

Enhancing Procedural Effectiveness in the Investigation and Inquiry Phase Under Law 25-14 - the Public Prosecution and the Investigating Judge-

Ahmed Reda Snouber

lecturer A / Faculty of Law and Political Sciences ; Abou Bakr Belkaid University – Tlemcen, Algeria.

Email : ahmedreda.snouber@univ-tlemcen.dz

Received: 22/06/2025 ; Accepted: 01/10/2025 ; Published: 13/01/2026

Abstract:

This intervention aims to shed light on the fundamental transformations introduced by Law No. 25-14, dated August 13, 2025, which represents a qualitative leap in contemporary Algerian criminal policy. The study aims to analyze the new legal mechanisms granted to the Public Prosecution to enhance its role in combating crime effectively, while focusing on the delicate balance that the legislator sought to achieve between ensuring public interest for society and protecting the rights of individuals.

This intervention also addresses the analysis and study of the new provisions related to judicial investigation bodies, and how these amendments contributed to simplifying procedures and shortening legal deadlines in a way that serves the principle of fair trials. Through this research paper, we seek to answer the following problem: To what extent has the new procedural vision adopted by Law 25-14 succeeded in activating the role of criminal justice in the pre-trial phase, and what are the new guarantees for protecting individual liberties in light of these broad powers?

Keywords: Investigation phase, Law 25-14, Attorney General, Criminal Procedure, Criminal Justice.

Introduction

Law No. 25-14, dated August 13, 2025, represents a pivotal turning point in the trajectory of contemporary Algerian criminal policy. It aims to bring about a qualitative shift in the mechanisms of combating crime and enhancing justice. The Algerian legislator has long recognized the necessity of adapting the legal system to the evolving challenges posed by modern forms of crime, while maintaining a delicate balance between the requirements of procedural effectiveness and the protection of individual rights and freedoms. This reformist vision aims to achieve a fair and just trial, starting from the initial stages of investigation and inquiry, which are considered the cornerstone of any effective criminal justice system.

This study addresses the evaluation and analysis of the new developments introduced by Law 25-14, focusing specifically on the new jurisdictions granted to both the Public Prosecution and the Investigating Judge. For the Public Prosecution, as the guardian of the law and representative of society, its role has seen an expansion in directing judicial police and initiating public prosecution with more effective and flexible mechanisms. In contrast, the powers of the Investigating Judge, who represents the fundamental guarantee for the protection of liberties, have been strengthened through granting broader authorities to confront cross-border and organized crime, alongside shortening legal deadlines and simplifying procedures.

The main problem addressed by this study lies in the extent to which the new procedural vision adopted by Law 25-14 has succeeded in activating the role of criminal justice in the pre-trial phase, with an emphasis on the new guarantees for protecting individual liberties in light of these expanded powers. Has the Algerian legislator managed to achieve the difficult equation between achieving effectiveness in combating crime and preserving individual rights? And what are the practical implications of these amendments on the course of criminal justice in Algeria?

To answer these questions, this study will rely on a critical analytical approach, through the analysis of the legal texts of Law 25-14 and their comparison with the previous legal framework, in addition to consulting academic and jurisprudential opinions specialized in this field. The article will be divided into two main sections, each addressing an aspect of the topic, with each section divided into two demands, and each demand into two branches, as follows:

Section One: Enhancing Procedural Effectiveness Through Developing the Powers of the Public Prosecution

Law No. 25-14 represents a qualitative leap in enhancing the role of the Public Prosecution, granting it broader and more flexible powers in managing public cases .¹ This is aimed at achieving greater effectiveness in combating crime. These amendments were not limited to expanding the scope of the Public Prosecution's intervention, but also included the introduction of new mechanisms to accelerate and simplify procedures, while observing legal guarantees for the protection of individual rights .

First Demand: Developments Related to Initiating Public Prosecution and Directing the Judicial Police

Law 25-14 has strengthened the position of the Public Prosecution as an original authority in initiating public prosecution and expanded its powers in directing and overseeing the work of the judicial police. This reflects a more centralized orientation for its role in the pre-trial phase .²

First Branch: Expanding Powers of Direction and Oversight over the Judicial Police

The Algerian legislator has given great importance to the role of the Public Prosecution in overseeing the work of the judicial police. This is achieved by expanding its powers in direction and oversight. The Public Prosecutor has acquired broader powers in issuing directives and instructions to officers and agents subordinate to the judicial police, not only within the framework of ongoing investigations, but also in the preliminary investigation and search phase . This expansion aims to ensure effective coordination between the judicial police and the Public Prosecution, unify efforts in collecting evidence, and define responsibilities, which contributes to accelerating the pace of procedures and raising the level of their quality. This direction also includes guiding the judicial police towards identifying priorities in investigations and using modern investigative methods that are compatible with the nature of emerging crimes .

