

Electronic Monitoring and its Role in the Effective Social Reintegration of Prisoners in Light of Law No. 18-01

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Abstract---Reforming and modernizing the justice sector requires a strong focus on prisoners and a shift in punitive policy to allow for the actual implementation of judicial reform. The judge's role is no longer limited to sentencing punishment but extends to seeking reform, rehabilitation, and social reintegration of inmates, through alternative methods that help reduce the harms of custodial penalties. Electronic monitoring aims to shift punitive policy from its traditional reliance on deprivation of liberty to the use of modern technology as an alternative punishment carried out outside the confines of penal institutions, regardless of their classification. This shift ensures the realization of contemporary criminal justice policy, which seeks to reform and rehabilitate the convicted person, ultimately reducing recidivism and assisting the individual in becoming a productive member of society.

Keywords---Penal institutions, convicted person, electronic monitoring, electronic bracelet.

1. Introduction

Personal freedom is the foundation of basic human rights, as it is tied to the individual's essence and intrinsic dignity. Without it, a person cannot fulfill their needs or exercise their abilities to express their personality. (Rasheed Kardy, 2011, p. 135). Any unjustified restriction of this freedom is considered a violation and an assault.

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However, there are cases where infringing upon this freedom is justified, such as when an individual commits a crime that violates the social order. Crime has been a serious problem since the beginning of humanity due to the harm it causes to individual rights and freedoms. It reflects the socio-economic and psychological realities of society and offers a lens through which human dynamics and interactions can be understood.(Adly, 2009, p. 115.)

Crime stems from intense interactions between personal temperaments and conflicting interests—elements that are inherent in both individuals and society. These cannot be entirely eliminated, but may be managed by addressing psychological, biological, and environmental causes. Over time, societies have moved away from ancient penal systems based on torture and physical punishment toward incarceration and restricted freedom.(Al-Ahmad, 2010, p. 10.)

This restriction is implemented through penal institutions that vary in type. Closed institutions are secured with physical barriers like walls and barbed wire to prevent escapes and are heavily guarded. They follow strict reform programs based on coercion. These facilities embody deterrence, viewing inmates as dangerous individuals who must be isolated.(Ma'rouf Abdullah,2005) until the end of their sentences. (Articles 25, 26, 27 of Law No. 05-04, 2005).

Open institutions, on the other hand, often resemble agricultural, industrial, or vocational centers, similar to colonies consisting of small buildings with regular doors and windows, without bars. They may have small wooden fences or light wire barriers.(Borras, 2022, p. 315.). These facilities house inmates who have served half of their sentence if they are first-time offenders, or two-thirds if they are repeat offenders. (Article 8 of Law No. 05/04).

Thus, modern approaches to incarceration reject treating prisoners as mere numbers subjected to mistreatment. Instead, inmates must be seen as human beings whose personalities require study to determine appropriate rehabilitation. They have rights and responsibilities that should be respected and enforced to support their reform and reintegration.(Al-Ahmad,2010,P 20). Accordingly, true reform of Algeria's justice sector required introducing new mechanisms focused on the rehabilitation of prisoners, helping them reintegrate as good citizens. The Algerian legislator emphasized alternatives to custodial penalties in Law No. 05-04 concerning the organization of prisons and the reintegration of inmates. It incorporated alternatives to imprisonment that support the principles of contemporary criminal policy. Furthermore, under Law No. 18-01, the Algerian legislator embraced modern technologies and integrated them into penal policy to support the rehabilitation of inmates.(Law No. 18-01, 2018). Electronic monitoring is used for specific crimes and durations, allowing for punishment to be served outside prison under certain conditions. This system offers partial freedom and helps inmates reintegrate into society.

Based on the above, the main research question of this paper is:

How does electronic monitoring contribute to the social reintegration and rehabilitation of prisoners?

We will attempt to answer this question through the following components:

- 1. Theoretical foundations of the study**
- 2. Mechanisms of implementing electronic monitoring**
- 3. Evaluation of the role of electronic monitoring as an alternative to custodial punishment**

2. Theoretical Foundations of the Study

The study first requires us to define the key terms it includes, as follows:

2.1 The Penal Institution:

The word "prison" in language, with the letter S opened, is a noun (sajana) meaning detention, and with the letter S broken (sijn), it refers to the place of detention, plural: sujun (prisons).(Fadallah,, 1987, p. 39.). Technically, prison is that place where criminals or the accused are placed, where every person

placed in it loses their freedom of self-determination. A prison can be a house, a mosque, or a place specially designated for punishment..(Yehia, 2005, p. 208.)

