emphasised the necessity of providing strong guarantees for the accused, in order to avoid coercing innocent individuals into confessing. Additionally, legal representation is mandatory to clarify concepts for the weaker party, and neglecting this may lead to the agreement being annulled (Sentencing, 2024).

Third: in French legislation

The French legislator adopted this procedural model under Law No. 2004-204, dated 9 March 2004, relating to the enhancement of criminal justice. This law amends and supplements Articles 495-7 to 495-15 of the Code of Criminal Procedure under the name 'Comparution sur reconnaissance préalable de culpabilité' (hearing based on prior acknowledgement of guilt). It applies to all offences classified as misdemeanours, except press offences, involuntary manslaughter, sexual crimes and politically motivated crimes, which are governed by specific legislation, as well as offences committed against minors (Article 495-16 of the French Criminal Procedure Code). It also applies to infractions, even though this is not explicitly mentioned.

The accused must be an adult (whether a natural or legal person) and must be represented by a lawyer at all stages of this procedure, as required by Article 497-4 of the French Criminal Procedure Code. A public prosecutor, mediator or judicial police officer presents the proposed penalty based on instructions from the public prosecutor or investigating judge. A record is then drafted to document what has been acknowledged and the proposed penalty for the crime as set out by the public prosecutor. If the penalty involves imprisonment, it cannot exceed two months and must not exceed half of the penalty prescribed for the crime. The accused may be detained until this process is completed. The penalty may be suspended entirely or partially, or may involve measures carried out outside a correctional institution, such as electronic monitoring (Article 712-2 of the French Criminal Procedure Code). The accused is granted a ten-day period to accept the proposal. If they take no action within this period, they will be prosecuted under normal trial procedures. If they accept, the record is submitted to the judge for approval. The judge may either accept it without modification or reject it, issuing a reasoned court order publicly. This order may be appealed within the legal timeframe (Article 495-12 of the French Criminal Procedure Code).

Thus, as discussed in American, English and French legislation, pre-trial acknowledgement serves as a practical solution for certain crimes. It can expedite procedures by providing certain outcomes, reducing penalties for defendants and alleviating pressure on victims. However, it also presents significant challenges, including the potential for the innocent to be convicted under pressure. Furthermore, it can undermine the principles of a fair trial and judicial transparency by handling cases away from public scrutiny, resulting in inconsistent outcomes and reducing the role of juries in systems that adopt it.

Axis Three: Algerian legislation

The Algerian legislator has made a significant shift in the country's criminal procedural system by incorporating the "pre-trial acknowledgement" mechanism into the 2025 Code of Criminal Procedure. This mechanism is detailed in Section Eight, Articles 539–548, and its constitutionality has been confirmed by Constitutional Court Decision No. 02/Q.M.D/Rd/2025. This legislative framework embodies a modern approach aimed at speeding up the administration of justice, reducing the burden on judicial authorities, and ensuring adequate guarantees for the rights of the accused. This section will analyse the precise legal framework established by these articles, highlight potential challenges in their practical application and conclude with proposals for the necessary guarantees to achieve their objectives.

First: Conditions for applying the procedure and its scope**Fundamental basis for recognition (Article 539 of the Code of Criminal Procedure):**

The public prosecutor may resort to this procedure either of their own accord or at the request of the accused or their lawyer, provided that the accused has made a clear and unequivocal admission of the facts attributed to them. This acknowledgement must be voluntary, and must not be the result of pressure or coercion. This emphasises the importance of the voluntary and conscious nature of the acknowledgement.

Optional nature:

The legislator has not made this procedure mandatory for any party. Instead, discretionary power is granted to the public prosecutor to invoke or reject it. The accused may also request or decline it, demonstrating the commitment to the principle of procedural voluntarism.