¹ DELASSI Younes, N. Khader, and A. Al-Akhdar, "Mechanisms for Initiating Public Prosecution in Light of Law 25-14," *Journal of Legal Studies*, Vol. 7, No. 1 (2025): p82-96.

² DELASSI Younes, N. Khader, and A. Al-Akhdar, *Ibid.*, p88-92.

This oversight is manifested in the Public Prosecutor's right to review the minutes of the judicial police, examine the measures taken, and issue orders to correct any procedural violations that may occur. This oversight role extends beyond the formal aspect of procedures to include the objective aspect, ensuring that investigations are comprehensive and sufficient, and that the evidence collected is legitimate and acceptable under the law. Enhancing these powers aims to reduce procedural errors and ensure respect for the rights of suspects, thereby achieving justice in its initial stages .³

Second Branch: New Mechanisms for Simplifying the Initiation of Public Prosecution (Penal Order and Criminal Mediation)

Law 25-14 did not only expand the powers of the Public Prosecution in oversight and direction, but also introduced new mechanisms to simplify the initiation of public prosecution. This aims to alleviate the burden on the courts and accelerate the resolution of cases, especially those that are not of great seriousness. Among the most prominent of these mechanisms are the penal order and criminal mediation

Penal Order: The penal order represents a simplified procedure that allows the Public Prosecutor, in some minor crimes, to issue a penalty without resorting to a full trial. This procedure is characterized by its speed and efficiency, contributing to reducing the number of cases referred to the courts and saving judicial time. However, its application is subject to strict conditions and guarantees to ensure the rights of the accused, who has the right to object to the order and demand a regular trial .⁴

Criminal Mediation: Law 25-14 came to enhance the role of criminal mediation as an effective alternative to judicial prosecution in some crimes. This mechanism allows the Public Prosecution to settle criminal disputes between the accused and the aggrieved parties outside the framework of trials, by reaching an amicable agreement that achieves justice and compensates for damages. Expanding the scope of criminal mediation contributes to achieving restorative justice, reducing the burden on courts, and assisting in the reintegration of offenders into society. It also provides victims with an opportunity to obtain quick and effective compensation without the need to wait for judicial rulings that may take a long time .⁵

Second Demand: The Balance Between Effectiveness and Protection of Rights in the Work of the Public Prosecution

The expansion of the Public Prosecution's powers in Law 25-14 raises questions about the balance between achieving procedural effectiveness and ensuring the protection of individuals' rights and freedoms. The legislator has sought to achieve this balance by setting clear limits on the Public Prosecution's authority and enhancing judicial oversight mechanisms .⁶

³ BUSSKAIA Ahsan, *The General Criminal Law*, (Algeria: Balqis Publishing House, 2025), p120-135.

⁴ DELASSI Younes, N. Khader, and A. Al-Akhdar, "Mechanisms for Initiating Public Prosecution in Light of Law 25-14," *Journal of Legal Studies*, Vol. 7, No. 1 (2025): p82-96.

⁵ DELASSI Younes, N. Khader, and A. Al-Akhdar, *Ibid.*, p88.

⁶ BOUDJLAL Muhammad, "Powers of the Algerian Investigating Judge in Preliminary Investigation in Light of Law 25-14," *Journal of Political and Legal Research*, Vol. 9, No. 2 (2025): p112-135.