Prison is that place prepared by society for the care, treatment, and reform of individuals who have committed criminal acts in violation of laws, regulations, or religion, or those against whom a sentence of deprivation of freedom has been issued. .(Yahya Hadi,2015, p. 25.)

Prisons, in their modern concept, only appeared after long centuries during which reformers called for their improvement and transformation into institutions for teaching ethics, instead of the stereotypical image in ancient societies where prisoners were grouped together without separation during sleep, meals, or work. This led most modern legislations to search for alternatives by applying other systems, even while retaining its essence. .(Ma'ash , 2018, p. 67.)

The Algerian legislator defined the penal institution as "a place of detention where, in accordance with the law, custodial penalties and orders issued by judicial authorities are executed, and coercive detention when necessary(Article 25 of Law No. 05-04,2005) , " and as per the relevant article, it means the place bearing the name of the institution and designated to receive a certain category of persons who committed acts punishable by imprisonment, thereby restricting the person's liberty during the time spent in this institution designated to enforce the sentence issued against them .The definition given by the Algerian legislator does not differ from the definition by the United Nations of "prisons and correctional or reform institutions.(Chareek, 2011, p. 22.) " meaning all institutions funded publicly or privately in which individuals are deprived of their liberty. According to the modern understanding of prisons, they are no longer divided based on the type of punishment as was done in the past, due to the modern approach of unifying custodial sentences into one form, making the traditional classification of institutions inconsistent with this concept.

The new penal policy has come to focus more on reforming and rehabilitating the prisoner than merely punishing them. Many scientific studies conducted on released prisoners have shown that most crimes committed by repeat offenders occur in the first months following their release.(Reda Radi Saad,2013, p. 98.), prompting the search for other alternatives to penalties that are more effective in achieving the true purpose of penal policy, namely rehabilitation and reform within the natural environment of the convicted person.

Referring back to the Algerian legislator, penal institutions are classified according to Law No. 05/04 mentioned earlier as follows:

2.1.1 Closed Penal Institutions: These constitute the oldest forms of penal institutions. They rely on physical barriers such as walls and barbed wire that prevent inmates from escaping and impose strict surveillance on them. They are usually built in large cities away from urban centers. This type of institution is designated for criminals with clear criminal tendencies in society .(Ma'ash, 2016, p. 83.)and is characterized by the imposition of discipline and continuous supervision, indicating their deterrent nature since their inmates represent the dangerous category that must be isolated from society.

The Algerian penal system has recognized this type of penal institution and made it the basis for enforcing custodial sentences and a necessary stage for all categories of inmates regardless of their situation within the penal institution.(Dhrif, 2019, p. 126.). According to the provisions of Law No. 05-04 on the organization of prisons and the reintegration of inmates, it is divided as follows:

2.1.1.1 Institutions: Closed penal institutions include preventive detention institutions located in the jurisdiction of each court, designated to receive accused persons under judicial investigation and those sentenced by final criminal judgments to terms equal to or less than two years.(Article 27 of Law No. 05-04). There are also re-education institutions in each judicial council jurisdiction (i.e., at the level of each province), designated to receive temporarily detained persons or those sentenced to a custodial penalty of up to five years.

2.1.1.2 Specialized Centers: These centers within the closed environment institutions include two types:

- The first is designated for women who are temporarily detained or sentenced to custodial penalties of any duration.
- The second is designated for minors aged between thirteen (13) and eighteen (18) years who are temporarily detained or sentenced to custodial penalties of any duration.

