



# The Final Investigation in a Public Prosecution: Balancing the Protection of the Accused and the Achievement of Justice

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**ABSTRACT:** The final investigation phase in public prosecution is considered the decisive stage in the criminal proceedings, during which evidence is presented and discussed before a competent judicial authority to rule on the charges against the defendant, either by conviction or acquittal. The study focuses on the organization of criminal courts under Algerian law, particularly the Criminal Court, the Misdemeanor Court, and the Minor Offenses Court, in terms of their jurisdiction, composition, procedures for convening, and the conduct of proceedings before them. It also addressed the developments introduced by Law No. 25-14, which includes the Code of Criminal Procedure, and which strengthened procedural safeguards and enshrined the principles of criminal justice by improving trial procedures, regulating appeal mechanisms, and enhancing the legal framework to ensure procedural transparency and the soundness of judicial rulings.

**Keywords:** Final investigation, Public prosecution, Rights of accused, Justice, The accused

**Received:** 05 12 2025

**Revised:** 15 03 2026

**Accepted:** 01 05 2026

## Introduction

The trial phase is considered one of the most critical stages of public prosecution due to the significant safeguards it entails. It is during this phase that the defendant's status regarding the charge or charges against him is determined, and the judge adjudicates the case by ruling either on acquittal or conviction based on a conviction independent of that of the prosecuting authority or the investigating authority. Some define the trial phase as: the set of proceedings conducted before criminal courts aimed at evaluating all the evidence in the case regarding innocence or guilt, and then adjudicating the matter—either by conviction if the evidence is conclusive, or by acquittal in the event of insufficient evidence or reasonable doubt .

The trial stage begins after the conclusion of the investigation with the referral of the accused to the competent judicial authority for trial, Thus, the trial represents the final stage of the public prosecution process; it is a procedural stage that concludes the public prosecution with either an acquittal or a conviction . The court is then qualified to issue its final judgment based on the soundness of the preceding procedures and their use in preparing the elements of the case. The court's role is not limited to the evidence gathered by the judicial police or the investigating authority ; rather, it extends to the trial judge personally extracting and producing additional evidence to confirm guilt or innocence, reflecting the independence of the judiciary in adjudication and ensuring the realization of justice.

## Chapter One : The Criminal Court

**The Criminal Court** is the judicial body competent to adjudicate on acts classified as **felonies, as well as related misdemeanors and infractions**. In line with **the 2016 constitutional amendment**, the Algerian legislature was required to adopt legal provisions **explicitly** establishing **the principle of a two-tier trial before the Criminal Court**. This principle was implemented through **the amendment of Article 18 of**

**Organic Law No. 05-11 on the Judicial System**<sup>1</sup> by **Law No. 17-06**<sup>2</sup>, which reaffirmed the provisions of the 2016 Constitution.

The amendment provides for the establishment of **a criminal court of first instance and a criminal court of appeals**, with the latter hearing appeals against judgments issued by the criminal court of first instance. Article 18, as amended, states : *“At the seat of each judicial council, there shall be a criminal court of first instance and a criminal court of appeal, whose jurisdiction, composition, and procedures shall be determined by the legislation in force.”*

Thus, the Algerian judicial system now guarantees the possibility **of appealing judgments of the Criminal Court of First Instance before the Criminal Court** of Appeal, thereby reinforcing the principle of a two-tier litigation system and ensuring the right to defense and the accused’s right to review judgments.

## **Section I : Organization of the Criminal Court**

**Criminal courts enjoy complete freedom in exercising all acts related to public prosecutions referred to them, provided, however, that such actions comply with the rules of jurisdiction and referral set forth in the Code of Criminal Procedure, to ensure the validity of proceedings and the soundness of the judgment. To this end, the criminal court is organized under a special system to ensure the effectiveness of its jurisdiction.**