First Branch: Limits of the Public Prosecution's Authority in Restricting Liberties

Despite the broad powers granted to the Public Prosecution, Law 25-14 has set strict limits on its authority in restricting individual liberties. The Public Prosecution is not permitted to take measures that affect personal freedom, such as temporary detention, except within strict limits and according to the procedures and conditions stipulated by law. These measures must be justified by the necessity of the investigation and proportionate to the seriousness of the committed crime. Any decision to restrict freedom must be reasoned and subject to subsequent judicial review. These restrictions emphasize the principle that freedom is the origin, and any infringement upon it must be by virtue of the law and with sufficient guarantees. Through this, the legislator aims to prevent abuse of authority and protect individuals from any violations that may affect their liberties during the investigation and inquiry phase.⁷

Second Branch: Judicial Oversight over the Actions of the Public Prosecution

To ensure the protection of individuals' rights and prevent the Public Prosecution from exceeding its powers, Law 25-14 has strengthened the mechanisms of judicial oversight over its actions. This oversight is embodied in the supervision of higher judicial bodies, such as the Indictment Chamber, over the course of investigations conducted by the Public Prosecution. Furthermore, decisions of the Public Prosecution related to restricting liberties, such as temporary detention orders, are subject to the oversight of the Investigating Judge, who has the right to review, amend, or cancel them. This judicial oversight is considered a fundamental guarantee for the protection of individuals' rights, as it ensures that all measures taken by the Public Prosecution are legitimate and compliant with the law. It also allows aggrieved parties to appeal the decisions of the Public Prosecution before the competent judicial authorities, providing them with legal recourse. This balance between the Public Prosecution's authority and judicial oversight reflects the legislator's keenness to achieve fair and effective criminal justice simultaneously.⁸

Section Two: Procedural Effectiveness in the Investigation Phase and New Guarantees

The Investigating Judge is considered the cornerstone in the preliminary investigation phase, as he is entrusted with a significant responsibility in collecting evidence and verifying its authenticity, while ensuring the protection of individuals' rights and freedoms. Law 25-14 came to enhance the role of the Investigating Judge, granting him new powers to confront emerging patterns of crime, and at the same time, establishing additional procedural guarantees to preserve individual liberties.⁹

First Demand: New Powers for the Investigating Judge in Confronting Contemporary Crime

In light of the rapid evolution of crime, especially organized crime and economic crime, it has become necessary to equip the Investigating Judge with effective legal tools that enable him to perform his duties efficiently. Law 25-14 responded to this challenge by introducing financial and objective powers, in addition to shortening deadlines and simplifying procedures.

⁷ BOUDJLAL Muhammad, Ibid., p130.

⁸ KHELFI Abdul Rahman, Criminal Procedures in Algerian and Comparative Law, (Algeria: Balqis Publishing House, 2025), p80.

⁹ Law No. 25-14, dated August 13, 2025, concerning the Code of Criminal Procedure, issued in Official Gazette No. 54, dated August 13, 2025, p. 12.

First Branch: New Objective and Financial Powers (Seizure of Funds)

One of the most prominent developments introduced by Law 25-14 is the expansion of the Investigating Judge's financial powers, especially concerning the seizure of funds and assets obtained from crime or used in it .¹⁰ This authority grants the Investigating Judge the ability to track, freeze, or seize illicit funds immediately, which limits the ability of criminals to conceal or dispose of them. This step is considered of great importance in combating money laundering and financial crimes, as it contributes to drying up sources of illegal financing for terrorism and recovering looted funds .¹¹

The new powers were not limited to the financial aspect only, but also included objective powers related to the use of modern technologies in investigation, such as wiretapping, electronic surveillance, and hacking information networks. This is done in accordance with strict legal conditions and controls that ensure non-infringement of individuals' privacy, except for the purposes of criminal investigation and in cases of extreme necessity. These tools enable the Investigating Judge to keep pace with technological developments in crime and provide strong digital evidence that supports innocence or accusation .¹²

Second Branch: Digitization of Procedures and Shortening Legal Deadlines for Investigation

Law 25-14 sought to accelerate and simplify investigation procedures through the digitization of many processes and the shortening of legal deadlines. The digitization of procedures aims to reduce bureaucracy, facilitate the exchange of information between judicial authorities, and accelerate the process of collecting and analyzing evidence. Through the use of electronic platforms, the Investigating Judge can issue decisions and orders, and exchange documents with the Public Prosecution, judicial police, and lawyers, which saves time and effort and reduces opportunities for delay or manipulation .¹³

Shortening legal deadlines for investigation is also an important step towards achieving prompt justice. Delays in investigation procedures can negatively affect the rights of both victims and suspects, and may lead to the loss of evidence or the escape of perpetrators. Therefore, Law 25-14 set specific deadlines for completing some investigation procedures, with the possibility of extending them in exceptional cases and with reasoned decisions, to ensure the speed of resolving cases without compromising the quality of the investigation .¹⁴

¹⁰ BEGHDADDI Jilali, *Judicial Investigation: A Comparative Theoretical and Applied Study*, (Algeria: National Office for Educational Works, 2024), p. 150.