As for rehabilitation institutions, they are also designated for placing those who are definitively sentenced to imprisonment exceeding five years, to prison, or those who are considered dangerous habitual offenders regardless of the length of their sentence, as well as those sentenced to death. .(Article 28 of Law No. 05-04)

2.1.1 Open Environment Institutions: These are penal institutions not equipped with physical barriers against escape such as walls, locks, or increased guards. Rather, they are institutions where order is respected by the inmates themselves, who voluntarily accept it out of appreciation for the trust placed in them, without the need for external supervision.(Ma'rouf Abdullah, p. 35.). The credit for this type of institution goes to Switzerland, where the "Betrinelle" institution was established in the canton of Bern in the form of an agricultural colony with light supervision, in an attempt to reduce the material manifestations of deprivation of liberty.(Khouri, 2008, p. 320.) , especially for those sentenced persons who have no interest in escaping and to revive agricultural work methods which help reform the souls of the sentenced persons. This institution is based on the prisoner accepting the principle of obedience without the penal administration resorting to usual surveillance methods, and his sense of responsibility toward the society in which he lives. The organizational rules of penal institutions are determined by regulation.(Article 25 of Law No. 05-04)

The success of the penal system in open institutions depends on two factors: .(El-Hamleli, 2012, p. 481.)

- The offender is a first-time criminal and not significantly dangerous or corrupt.
- The extent to which the convicted person is willing to integrate into an activity managed by a specific institution or workshop, which contributes to fostering the convicted person's will to rehabilitate while being treated in an environment close to normal.

Since prisons in many cases have failed to achieve their mission of reforming prisoners to the expected extent, considering that the primary purpose for which they were established is punishment and not reform, the concept of re-education has become linked to the concept of prison as a synonym for detention. The French researcher Jean Chazal expressed this when discussing the re-education of juvenile delinquents, saying that the role of these institutions "is not only to reintegrate him into social life by instilling certain behavioral patterns, but, as far as possible, to integrate him into society by encouraging his development and growth, raising his awareness, and having him live through situations vividly. The more he is aware of himself and his place in society, the more he gradually rises to his human status, and he will then refuse, choose, or belong—in short, he becomes responsible within a framework where methods based on trust, self-monitoring, and modern education can be applied".(Chareek , p. 32.)

2.2 Alternative Penalties

Alternative penalties mean replacing custodial sentences, i.e., "prison," with other penalties that take their place, such as community service, with the aim of reintegrating the prisoner as a useful member of society..(Reda Radi Saad, p. 96.)

Alternative penalties are "a complete or partial substitute for custodial sentences, whereby the offender is subjected to a set of obligations that do not aim to inflict pain on the convicted person, but rather aim at rehabilitation and social reintegration."

The emergence of the term "alternative penalties" is linked to the development of studies in penal legislation and the idea of humanizing punishment, where many jurists found that work could be a means of rehabilitating the convict without depriving him of his liberty (El-Saghir Saadawi, 2013, p.

91.). These penalties vary between community service, semi-liberty, conditional release, and electronic monitoring.

Alternative penalties are realized by fulfilling the following conditions:.(Abu Hajla Safi Ali, 2019, p. 18)

2.2.1 Preparing Public Opinion:

Since the primary objective of alternative penalties is to develop a sense of belonging to their community among individuals, especially the convicted, this can only be achieved if individuals accept them. The existence of these alternatives is tied to public acceptance.

2.2.2 Gradual Application:

This means ensuring that the alternative penalty is compatible with the community's environment, customs, and traditions, identifying the negatives that may appear during its application, and working to amend them to reach legislative and penal stability.

2.2.3 Suitability of Penal Legislation:

This condition is embodied in the effort to create appropriate legislation that helps in the application of these penalties, provided that these alternatives are flexible and adaptable in a manner consistent with the nature of the societies in which they are applied, and in line with fundamental human rights.

2.2.4 Judicial Oversight in Implementation:

The application of alternative penalties requires that the judiciary be fully convinced of the effectiveness of these alternatives and their role in achieving the objectives of punishment, as they are implemented under the supervision of an independent judicial authority, which guarantees achieving the intended goals of rehabilitation and social reintegration.

2.2.5 Actual Application in Penal Institutions:

The implementation of alternative penalties depends on the necessary contribution of all penal institutions in ensuring the success of these alternatives by applying them and cooperating jointly among various institutions to provide the most suitable alternative penalties depending on the type of crime and determining the best method of implementation.

2.3 Electronic Monitoring

Electronic monitoring is one of the alternative solutions for enforcing the penalties decided upon the convicted, away from imprisonment. It suits the seriousness of the crime and achieves the goal of rehabilitating and reforming the convicted person and reintegrating him properly into his community.