### **Subsection One : Jurisdiction of the Criminal Court**

Pursuant to Article 385 of the Code of Criminal Procedure, the Criminal Court has jurisdiction, as a general rule, to adjudicate acts classified as felonies, as well as related misdemeanors and infractions, provided they are referred to it by a final decision of the Indictment Chamber. The Criminal Court has full jurisdiction to impose criminal penalties on adults accused of committing a felony<sup>3</sup>, However, if the perpetrator of the felony is a juvenile, jurisdiction over his trial falls to the Juvenile Division of the court of the Judicial Council, pursuant to Article 59/02 of Law No. 15-12 on the Protection of Children, The Criminal Court also has jurisdiction to hear cases referred to it by a decision issued by the Indictment Division of the same Judicial Council<sup>4</sup>, while Article 388 stipulates that the Criminal Court cannot rule that it lacks jurisdiction.

The territorial jurisdiction of the Criminal Court extends to the jurisdiction of the Judicial Council where it holds its sessions, sessions may also be held at any other location within the jurisdiction pursuant to a decision issued by the Minister of Justice in accordance with Article 389 of the Code of Criminal Procedure; the second paragraph of the same article also provides for the possibility of holding a Criminal Court session outside the jurisdiction of the Judicial Council pursuant to a special provision<sup>5</sup>.

### **Subection two: Composition of the Criminal Court**

The Criminal Court of First Instance is composed, in accordance with the provisions of Article 395 of the Code of Criminal Procedure, of a judicial body comprising both professional judges and lay members in the form of jurors. This dual composition aims to **ensure a balance between the legal expertise of judges and the involvement of civil society in the rendering of criminal judgments**, thereby strengthening the legitimacy of judicial decisions and ensuring their alignment with social values.

### **Professional Judges**

**The composition of the Criminal Court** consists primarily of judges, in accordance with the provisions of **Article 395 of the Code of Criminal Procedure**, which stipulates that the Criminal Court of First Instance shall consist of a judge holding the rank of at least a counselor at the Judicial Council as its president, two associate members, and two jurors, while the Criminal Court of Appeal consists of a judge holding at least the rank of Chamber President of the Judicial Council as presiding judge, and two judges holding the rank

of Counselor of the Judicial Council. The same article also stipulates that the criminal court, whether of first instance or on appeal, shall adjudicate on crimes related to terrorism, narcotics, and smuggling with a panel composed solely of judges. The legislature has authorized, where necessary, the assignment of one or more judges from another judicial council to complete the panel.

Based on the text **of Article 395 of the Code of Criminal Procedure**, it is noted that the Algerian legislature has stipulated a minimum rank for judges presiding over criminal courts, whether at the first instance or appellate level, which is a fundamental requirement ; a violation of this results in the nullity of the judgment. Therefore, the ranks of the judges must be explicitly stated in the preamble to the judgment; otherwise, the judgment is considered null and void<sup>6</sup>.

### **Lay Judges (Jury Members)**

In addition to professional judges, the Criminal Court includes lay **judges**. Under **Law No. 25-15**, the Algerian legislature has preserved the popular character of this court, thereby upholding the principle that the judiciary renders its judgments in the name of the Algerian people. The inclusion of jurors is an expression of society's participation in adjudicating the most serious criminal cases, striking a balance between the legal expertise of professional judges and the will of the people represented by the jurors. Comparative legal systems have recognized various forms of the role of jurors, While some systems, such as the Anglo-Saxon system<sup>7</sup>, empower jurors alone to determine guilt or innocence, other systems, such as those in France, Germany, and Italy, maintain a mixed composition in which judges and jurors jointly deliberate on both guilt and sentencing. In this context, the Algerian legislature has opted for a dual system, with the majority decision resting with the judges, with the exception of crimes of terrorism, narcotics, and smuggling, which are adjudicated by a panel composed solely of judges<sup>8</sup>.

The legal composition of the criminal court also requires the presence **of the Public Prosecutor's Office**, as its presence is considered an essential element of public order, given that it represents society and safeguards the public interest. The absence of the Public Prosecutor's Office from the bench renders the judgments issued by the criminal court subject to cassation and annulment due to a serious violation of fundamental procedural rules<sup>9</sup>.