¹¹ Law No. 25-14, dated August 13, 2025, concerning the Code of Criminal Procedure, issued in Official Gazette No. 54, dated August 13, 2025, p. 12.

¹² KHELFI Abdul Rahman, *Criminal Procedures in Algerian and Comparative Law*, (Algeria: Balqis Publishing House, 2025), p. 80.

¹³ Law No. 25-14, dated August 13, 2025, concerning the Code of Criminal Procedure, issued in Official Gazette No. 54, dated August 13, 2025, p. 12.

¹⁴ OUHAIBIA Abdullah, *Explanation of the Algerian Code of Criminal Procedure: Investigation and Inquiry*, (Algeria: Dar Houma, 2024), p. 200.

Second Demand: New Guarantees for Protecting Individual Liberties During Investigation

In addition to enhancing the powers of the Investigating Judge, Law 25-14 also gave special attention to protecting individual liberties. This was done by reviewing the temporary detention system and activating the role of the Indictment Chamber as an effective oversight body.

First Branch: Reviewing the Temporary Detention System and Activating Alternatives

Temporary detention is considered one of the most dangerous procedures affecting personal freedom. Therefore, Law 25-14 came to impose stricter restrictions on resorting to it, along with activating available alternatives.¹⁵ Temporary detention has become an exceptional measure that can only be resorted to in serious crimes, and it must be based on sufficient reasons that justify its necessity. The law also emphasized the principle that the accused is innocent until proven guilty, and that temporary detention should not be a punishment in itself. The Investigating Judge must issue a reasoned decision explaining the legal and factual reasons that led to taking this measure¹⁶

In contrast, the law enhanced alternatives to temporary detention, such as judicial supervision, which allows the accused to remain free with the imposition of some obligations, such as appearing before the judicial authorities regularly, not leaving the national territory, or not contacting certain individuals. These alternatives aim to achieve a balance between the requirements of investigation and the protection of the accused's freedom, which contributes to reducing the number of temporary detainees and alleviating overcrowding in correctional institutions.¹⁷

Second Branch: Enhancing the Role of the Indictment Chamber in Overseeing Investigation Actions

To ensure effective oversight over the actions of the Investigating Judge and protect the rights of individuals, Law 25-14 enhanced the role of the Indictment Chamber. The Indictment Chamber has acquired broader powers in reviewing the decisions of the Investigating Judge, including temporary detention orders, referral orders, and non-prosecution orders. The Indictment Chamber can also, at the request of the parties or the Public Prosecution, annul the decisions of the Investigating Judge, amend them, or order additional investigations. This oversight role of the Indictment Chamber represents a fundamental guarantee for the protection of the rights of both victims and suspects, as it ensures that all measures taken in the investigation phase are compliant with the law and that the evidence is convincing and sufficient. It also provides an opportunity for the parties to appeal the decisions of the Investigating Judge before a higher judicial authority, which reinforces the principle of litigation on two levels and ensures the achievement of justice¹⁸

¹⁵ FATIMA Arifi, "The Legal Status of the Public Prosecution Before Initiating Public Prosecution in Algerian Legislation," *Journal of Political and Legal Sciences*, Vol. 12, No. 1 (2025): 82-123.

¹⁶ BOUSKIA Ahsan, *The General Criminal Law*, (Algeria: Balqis Publishing House, 2025), p. 120.

¹⁷ OMAR BACHA Hamdi, *Principles of Criminal Procedure in Algerian Legislation*, (Algeria: Dar Houma, 2024), p. 70.

¹⁸ Law No. 25-14, dated August 13, 2025, concerning the Code of Criminal Procedure, issued in Official Gazette No. 54, dated August 13, 2025, p. 15.

Conclusion

Law No. 25-14, dated August 13, 2025, which amended the Code of Criminal Procedure, has brought about a fundamental transformation in the Algerian legal system. This aims to enhance procedural effectiveness in both the investigation and inquiry phases, while maintaining a delicate balance between the requirements of combating crime and ensuring the protection of individual rights and freedoms. This analytical study has revealed a set of new developments that affected the powers of both the Investigating Judge and the Public Prosecution, all of which aim to achieve a more transparent and effective criminal justice system.