Electronic monitoring is known as a mechanism for executing a sentence in a modern way outside the prison walls. It includes an electronic remote monitoring system through which the presence or absence of the person from the designated place of residence is verified based on a judicial ruling .(Khattab, 2022, p. 358)

Electronic monitoring means obligating the convicted person to remain at his place of residence or home. This is verified by tracking him using a transmission device worn on his body, which allows the monitoring center to know whether the convicted person is present at the time and place determined by the implementing authority. The computer records the results of these communications.(Al-Kasasbah, 2009, p. 5.)

Electronic monitoring is a type of surveillance using electronic devices to determine the locations of the convicted person within the allowed area in cases of restricted residence and the extent of his commitment to the terms and conditions of the imposed penalty. The electronic monitoring system, also known as the electronic bracelet or home confinement, is implemented by requiring the convicted or pre-trial detainee to stay at home or place of residence during specific hours.

The Algerian legislator addressed the electronic monitoring system in the context of the amendment of the Code of Criminal Procedure under Ordinance No. 15/02 dated July 23, 2015, amending and supplementing Ordinance No. 66/155 containing the Code of Criminal Procedure.(Article 125 bis 1 of Ordinance), considering it an obligation among the judicial control obligations taken by the investigating judge instead of placing the accused in pre-trial detention.

The Algerian legislator also addressed electronic monitoring under Law No. 18-01 regulating prisons and the social reintegration of inmates, considering it “a procedure that allows the convicted person to serve all or part of the sentence outside the penal institution.”

Electronic monitoring involves the convicted person wearing an electronic bracelet that allows for identifying his presence at the designated place of residence as stated in the placement order. (Article 150 of Law No. 18-01,2018). The electronic bracelet was first applied as an alternative to imprisonment at the Reeducation and Rehabilitation Institution in Chiffa, Blida Province, on March 1, 2018, marking the official start of the use of electronic bracelets. (Saghrawi and Fasilah,2021, p. 529.)

Therefore, electronic monitoring is one of the modern methods for enforcing short-term custodial sentences outside of prison, using technology in a field considered highly sensitive due to its connection with the enforcement of custodial sentences. It allows the convicted person to stay at home, with their movements monitored by a device resembling a watch worn on the ankle or wrist.

Although the idea of placing someone under house arrest is not new to human thought, as it has been used since ancient times as a means to limit the danger of opponents to various political regimes. (Salem, p. 2.) The uniqueness of this type of monitoring lies in the fact that it does not constitute a punishment in itself like other alternatives to imprisonment, but rather a method or means of executing a prison sentence. Additionally, the place of execution is not in a closed, open, or semi-open penal institution, but rather at the convicted person's home or residence using a modern monitoring device.

Methods of implementing electronic monitoring include:

- Electronic monitoring via satellite, a method adopted by the United States of America.
- Electronic monitoring through repeated electronic telephone contact sent from the place of residence of the person under monitoring, received via voice communication.
- Continuous transmission through a device that allows tracking the convicted person to verify his presence in the designated place. This method involves placing an electronic bracelet on the wrist or ankle of the person under monitoring, which sends specific intermittent signals to a receiver connected to the telephone line at the monitored person's residence. .(Abu Hajla , p. 54.)

Continuous transmission through the electronic bracelet is the method adopted by the Algerian legislator, who decided that the implementation of the penalty under the electronic monitoring system shall be by placing an electronic bracelet in the case of a custodial sentence not exceeding three years or if the remaining sentence period does not exceed three years.

3. Mechanisms for Implementing Electronic Monitoring

Comparative legislation has varied in the process of codifying alternative penalties, with some including them in penal laws, and others decriminalizing some minor acts and classifying them under special laws.(Reda Radi Saad , p. 145.) . This is the case with the Algerian legislator in Law No. 18-01 mentioned earlier, which made the implementation of placement under electronic monitoring as an alternative to punishment dependent on the availability of important conditions and procedures that must be met in order to obtain the placement order, under which the actual application of this alternative mechanism in the execution of the penalty is carried out.