A juror must be an Algerian national, at least 30 years of age, literate, and in full possession of national, civil, and family rights, and not be subject to any of the grounds for disqualification or conflict of interest specified in Articles 399 and 400 of the Code of Criminal Procedure (persons convicted of a criminal offense, or sentenced to a custodial sentence, or to a fine of at least 20,000 DZD, persons subject to judicial coercion or sentenced in absentia to detention or arrest by a criminal court, state, provincial, or municipal employees suspended from their posts, members of the government or parliament, judges, the Secretary-General of the Government, the Secretary-General and directors of a ministry, officers and employees of the People's National Army, National Security, Customs, employees of the Enforcement Secretariat, prison administration staff, water and forestry services, budget auditors, fraud auditors, tax administration employees, forensic doctors. Furthermore, a person may not be appointed as a juror in a case in which they previously performed judicial police duties or investigative procedures, testified, or was privy to the case's contents, or served as an expert, complainant, prosecutor, or civil official.

Two juror lists are prepared annually : one for the Criminal Court of First Instance and another for the Criminal Court of Appeal. Each list contains 24 jurors from each judicial district. Two reserve lists are also prepared, each containing 12 reserve jurors, in accordance with Articles 401 and 402 of the Code of Criminal Procedure.

As for the selection of jurors, it takes place at least ten days before the opening of the session of the Criminal Court of First Instance or the Criminal Court of Appeal, during which the President of the Judicial Council draws the names of the jurors in a public session by lot from the annual lists. Twelve regular jurors are

drawn for each session, whether for the Criminal Court of First Instance or the Court of Appeals, and four alternate jurors are drawn for each court from its own reserve lists (which include 12 alternate jurors for each court)<sup>10</sup>.

## **Section Two : Procedures for the Convening of the Criminal Court**

The conduct of criminal proceedings before the criminal court constitutes a central stage in the administration of criminal justice, as it embodies the judiciary's role in striking a balance between the state's right to punish and the accused's rights to a defense. The Code of Criminal Procedure aims to regulate the convening of the criminal court, the conduct of proceedings before it, and the deliberations preceding the issuance of a judgment, thereby ensuring respect for rules of jurisdiction and legal procedures and the achievement of justice in an objective and fair manner.

### **Subsection One: Sitting of the Criminal Court**

Pursuant to Article 390, sessions of the criminal court of first instance or the appellate court are held every three months, and may be extended by additional orders; furthermore, upon the recommendation of the Attorney General, it may be decided to convene one or more additional sessions whenever the need arises. As for the opening date of the sessions of the Court of First Instance or the Court of Appeal, it shall be determined by order of the President of the Judicial Council upon the request of the Public Prosecutor<sup>11</sup>.

The Criminal Court of First Instance or the Court of Appeals shall convene at the place, date, and time specified for the opening of the session. And in the event the case is postponed for any reason deemed appropriate by the court, it may, if necessary, rule on a motion for release ; if the court decides to proceed with the case, the court clerk shall call the jurors listed in the rosters prepared in accordance with Article 403.

The court shall summon the accused to appear before it on the date set for each case, and the presiding judge shall conduct a lottery to select the jurors to sit alongside the judges of the court. Upon the drawing of the jurors' names from the lottery box, the defendant or his attorney, and then the Public Prosecutor's Office, shall each be entitled to challenge three jurors, and the Public Prosecutor's Office to challenge two, without stating reasons. If there are multiple accuseds, they may meet to exercise their right of challenge, provided that the number of jurors challenged does not exceed the number prescribed for a single defendant. If the defendants do not agree, each shall exercise the right of challenge individually in the order determined by the draw. A special record of these proceedings shall be drawn up and signed by the presiding judge and the court clerk<sup>12</sup>.

### **Subsection Two : Pleadings**

Articles 421 through 427 of the Code of Criminal Procedure stipulate that court sessions shall be public unless public order or public morals require the session to be held in camera. In the event of a closed session, the judgment shall be rendered in a public session. The presiding judge and the court clerk shall call the witnesses and bring them into the courtroom. The presiding judge shall also read the indictment, question the accused, and hear his statements. The presiding judge has full authority to control the proceedings and establish the truth, including summoning necessary witnesses and using law enforcement when necessary.