Scope of application and exceptions (Article 540 of the Code of Criminal Procedure):

This system is not applicable in all cases, but is limited to crimes with penalties of up to five years' imprisonment. Consequently, serious misdemeanours, crimes against children (Article 269 of the Penal Code) and offences against vulnerable groups, as well as crimes subject to special procedures, such as corruption or press offences, are excluded. These restrictions suggest that the legislator intended to limit the system to minor offences that do not endanger public order or human dignity, thus balancing the need for speed with the protection of fundamental societal values.

Secondly, the procedural stages and legal guarantees (Articles 541 to 544).**Proposal of Penalties and Their Regulations (Article 541).**

The legislator has granted the public prosecutor the authority to propose one or more primary or supplementary penalties, provided that the total of these penalties does not exceed half of the maximum penalty prescribed by law, in cases involving imprisonment or imprisonment combined with a fine. If the penalty consists solely of a fine, it should not be less than two-thirds of the maximum amount. The proposed penalty may also include a complete or partial suspension of execution, or it may be replaced with an alternative penalty. These limits reflect the principle of proportionality between the offence and the penalty (principle of proportionality).

Reflection Period and Defence Rights (Article 542)

The legislator has granted the accused or their lawyer a five-day period to consider the public prosecutor's offer to acknowledge the charges against them in exchange for a reduced penalty and expedited procedures. Although this period may seem relatively short, it is sufficient given the specific nature of this procedure, which aims to resolve cases quickly and efficiently without compromising essential guarantees. Setting a brief period also prevents delays and strikes a balance between the right of the accused to defend themselves and the interest of society in expediting justice.

Furthermore, the legislator has mandated that the lawyer be permitted to review the entire case file before deciding whether to accept or reject the proposal. This right stems from the constitutional principle of the right to defence (Article 155), one of the cornerstones of a fair trial, as set out in the International Covenant on Civil and Political Rights (Article 14). It would be impossible to carry out this procedure without reviewing the relevant facts.

However, the accused may be kept in temporary detention if the proposed penalty includes actual imprisonment. This means that the accused could remain in custody until they decide whether to accept or reject the proposal. Nevertheless, this raises significant legal issues, primarily concerning the potential psychological pressure it may exert on the accused, causing them to accept the offer not from genuine personal conviction, but due to the strain of being deprived of their liberty. This situation contradicts the principle of free consent, which is a fundamental requirement for accepting such an arrangement.

Effects of Rejection or Lack of Response (Article 543)

If the accused rejects the offer or fails to express a position within the stipulated period, the public prosecutor reverts to ordinary procedures by either referring the case to court or notifying the

investigating judge. In all cases, the legislator mandates that the judge who ordered the temporary detention must not later adjudicate the case, in order to maintain judicial neutrality.

Acceptance Record and Court Approval (Articles 544 and 545)

If the accused accepts the offer, an official record is prepared including their identity, explicit acknowledgement of guilt, circumstances surrounding the act, legal characterisation of the facts and type and amount of penalty. This record serves as the primary document relied upon when the case is presented to the court for approval. It provides a written guarantee that enables the judge to verify the validity of the acknowledgement and its legal and factual circumstances.

When the record is presented to the judge, they must do more than merely endorse or approve what has been agreed upon between the prosecution and the accused. They must verify the acknowledgement's validity in terms of its form and content, ensuring it was made freely and without pressure or coercion. They must also confirm the legal characterisation of the facts is correct and that the proposed penalty is appropriate for the crime committed. This aligns with the principle of informed and voluntary consent being a fundamental requirement for the acknowledgement to be valid.

As the judge has both formal authority and broad discretionary and supervisory powers, they have the right to refuse approval and return the file to the public prosecutor if they observe any issues affecting fair trial guarantees, such as the absence of a lawyer, an acknowledgement made under pressure, or a penalty that does not correspond to the facts (Seddoud, 2018).