3.1 Conditions for Applying Electronic Monitoring:

Law No. 18-01 on the organization of prisons and the social reintegration of prisoners specifies a set of conditions for applying the electronic monitoring system, some related to the type and duration of the sentence, others to the competent authority for deciding and implementing monitoring, and others related to the convicted persons.(Al-Badri, 2018, p. 807.), detailed as follows:

3.1.1 Conditions Related to the Convicted Person:

- The consent of the convicted person is among the conditions for applying electronic monitoring, whether male or female. The person under monitoring may be in pre-trial or temporary detention linked to the investigation phase. Therefore, the legislator made the implementation of electronic monitoring dependent on the consent of the convicted person, even if the penalties judge decided it on his own. However, a minor may only benefit from the electronic monitoring system with the consent of their legal representative.(Article 150 bis 2 of Law No. 18-01)
- The convicted person must have a fixed place of residence. Hence, anyone who does not have proof of housing or a fixed place of residence cannot benefit from electronic monitoring.

- The judgment issued against the person must be a final judicial ruling, in accordance with Article (150 bis 3) of Law No. 18/01, which stipulates that “the accused must have been finally convicted.” Therefore, the convict must have exhausted all ordinary and extraordinary appeals that could change the nature of the judgment. The sentence must be a custodial sentence, which indicates that electronic monitoring is not applied for the enforcement of non-custodial penalties such as fines, community service, or confiscation..(Khattab, p. 362)
- The health of the convicted person must be considered during the application of electronic monitoring, by ensuring that the electronic bracelet does not harm their health.

3.1.2 Conditions Related to the Penalty:

- The Algerian legislator in Law No. 18-01 confirmed that placement under monitoring is a procedure that results in the execution of the convict's sentence outside the prison walls. This indicates that the penalty under the electronic monitoring system must be served outside traditional penal institutions, whether closed or open.
- The sentence handed down to the person must not exceed three (3) years of effective imprisonment, although this measure can also be applied to the remaining portion of the sentence if it does not exceed three years. (Article 150 bis 1 of Law No. 18-01)
- The execution of the sentence under monitoring must not take place until a final decision is made on the concerned person's request if they are not imprisoned.

3.1.3 Conditions Related to the Competent Authority for Implementation:

The competent authority to implement electronic monitoring is the investigating judge. The Algerian legislator granted him the exclusive authority to apply the electronic monitoring system, after consulting the public prosecutor and the penalties committee for inmates.

Therefore, the system of electronic monitoring is a newly introduced procedure that relies on electronic means to help determine the location of convicted persons in a non-custodial manner. This is applicable, for instance, if the convicted person is the sole provider for his family or is seriously ill and needs continuous treatment to preserve his life and health. (Article 150 bis 4/2 of Law No. 18-01)

This system allows the convicted person to remain in direct contact with society and family members, and it takes the will of the convicted person into account by making its application conditional on their approval. This is contrary to the general rule that punishment is executed without the person's choice of which punishment is applied or how it is enforced, as it falls under judicial control provided for in the Code of Criminal Procedure .(Article 125 bis 1/9 of Ordinance No. 15-2, 2015)

3.2 Procedures for Implementing Electronic Monitoring:

The Algerian legislator has set out a series of procedures that must be followed to obtain the placement order under which the electronic monitoring system is implemented through the newly introduced electronic device known as the electronic bracelet. These procedures begin with the following steps: (Saghrawi and Fasilah, p. 531.)

3.2.1 Submitting a Request for Placement under Monitoring to the Competent Authority:

The request for placement under electronic monitoring is submitted to the judge responsible for enforcing sentences at the place of residence of the convicted person or where the penal institution is located. It may also be in the form of a proposal submitted by the enforcement judge, as confirmed by Article (150 bis 1) of Law No. 18/01 mentioned earlier.

The request for placement under monitoring varies depending on whether the convicted person is imprisoned. In such cases, after the request is submitted, the enforcement judge must immediately notify the public prosecutor to provide an opinion on the request. This procedure is also followed when the enforcement judge proposes that the prisoner benefit from placement under monitoring. The public prosecutor must express his opinion on the request within three days of being notified.

In cases where the convicted person is apprehended under an extract of a final judgment or decision and presented to the public prosecutor for sentence execution, and it is declared that he wishes to benefit from electronic monitoring, the public prosecutor, if he finds the crime non-serious, records the convicted person's statement in a report and sends a copy to the enforcement judge in the area of residence.