The proceedings shall continue without interruption until the judgment is rendered, and may be suspended for breaks as needed. Members of the court, the public prosecutor's office, and the parties' attorneys are entitled to question witnesses and defendants with the presiding judge's permission and under his supervision,

During court hearings, the presence of a lawyer to assist the defendant is mandatory pursuant to **Article 428 of the Code of Criminal Procedure** ; where necessary, the presiding judge may appoint a lawyer for the defendant on his own initiative. The defendant shall attend the hearing without any restraints and accompanied only by a guard<sup>13</sup> , If the defendant fails to appear at the hearing despite being legally required to do so and without a valid reason, the presiding judge shall issue a summons for his appearance through law enforcement. If he continues to refuse, the judge may order either his forcible appearance through law enforcement or the continuation of proceedings regardless of his absence. In this case, all judgments rendered in his absence shall be deemed to have been rendered in his presence and shall be served upon him upon issuance of the judgment<sup>14</sup> .

If any of those present disrupts the proceedings in any way during the session, the presiding judge has the right to order his removal. and if they fail to comply or cause a disturbance, an order for their detention shall be issued, and they shall be referred for trial and punished by imprisonment for a term of two months to two years and a fine of 20,000 DZD to 200,000 DZD, without prejudice to other penalties against perpetrators of crimes of insulting and assaulting judges, The person concerned shall be taken by order of the presiding judge to the correctional facility by law enforcement authorities<sup>15</sup> . If the accused disrupts the proceedings during the hearing, the presiding judge shall inform him of the consequences of his removal and trial in absentia; in the event of a repeat offense, the removal provisions shall apply, and he shall be placed under the custody of law enforcement authorities at the court's disposal until the conclusion of the proceedings, In this case, all judgments rendered in his absence shall be deemed to have been rendered in his presence, and he shall be notified thereof<sup>16</sup> .

### **Section Three : Procedures for Deliberations of the Criminal Court**

The members of the Criminal Court shall deliberate on all questions raised, and voting shall be conducted by secret ballot separately for each question, including mitigating circumstances raised by the presiding judge upon the defendant's conviction. Blank ballots or those deemed invalid by a majority of the members shall be counted in favor of the defendant. If the members vote in favor of the conviction, the court deliberates on the imposition of the sentence, and the vote is taken by a simple majority. A judgment imposing a custodial sentence for a felony shall be considered final at the trial or appellate level and shall be enforced immediately for the purpose of arresting the convicted person and confining him in a penal institution, regardless of the length of the sentence, unless he has already served it in full. The court may issue an order for the detention or arrest of the accused in the case of a misdemeanor sentence equal to or exceeding one year, and may suspend the execution of the sentence in whole or in part in accordance with the provisions of Article 754 of this Law.

The decisions shall be recorded at the end of the question sheet and signed by the presiding judge and the first juror, or the other juror if the first is unable to sign; they shall be accompanied by a statement of reasons prepared by the presiding judge or an assistant judge authorized by him; this document shall be filed with the court clerk's office within three days of the date of the pronouncement of the judgment, setting forth, in the case of a conviction, the essential elements that convinced the court of the conviction, and in the case of an acquittal, the main reasons that led to the dismissal of the conviction; and in the case of exemption from liability, the reasons that precluded liability despite the accused's material commission of the acts attributed to him.

After the deliberations conclude, the court returns to the courtroom, the presiding judge calls the parties and summons the accused to read the responses to each question, cites the applicable legal provisions, and pronounces the judgment of conviction, exemption, or acquittal, which is immediately enforced in accordance with the provisions of the preceding article. The judgment shall require the convicted person to pay costs to the state, along with the forfeiture of seized property and the determination of the duration of physical coercion<sup>17</sup> , subject to the provisions of Article 765. The convicted person may be exempted from all or part of the costs if circumstances so require, particularly when the description of the crimes is

amended or accuseds are removed from the case; the reasoned decision shall specify the amount of the exempted costs, which shall be borne by the public treasury or the civil claimant, In the absence of a ruling on costs, in whole or in part, the Indictment Chamber shall rule on them.