The law also permits the court, upon approving the acknowledgement, to rule on the civil claim presented alongside the criminal case. This procedure has two main objectives: unifying the ruling to address both the criminal and civil aspects in a single judgment, and expediting compensation for the victim to preserve their rights and enable them to receive it within a reasonable timeframe (Frija, 2018).

Third: Effects of the Procedure and Judicial Oversight (Article 546).

The court's ruling, whether to approve or reject the acknowledgement, can be appealed to the Council. This legislative organisation demonstrates the commitment of the legislature to upholding the principle of double-instance litigation as a fundamental guarantee of a fair trial. It enables the ruling to be reconsidered by a higher judicial authority, providing true judicial oversight of the procedures and enhancing the protection of defence rights, whether concerning the rights of the accused or the victim (Akouch, 2021).

The legislator also requires the judicial council to decide on this appeal within two months of the appeal being filed. This relatively short timeframe reveals a clear intention to ensure prompt justice without delay. Shortening the timeframe for appeals does not restrict the right to appeal; rather, it reflects a legislative trend that balances the speed of case resolution with fundamental judicial guarantees.

The organisation's goal is to significantly reduce litigation time in a manner consistent with the negotiated nature of pre-trial acknowledgement procedures. It also seeks to alleviate judicial congestion by expediting case resolutions and ensuring the prompt enforcement of penalties. Thus, the legislator has established an efficient oversight mechanism for rulings, while preserving the right to litigate.

Fourth: the legislator's philosophy and objectives in adopting the procedure.

A careful reading of the legal texts that established this procedure reveals that the legislator has adopted a modern penal philosophy aimed at reshaping the function of criminal justice from merely a means of deterrence and punishment to a mechanism for achieving procedural efficiency and negotiated justice.

A careful reading of the legal texts that established this procedure reveals that the legislator has adopted a modern penal philosophy. This philosophy aims to reshape the function of criminal justice, transforming it from a mere means of deterrence and punishment into a mechanism for achieving procedural efficiency and negotiated justice. Rather than relying solely on the traditional punitive model, the legislator seeks to establish an alternative, more flexible model based on the principles of voluntarism and legal settlement. This approach aligns with the evolution of comparative criminal thought.

This legislative approach suggests that the legislator aims to achieve four interrelated strategic objectives:

1. Achieving negotiated justice: by introducing a new concept into the procedural system, the legislator seeks to foster an environment in which negotiated settlements can occur between the public prosecutor and the accused within clear legal frameworks, while ensuring judicial oversight of the process.

2. Overcoming traditional procedural rigidity: The aim is to increase the likelihood of legal settlements, thus promoting a more dynamic and responsive judicial process.

3. Alleviating burdens on the judicial system: This procedure serves as a practical mechanism to reduce the number of cases presented in courts, particularly minor ones. This allows judicial resources to be allocated to more complex cases, in line with the principles of resource rationalisation and judicial efficiency.

4. Encouraging voluntary acknowledgement and legal settlement: The legislator incentivises the accused to voluntarily acknowledge their guilt by offering procedural advantages. This contributes to the expedited resolution of cases and greater social stability, while maintaining essential guarantees of a fair trial.

Furthermore, the mandatory judicial approval process enhances trust in the judiciary by ensuring transparency and strengthening judicial oversight of procedures, thereby reinforcing public confidence in the justice system and its independence.

Conclusion

Upon reviewing the pre-trial acknowledgement system in Algerian law through the lens of its three key areas — the conceptual framework, comparative legislation and national organisation — it is clear that this system is one of the most significant legislative innovations in modern Algerian criminal justice. It represents a shift towards flexible, negotiated justice, balancing efficiency with legal guarantees.

The first axis clarified the theoretical and conceptual framework of the system, showing that it is based on the principle of explicitly acknowledging guilt in exchange for a reduced penalty within a voluntary mechanism governed by judicial oversight. This concept is aligned with the school of negotiated justice, which aims to expedite the resolution of minor cases while preserving the essence of justice.