The enforcement judge then immediately notifies the public prosecutor to express an opinion, as previously mentioned, within three days. The judge rules on the request within ten (10) days of being notified of the request to benefit from electronic monitoring. This is done through a decision that cannot be appealed by any party, and the electronic monitoring must be immediately cancelled if it:

- Violates public order and morals.
- Is not respected by the convicted person without legitimate justification.
- The convicted person is sentenced to another penalty.
- The person concerned requests its cancellation.

3.2.2 Implementation of the Electronic Monitoring Mechanism:

The mechanism of implementing electronic monitoring relies on the presence of devices and tools that embody the monitored status. These allow the convicted person to remain at home; however, all their movements are restricted and monitored through an electronic bracelet. This bracelet is an electronic transmitter resembling a wristwatch and is worn on the wrist or lower leg of the convicted person throughout the period of monitoring (Saghrawi and Fasilah, p. 534.). This device is installed while the convict is still in the correctional facility before being transferred to their residence, where the electronic monitoring will be executed.

Through this electronic bracelet, messages or signals are sent via a telephone line to the monitoring authority, typically a dedicated monitoring center. This center receives the transmitted signals from the geographic area defined as the monitoring zone. Based on these signals and data, the functioning of the device is verified, as well as the presence of the individual in the specified location, thus ensuring that the individual complies with the obligations imposed on them under electronic monitoring as an alternative to custodial punishment.

Referring to the provisions of Law No. 18/01 mentioned earlier, the dignity, safety, and private life of the concerned individual must be respected during the implementation of electronic monitoring. The judge responsible for enforcing penalties must, at any time during the application of electronic monitoring, verify either automatically or upon the request of the monitored individual that the bracelet does not harm their health. Based on this, the convicted person is prohibited from leaving their home or the location designated by the judge outside the periods specified in the monitoring order.

The judge responsible for applying the sentence has discretionary power to subject the electronically monitored person to one or more of the following measures: (Article 150 bis 6 of Law No. 18-01)

- Engaging in an activity or continuing education or vocational training.
- Not frequenting certain places.
- Not associating with certain convicted individuals.
- Not meeting certain persons, especially victims and minors.
- Commitment to health, social, educational, and psychological care for the purpose of social reintegration.

The convicted person under electronic monitoring is obligated to respond to any summons from the sentencing judge or the public authority designated by the judge. (Article 150 bis 6 of Law No. 18-01). The judge also has the authority to amend or modify the obligations set out in the monitoring order. The monitoring is followed up under the supervision of the judge, and implemented by the external prison reintegration services via remote supervision, on-site visits, and telephone checks.

4 Assessing the Role of Electronic Monitoring as an Alternative to Custodial Sentences

The necessity of changing crime-fighting strategies and preventing recidivism has compelled the search for innovative alternatives that mitigate the drawbacks of short-term imprisonment during the penal enforcement phase. (Baatache and Nouiri, 2021, p. 183.). Electronic monitoring has become a stage in the development of punishment and its implementation methods. The effectiveness of punishment and the assertion of state authority are no longer measured by severity or fear, but through a shift in penal policy toward rehabilitation and reform. This is based on a clear philosophy that punishment is not meant to destroy the offender but to rebuild and rehabilitate them as a productive member of society. (Salem, p. 68.)

Electronic monitoring offers an opportunity for those subject to it to correct their social and moral behavior. It prevents isolation and disconnection by allowing them to remain in their homes. It also helps, through rehabilitative and therapeutic programs, to keep them away from previously frequented dubious environments that led to their criminal acts. (Khattab, p. 365.). Therefore, electronic monitoring becomes a way to enforce custodial sentences without confining the individual behind prison walls. (Salem, p. 69.), using a modern technological tool that achieves the same goal as incarceration.

Electronic monitoring can achieve a kind of balance between the state's right to impose punishment and the convicted person's right to dignity and humanity. The individual remains in their natural community setting, participating normally in family and professional life, allowing them to be an active participant in carrying out their sentence (Khattab, p. 366.).

Consequently, it reduces the likelihood of reoffending and avoids custodial punishment (prison). The electronically monitored person is strictly controlled through constant surveillance of their actions via the so-called electronic bracelet. In this context, electronic monitoring represents a significant moment in the history of punishment—so much so that some consider its implementation as the beginning of the end of prison as a penal institution, to be replaced by home detention under electronic monitoring as an alternative penalty.