If a detained accused is acquitted, sentenced to a suspended custodial sentence, sentenced to community service, or found not guilty, or has served the term of the sentence, he shall be released immediately unless detained for another reason, while retaining the possibility of taking any appropriate security measure decided by the court, and he may not be prosecuted or charged again for the same facts, even if framed under a different legal classification. If new evidence emerges against the defendant regarding other facts and the Public Prosecutor's Office insists on proceeding with the prosecution, the defendant who has been acquitted shall be immediately brought by law enforcement to the Public Prosecutor at the Criminal Court to request the opening of an investigation<sup>18</sup>.

## **Chapter Two : The Misdemeanor Court and the Contraventions Court**

The Misdemeanor Court is a first-instance criminal court at the level of the Court of First Instance, with jurisdiction to adjudicate crimes legally classified as misdemeanors, in accordance with the rules and procedures set forth in the Code of Criminal Procedure, while ensuring the rights of the defense and the public nature of the hearings. The Misdemeanor Court, on the other hand, is a first-instance criminal court with jurisdiction over minor offenses classified as misdemeanors, which it adjudicates through simplified procedures suited to the nature and limited severity of such offenses, thereby ensuring prompt adjudication and the proper administration of justice.

### **Section One : The Misdemeanor Court**

The Misdemeanor Court is a first-instance criminal court at the level of the Court of First Instance with jurisdiction to adjudicate misdemeanors.

#### **Subsection One : Jurisdiction of the Misdemeanor Court**

Local jurisdiction is determined by the place where the crime occurred, the place of residence of one of the accused or their accomplices, or the place where they were arrested, even if the arrest was for other reasons, subject to the territorial jurisdiction at the regional or national level provided for in Articles 310 to 348 of the Code of Criminal Procedure<sup>19</sup>. If the accused is in custody, the court of the place of detention may have jurisdiction pursuant to Articles 716 and 717 of the Code of Criminal Procedure.

#### **Subsection Two: Composition of the Misdemeanor Court**

The Misdemeanor Court adjudicates cases brought before it through a single judge appointed from among judges with seniority and experience in criminal matters<sup>20</sup>, assisted by a court clerk, and the functions of the Public Prosecutor's Office are performed by the Public Prosecutor or one of his assistants<sup>21</sup>. The judgment is issued by the judge who presided over all sessions; otherwise, the judgment is null and void, and the entire case must be reheard if an impediment arises preventing his attendance<sup>22</sup>.

#### **Subsection Three : Methods of Communication with the Misdemeanor Court**

Cases falling within the jurisdiction of the Misdemeanor Court shall be brought before it either by :

- A summons or order to appear at the hearing issued by the public prosecutor's office (Article 473 of the Code of Criminal Procedure).
- A direct summons to appear issued by the civil claimant to the defendant (Article 476 of the Code of Criminal Procedure).
- Immediate appearance procedures (Articles 478–485 of the Code of Criminal Procedure).

- Referral pursuant to flagrante delicto procedures (Articles 486–488 of the Code of Criminal Procedure).
- Penal order procedures (Articles 531–538 of the Code of Criminal Procedure).
- Appearance based on prior admission of guilt (Articles 539–548 of the Code of Criminal Procedure).
- Referral by the investigating judge (Article 260 of the Code of Criminal Procedure).
- Referral by the Indictment Chamber (Article 292 of the Code of Criminal Procedure).

#### **Subsection Four : In the Event of an Appeal**

As for appeals, the Algerian legislature, pursuant to **Article 429 of the Code of Criminal Procedure No. 25-14**, established the composition of the judicial body competent to rule on appeals filed against judgments issued by the Court of First Instance for Misdemeanors and Minor Offenses. This article provides that: **“The Judicial Council shall adjudicate appeals in misdemeanor and infraction cases with a panel consisting of at least three judges,”** The Public Prosecutor or one of his assistants shall perform the functions of the Public Prosecution before the Misdemeanor and Violation Chamber, while **a court clerk or one of his assistants** shall perform the duties of the court clerk during the hearing to ensure the integrity of the proceedings and compliance with the formal rules of the trial.