Regarding the Public Prosecution, its powers have expanded in directing the judicial police and overseeing it, and new mechanisms have been introduced to simplify the initiation of public prosecution, such as criminal mediation and the penal order. These amendments aim to accelerate the pace of procedures and alleviate the burden on the courts, with an emphasis that these powers are surrounded by controls and limits that prevent abuse of authority and are subject to strict judicial oversight that ensures respect for individual liberties.

As for the Investigating Judge, he has been granted broader powers to confront contemporary crime, especially in the financial aspect, by enabling him to seize funds obtained from crime. These amendments also contributed to accelerating the investigation process and raising its efficiency through the digitization of procedures and the shortening of legal deadlines. In contrast, the law enhanced new guarantees for the protection of individual liberties, by reviewing the temporary detention system and restricting recourse to it, and activating other alternatives such as judicial supervision, in addition to enhancing the oversight role of the Indictment Chamber over the actions of the Investigating Judge, which ensures the legitimacy of procedures and protects the rights of suspects.

Results:

1 Law 25-14 succeeded in bringing about a qualitative shift in criminal policy in Algeria, by updating the legal framework to confront contemporary security and judicial challenges.

2 The law enhanced the role of both the Public Prosecution and the Investigating Judge, granting them broader powers that contribute to achieving procedural effectiveness, especially in the field of combating organized and financial crime.

3 The legislator was keen to achieve a balance between procedural effectiveness and the protection of individual rights, by setting limits on the new powers and enhancing judicial oversight mechanisms.

4 The new mechanisms, such as the penal order and criminal mediation, contributed to simplifying procedures and shortening deadlines, which reinforces the principle of prompt justice.

5 Legal guarantees for the protection of individual liberties have been strengthened, especially concerning temporary detention, judicial oversight, and the role of the Indictment Chamber as a higher oversight body.

Recommendations:

1 The necessity of providing continuous training for judges and judicial police officers on the new developments introduced by Law 25-14, to ensure its effective and sound application.

2 Activating judicial oversight mechanisms to a greater extent, to ensure that the powers granted to the Public Prosecution and the Investigating Judge are not exceeded, and to protect the rights of individuals from any violations.

- 3 Continuing to develop the digital infrastructure for the judicial sector, and enhancing the digitization of procedures to achieve maximum benefit from modern technologies in criminal investigation.
- 4 Conducting periodic evaluative studies on the impact of Law 25-14 on the ground, to monitor positives and challenges, and to propose necessary amendments to ensure the achievement of its intended objectives.
- 5 Enhancing the role of civil society and human rights organizations in monitoring the application of the law and submitting proposed recommendations that contribute to developing criminal justice and protecting human rights.

REFERENCES

Books

- BEGHDADDI Jilali, *Judicial Investigation: A Comparative Theoretical and Applied Study*, (Algeria: National Office for Educational Works, 2024).
- BOUSKIA Ahsan, *The General Criminal Law*, (Algeria: Balqis Publishing House, 2025).
- KHELFI Abdul Rahman, *Criminal Procedures in Algerian and Comparative Law*, (Algeria: Balqis Publishing House, 2025).
- OMAR BACHA Hamdi, *Principles of Criminal Procedure in Algerian Legislation*, (Algeria: Dar Houma, 2024)
- OUHAIBIA Abdullah, *Explanation of the Algerian Code of Criminal Procedure: Investigation and Inquiry*, (Algeria: Dar Houma, 2024)

Articles

- BOUDJLAL Muhammad, "Powers of the Algerian Investigating Judge in Preliminary Investigation in Light of Law 25-14," *Journal of Political and Legal Research*, Vol. 9, No. 2 (2025): p112-135.
- DELASSI Younes, N. Khader, and A. Al-Akhdar, "Mechanisms for Initiating Public Prosecution in Light of Law 25-14," *Journal of Legal Studies*, Vol. 7, No. 1 (2025): p82-96.
- FATIMA Arifi, "The Legal Status of the Public Prosecution Before Initiating Public Prosecution in Algerian Legislation," *Journal of Political and Legal Sciences*, Vol. 12, No. 1 (2025): 82-123.

Laws

- Law No. 25-14, dated August 13, 2025, concerning the Code of Criminal Procedure, issued in Official Gazette No. 54, dated August 13, 2025.