The second axis presented comparative experiences, particularly the French and American models. It was revealed that the Algerian legislator drew inspiration from the French acknowledgement system (CRPC), modifying it to suit national specificity. This includes defining the scope of application to only misdemeanours, shortening the response time and placing the initiative in the hands of the public prosecutor rather than the defence. This axis demonstrated that, while adopting the philosophy of negotiated justice, the Algerian system has exercised caution and imposed strict limitations to ensure the protection of defence rights and the principle of equality before the law.

The third axis involved an in-depth analytical study of Articles 539 to 548 of the 2025 amended Code of Criminal Procedure, examining the procedural stages from acknowledgement to judicial approval. The analysis revealed the legislator's intention to regulate the relationship between the public prosecutor, the accused and the judge.

The analysis highlighted several features of this system:

- Structural clarity in procedural stages.
- Precise delineation of conditions and objective restrictions.
- Comprehensive legal guarantees for defence rights and judicial oversight.

Furthermore, Constitutional Court Decision No. 02/Q.M.D/Rd/2025 affirmed the system's constitutionality, conferring full legitimacy upon it.

Results achieved:

The Algerian legislator has adopted a new criminal policy philosophy aimed at achieving swift justice without compromising essential guarantees.

The system is based on the principles of voluntarism and negotiation between the prosecution and the accused, overseen by the judiciary, striking a balance between public interest and individual rights.

- Specification of the scope of application to minor offences demonstrates the legislator's dedication to safeguarding vulnerable groups and preventing the procedure's use in ethically or socially sensitive cases.
- The procedure reinforces the pivotal role of the public prosecutor in modern penal policy, enhancing their position as a key player in the administration of justice.

Despite the strength of the formal guarantees, some practical aspects may present gaps, such as:

- The potential for moral pressure on the detained accused.
- the limited role of the victim in this process;
- the absence of detailed regulations for negotiations between the parties.

The system represents a step toward rationalizing criminal justice in Algeria, but it still requires institutional support and judicial training for its proper and balanced implementation.

Practical proposals:

- Gradually expand the scope of the system to include some medium-level misdemeanours, ensuring strict judicial oversight throughout.

Enhance the role of the victim by making their presence or representation at the approval stage optional rather than mandatory, thus safeguarding their civil rights.

- Clearly define the conditions for negotiation in executive instructions from the Ministry of Justice that outline how proposals should be presented and documented, to avoid suspicions of pressure or inequality.

- Extend the reflection period to ten days, as adopted by the French legislature, to ensure that the accused and their defence have adequate time to make their decision.

Train public prosecutors and judges in negotiated justice and its ethics, ensuring this system is practised with a spirit of justice rather than a transactional mindset.

Prepare annual national statistical reports on the application of the procedure, tracking the number of cases, acceptance and rejection rates, and compliance with guarantees, to evaluate penal policy.

- Integrate digitisation into the procedure by creating an electronic internal platform for exchanging acknowledgement and approval records to expedite work and reduce procedural errors.

In conclusion, the adoption of this system represents a significant milestone in the evolution of justice towards a modern model that combines procedural efficiency with fair trial guarantees. However, it will only be fully effective if these procedures are surrounded by strong judicial safeguards, and if public prosecutors and judges practise this system within a framework of transparency, responsibility and protection of individual rights. While legislative reform is a step forward, practical reform is the true test of contemporary justice.

List of Sources and References

- Abdelhamid Elchouarbi (1996). *Criminal Evidence in Light of Jurisprudence and Court Rulings*. Manarat Al-Ma'arif, Alexandria.
- Aichawi, A. (2024). *Lectures on Criminal Procedure Law*. University of Blida 02. Directed towards second-year law students.
- Akouch, H. (2021). 'Drawbacks of Two-Tier Litigation and the Algerian Legislator's Position'. *Journal of Legal and Political Studies*, 7(2).
- Frijja (2018): 'The Victim and the Claim for Compensation in Algerian Law', *Journal of the Researcher Professor for Legal and Political Studies*, Issue 9, Volume 2.