The procedural rules established for the courts shall apply before the Judicial Council, subject to the specific exceptions provided for in the provisions of the section concerning appeal proceedings before the Judicial Council<sup>23</sup>.

#### **Section Two : The Police Court**

The Police Court is a first-instance criminal court at the court level, with jurisdiction to adjudicate crimes classified by law as contravention, which are the least serious crimes in terms of gravity and punishment. The court hears this type of case in accordance with simple and expedited procedures suited to the nature of the offenses, while respecting the fundamental principles of a fair trial.

#### **Subsection One : Instuting proceeding befor the Court**

A case is filed before the police Court either :

- By referral from the investigating authority.
- By the parties to the case appearing of their own accord.
- By means of a summons served on the accused and, where applicable, on the person responsible for civil rights<sup>24</sup>.

#### **Subsection Two : Composition of the Police Court**

The Police Court has jurisdiction to adjudicate contravention and is composed of a single judge assisted by a court clerk<sup>25</sup>; the duties of the Public Prosecutor’s Office are performed by the Public Prosecutor or one of his assistants.

#### **Subsection Three : Procedures Rules for Police Court Hearings**

Prior to each summons to appear before the Police Court, the Public Prosecutor or one of his assistants shall notify the offender that he is authorized to pay a settlement fine equal to the statutory minimum penalty for the offense<sup>26</sup>. If the report includes two offenses, the offender must pay the total amount of the settlement fines due for both<sup>27</sup>. Note that the decision determining the amount of the settlement fine is not subject to appeal by the offender<sup>28</sup>, who must, within thirty days of receiving the notice, pay the settlement

fine in a single installment, in cash or by postal money order to the collector at their place of residence or the location where the violation was committed<sup>29</sup>. Payment of the settlement fine results in the termination of the public prosecution<sup>30</sup>.

If further investigation is required, it shall be conducted by the court judge in accordance with Articles 571 et seq. Of the Code of Criminal Procedure. If the court finds that the incident constitutes a contraventions, it shall impose the prescribed penalty, However, if the court finds that the incident constitutes a felony or contraventions, it shall rule that it lacks jurisdiction and refer the case file to the Public Prosecutor's Office to take whatever action it deems necessary, If the court finds that the incident does not constitute a crime under criminal law, or that it has not been proven, or that it is not attributable to the accused, it shall acquit him of the offense without imposing a penalty or costs. If it is established that the accused has a valid excuse exempting him from punishment, the court shall exempt him and, where appropriate, rule on the civil claim related to the incident.

## Conclusions

In conclusion, this study confirms that the trial phase constitutes the cornerstone of the criminal proceedings, as it is the stage at which the validity of the charges is definitively verified and the evidence is examined in a public and oral hearing before an independent judicial body. At this stage, the fundamental guarantees of a fair trial are embodied, foremost among them the presumption of innocence, the rights of the defense, and the accused's right to a fair trial before a judge of their own choosing, thereby achieving a balance between society's right to punishment and the protection of individuals' rights and fundamental freedoms.

The legal framework for criminal trials in Algerian legislation, under the provisions of Law No. 25-14 containing the Code of Criminal Procedure, has demonstrated a clear orientation toward strengthening procedural safeguards and enshrining the principles of modern criminal justice, by reinforcing the principle of a two-tier trial system, developing trial procedures before criminal courts, and regulating the jurisdiction and composition of criminal, misdemeanor, and infraction courts to ensure effective adjudication of cases while respecting procedural safeguards for litigants. This law has also contributed to modernizing a number of procedures related to the conduct of trials, methods of appeal, and the organization of defense representation, as well as establishing clearer rules to ensure the transparency of proceedings and the soundness of judicial rulings.