Electronic monitoring allows for the convict's actual participation in the implementation of criminal policy. Typically, determining the applicable criminal penalty falls under the discretion and conviction of the judge within the legal limits set by the legislator. The general rule in executing punishment is that it is done regardless of the convict's will. However, electronic monitoring adds a new dimension: taking into account the will of the convict in determining how the punishment is executed, especially since most systems that adopt electronic monitoring require the convict's consent as a fundamental condition. (Salem, p72.)

Therefore, implementing electronic monitoring—whether as a standalone punishment or a novel method of executing custodial sentences—could lead to reshaping the state's authority in punishment by redefining how custodial sentences are enforced. Given that such sentences are the most common and widely applied, this approach could reduce the reliance on traditional correctional institutions to a minimum. This mechanism also gives the punishment a collective dimension, since electronic monitoring is applied within society, not in isolation, making it a form of societal oversight over its members. (Salem, p.81.)

Despite the benefits of this alternative system to custodial punishment, questions remain about its effectiveness in respecting human dignity and privacy. This is because it subjects individuals to surveillance in their own homes, bodies, and every movement. Continuous monitoring of the convict's location may violate the sanctity of private homes, especially if security patrols are stationed near the convict's location.

No matter how cautious the authorities are, electronic monitoring inevitably impacts the convict's family environment, often making it difficult to avoid such intrusion. This may lead to social stigma, particularly in Arab societies governed by customs and traditions. Advocates of this system have not been able to fully guarantee that it has no adverse effects on the convict's health. If such effects are proven, it would be better to adopt a method that better preserves human dignity and physical integrity. If the goal of punishment is deterrence, then the primary purpose of alternative penalties to custodial sentences is the rehabilitation and reintegration of the convict outside the penal institution. Rehabilitation and reintegration depend on the trust that the judge places in the convict, which is something the electronic monitoring system lacks, as the person remains remotely monitored—this constitutes a restriction and infringement of part of their rights and freedoms.

Conclusion

Based on the discussion above, we can draw the following conclusions:

- **Electronic monitoring** is one of the recent developments arising from scientific progress in the field of penal policy. It reflects a shift toward rehabilitating prisoners and reintegrating them into society outside penal institutions, specifically for certain types of crimes that permit the application of this form of monitoring.
- The use of the **electronic bracelet**, which is the tool employed in the application of electronic monitoring, has the potential to change how the convicted individual is perceived—focusing on their rehabilitation, reform, and reintegration, and enabling them to live a relatively free life under specific conditions.
- **Electronic monitoring** is one of the most significant achievements that modern criminal policy aims to implement in order to alleviate the substantial pressure placed on prisons.
- The use of the **electronic monitoring system** contributes to rationalizing state expenditures and reducing recidivism. The presence of the electronic bracelet—acting as a surveillance device constantly accompanying the convict—helps deter the individual from reoffending and encourages avoidance of criminal behavior as much as possible.

Therefore, **electronic monitoring** is generally considered **an effective mechanism** in modernizing penal policy for the social reintegration of prisoners. It achieves this through implementing surveillance using an electronic bracelet, within a framework of specific **conditions and guarantees** that must be adhered to in order to ensure rehabilitation, reform, and reintegration, while keeping pace with the modernization of the justice sector.

Recommendations for Achieving Positive Outcomes from the Electronic Monitoring System:

- **Ensure continuous and consistent implementation** of the electronic monitoring system, and evaluate its effectiveness in rehabilitating and reforming convicted individuals.
- Organize **seminars and training sessions** to raise public awareness about the importance of alternative punishments in reducing criminal behavior, and their real role in reforming and reintegrating convicts into society.
- Provide all necessary **material and human resources** to effectively activate the implementation of the electronic monitoring system.
- Utilize various **media platforms** to introduce the different types of alternatives to custodial penalties, highlighting their role in shifting penal policy from punishment to rehabilitation and reform, and to educate the public about the benefits of such alternatives in mitigating the negative psychological effects of traditional punishments (e.g., imprisonment).
- Work toward **amending existing penal laws** to allow broader application of alternative penalties, particularly for categories of offenders who do not pose a significant threat to society. Implementing such alternatives is likely to achieve **more tangible results** in terms of rehabilitation.

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