- Jabran Masoud (1999). *The Leading Dictionary*, 7th edition. Jar Al-'Ilm for Millions, Beirut, Lebanon.
- Jean-Baptiste Thirry, *The Individualisation of Criminal Law*, RSC N°1, Dalloz, Paris, 2008, p. 59; M. Delmas-Marty, *The Blur of Law*, 1st ed. Quadrige, 2004.
- Lakhal, M. (2019). 'Regulations of reconciliation in transformations in criminal law'. *Journal of Legal and Political Research*, 11(December).
- Law No. 07/97, dated 21/07/1979 and amended up to the last amendment by the Finance Law of 28/09/2025, regarding the Customs Law.
- Meiza Redha (2019), 'Appearance Based on Admission of Guilt: An Urgent Necessity for Algerian Criminal Policy*', *Annals of the University of Algiers*, 1(33), Part 2, June.
- Mohammed Ghanem, Mohammed Bousaber Al-Kubaisi (2025). 'The Accused's Confession and Its Impact on Criminal Evidence in Qatari Criminal Procedure Law'. *Journal of Law and Society*, 13(1).
- Ordinance No. 66/155, dated 18 Safar 1386 (8 June 1966), concerning the Criminal Procedure Law, amended and supplemented by Law 18/06, dated 10 June 2018, Official Gazette No. 34, Algeria.
- Ordinance No. 66/156, dated 18 Safar 1386 (8 June 1966), concerning the Penal Code, as amended and supplemented. Official Gazette No. 49, 1966, Algeria.
- Razzafah (2023): 'Criminal Reconciliation in Economic Crimes as a Mechanism to Alleviate the Crisis of Criminal Justice', *Journal of Legal and Economic Studies*, Vol. 5, No. 3.
- Sadoud, M. (2018). 'Regulations of the Algerian Judge's Discretionary Authority in Interpreting Evidence'. *Journal of Transport Law and Port Activities*, 5(1).
- Sentencing Council, <https://sentencingcouncil.org.uk>, accessed 9 October 2025.
- Shenin Sanaa and Al-Nahwi Suleiman (2021), 'The System of Criminal Reconciliation in Algerian Criminal Legislation', *Journal of Policy and Law Notebooks*, Vol. 13, No. 2.
- The Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming at the Abolition of the Death Penalty was adopted by the General Assembly in resolution 44/128 on 15 December 1989 and entered into force on 11 July 1991. It is also published online.

Websites:

- U.S. Department of Justice, <https://www.justice.gov>, accessed 09/09/2025.
- Connecticut Judicial Branch, <https://www.jud.ct.gov>, accessed 09/09/2025.
- https://en.wikipedia.org/wiki/Fact_bargaining, accessed 05/10/2025.
- https://fr.wikipedia.org/wiki/Metaphysique_du_volontarisme, 'Metaphysical Voluntarism', accessed 15/10/2025.
- [https://fr.wikipedia.org/wiki/Pr%C3%A9sentation_pr%C3%A9liminaire_de_la_culpabilit%C3%A9_\(proc%C3%A9dure_criminale\)/fr](https://fr.wikipedia.org/wiki/Pr%C3%A9sentation_pr%C3%A9liminaire_de_la_culpabilit%C3%A9_(proc%C3%A9dure_criminale)/fr), 'Prior Recognition of Guilt in Criminal Procedure', accessed 13/10/2025.
- <https://www.benbrook-tx.gov>, accessed 10/10/2025.
- <https://www.conseil-etat.fr/en/activities/the-principle-of-proportionality-protector-of-freedoms-council-of-state>, 'The Principle of Proportionality, Protector of Freedoms – Council of State', accessed 12/10/2025.
- <https://www.legifrance.gouv.fr> (current version as of 16/10/2025), accessed 17/10/2025.