An examination of the organization of the criminal court, with its mixed composition combining professional judges and jurors, reveals the Algerian legislature's commitment to involving society in the administration of criminal justice and strengthening the legitimacy of judgments, while ensuring the legal expertise necessary to adjudicate the most serious crimes. It also highlights the role of the Misdemeanor Court and the Contraventions Offenses Court in achieving criminal justice by simplifying procedures and expediting the adjudication of cases in a manner commensurate with the nature and severity of the crimes, without compromising the guarantees of a fair trial.

It can be said that the realization of criminal justice does not stop merely at the enactment of legal texts, but is fundamentally linked to their proper application and respect for their spirit, as well as to the extent of the judiciary's independence and the competence of its institutions, in addition to the awareness among various actors in the justice system of the importance of respecting rights and freedoms during the course of public proceedings; For the more trial proceedings adhere to legal safeguards, the more confidence in the judiciary is strengthened and the fundamental purpose of criminal proceedings—namely, the protection of public order, the safeguarding of individual rights, and the realization of justice—is achieved.

## References

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- [1] Article 18 of Organic Law 05-11, prior to its amendment, provided that: “At the level of each judicial council, there shall be a criminal court with jurisdiction to adjudicate on acts classified as felonies, as well as misdemeanors and related infractions.”
- [2] Organic Law No. 05-11 of July 17, 2005, on the Judicial System, J.R.J.J., No. 51, published on July 20, 2005.
- [3] Organic Law No. 17-06 of March 27, 2017, amending Organic Law No. 05-11 on the Judicial System, J.R.J.J., No. 20, published on March 29, 2017.
- [4] Article 386 of the Code of Criminal Procedure.
- [5] Article 387 of the Code of Criminal Procedure.
- [6] Article 389 of the Code of Criminal Procedure.
- [7] Malika Deriad, “Observations on the Criminal Court under Law No. 07/17 of March 27, 2017, Amending and Supplementing the Algerian Code of Criminal Procedure in Light of Comparative Law,” *Journal of the Kuwaiti International Law School*, Vol. 8, No. 3, 2020, p. 579.
- [8] Hamad Abu Shadi Abdul Halim, *The Jury System in Comparative Criminal Legislation*, Dar Manshaat al-Ma’arif, Alexandria, 1980, p. 8.
- [9] The Criminal Court is distinguished by characteristics that set it apart from court sessions and the Judicial Council; it is a procedural court characterized by the predominance of formalities and organized procedures governing trials before it, It also has general jurisdiction, adjudicating felonies, misdemeanors, and related offenses, as well as ancillary civil claims. It is a people’s court based on its reliance on lay jurors who participate in the deliberation of facts and legal texts, and it is a court of conviction, meaning it is not bound by the evidence.
- [10] Hazit Muhammad, *op. cit.*, p. 505.
- [11] See Articles 404 and 403 of Law No. 25-14, which contains the Code of Criminal Procedure.
- [12] Article 391 of the Code of Criminal Procedure.
- [13] Article 420 of the Code of Criminal Procedure.
- [14] Article 429 of the Code of Criminal Procedure.
- [15] Article 431 of the Code of Criminal Procedure.
- [16] Article 430 of the Code of Criminal Procedure.
- [17] Article 432 of the Code of Criminal Procedure.
- [18] Article 445 of the Code of Criminal Procedure.
- [19] Article 446 of the Code of Criminal Procedure.
- [20] Article 468 of the Code of Criminal Procedure.
- [21] Article 489 of the Code of Criminal Procedure.
- [22] Article 490 of the Code of Criminal Procedure.
- [23] Article 491 of the Code of Criminal Procedure.
- [24] Article 600 of the Code of Criminal Procedure.
- [25] Article 564 of the Code of Criminal Procedure.
- [26] Article 549 of the Code of Criminal Procedure.
- [27] Article 550 of the Code of Criminal Procedure.
- [28] Article 551 of the Code of Criminal Procedure.
- [29] Article 554 of the Code of Criminal Procedure.
- [30] Article 553 of the Code of Criminal Procedure.
- [31] Article 558 of the Code of Criminal Procedure.