

The Regulatory Framework of the Judge for the Execution of Sentences in Algerian Legislation

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Abstract

The study of the role of the Judge for the Execution of Sentences occupies a position of great importance in law. The Algerian legislator, through Law No. 14/25 concerning the organization of prisons, sought to ensure the reform and rehabilitation of detainees through bodies and institutions entrusted with achieving this objective. Since the judge constitutes the primary guarantor of protecting detainees from violations of their fundamental rights, the legislator entrusted him with this mission and granted him powers and competencies enabling him to perform his role in the social reintegration of detainees.

Under Law 14/25, the Algerian legislator considers the system of the Judge for the Execution of Sentences to represent the fundamental pillar of penal policy, a fact reflected in the role assigned to this judge both inside and outside penal institutions. Nevertheless, our study has shown that the powers granted to the judge do not always rise to the level of aspirations embodied in modern penal policy, nor are they sufficient to guarantee the effective social reintegration of detainees. Moreover, this institution faces practical difficulties that limit the possibility of consolidating a penal policy founded upon the concept of social defense.

Keywords: Judge for the Execution of Sentences – Penal Institution – Methods of Penal Treatment – Custodial Sentences.

Introduction

Modern penal systems have undergone remarkable development as a result of the transformations experienced by criminal thought. Criminal punishment is no longer confined solely to achieving deterrence and repression; rather, it has also come to aim at reforming and rehabilitating the convicted person and facilitating his reintegration into society. This transformation in the philosophy of punishment has given rise to new orientations in penal policy, founded upon the necessity of striking a balance between protecting society from crime and safeguarding human dignity and fundamental rights, even after conviction.

Within this context, the execution of punishment has become a stage no less important than those of criminalization and adjudication, for the true objective of punishment can only be achieved through its execution in a manner that fulfills its reformatory and preventive purposes. Hence emerged the need to subject the execution phase of penalties to judicial supervision capable of ensuring respect for legal legitimacy and preventing abuses by prison administration authorities in the exercise of their powers within penal institutions.

Proceeding from these considerations, the system of the Judge for the Execution of Sentences emerged as one of the most significant judicial mechanisms adopted by modern legislations for supervising the execution of penalties. This judge plays a fundamental role in monitoring the manner in which criminal judgments are implemented, ensuring the realization of the objectives of

punishment, and safeguarding the rights of convicted persons within penal institutions. The judge also contributes to the individualization of punishment by taking into account the personal and social circumstances of the convicted person, thereby allowing the execution of the sentence to be adapted to the situation of each detainee.

The Algerian legislator was influenced by this development in modern penal policy and consequently adopted the system of the Judge for the Execution of Sentences within the legislation governing penal institutions, with the aim of strengthening judicial oversight over the execution stage of punishment and ensuring the realization of the reformatory objectives of penalties. This is reflected in the Law on the Organization of Prisons and the Social Reintegration of Detainees, which regulates the duties and powers of the Judge for the Execution of Sentences and grants him a central role in monitoring the condition of detainees within penal institutions.

This study adopts the descriptive-analytical method by describing the legal framework governing the Judge for the Execution of Sentences in Algerian legislation and analyzing the legal provisions contained in the Law on the Organization of Prisons and the Social Reintegration of Detainees as amended by Law 14/25, in addition to examining the role performed by this judge in supervising the execution of penalties and achieving the objectives of modern penal policy.

Law 14/25 further confirmed this orientation and reinforced the role of the Judge for the Execution of Sentences in the field of penalty enforcement by strengthening the legal framework governing his duties and expanding his powers, thereby enabling him to play a more effective role in supervising penal institutions and monitoring the execution of custodial sentences. The legislator granted this judge a set of powers allowing him to oversee the execution of punishment, ensure compliance with laws and regulations within penal institutions, and contribute to achieving the objectives of reform and the social reintegration of detainees.

In light of the foregoing, the following question arises:

To what extent has Law 14/25 contributed to strengthening the role of the Judge for the Execution of Sentences in supervising the execution of penalties and achieving the objectives of modern penal policy?

To answer this problematic, the following points shall be addressed:

First Axis: The Concept of the Judge for the Execution of Sentences

The Judge for the Execution of Sentences is considered one of the judicial figures introduced by the Algerian legislator within the framework of developing the system of sentence enforcement, with the aim of ensuring that punishment achieves both deterrence and reform simultaneously. Law 14/25 concerning the organization of prisons and the social reintegration of detainees has consolidated this system and granted the Judge for the Execution of Sentences a set of powers enabling him to monitor the execution of custodial sentences and supervise the conditions of detainees within penal institutions.

In order to understand the true role played by this judge within penal policy, it is necessary to address the concept itself and define its meaning, then examine the emergence and evolution of this system through different legislations, in addition to highlighting its importance in achieving the objectives of modern penal policy based on the reform and social reintegration of convicted persons. Accordingly, this section will be divided into three subsections: the first subsection concerns the definition of the Judge for the Execution of Sentences; the second subsection addresses the emergence

and evolution of this system; and the third subsection examines the importance of the Judge for the Execution of Sentences within penal policy.

First: Definition of the Judge for the Execution of Sentences

The Judge for the Execution of Sentences is a specialized judge belonging to the court of second instance who supervises the execution of imposed penalties. After consulting the Committee for the Execution of Sentences, he may authorize the reduction of the sentence of detainees demonstrating good conduct for the purpose of their rehabilitation and social reintegration.

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Professor Sāyeh Sanqūqa defined him as the judge specifically entrusted by the competent authority with the enforcement of penalties issued by various criminal judicial bodies, particularly custodial penalties, namely effective imprisonment. Meanwhile, the French Judge for the Execution of Sentences has received numerous definitions, among the most prominent of which are:

Second: The Specialization of the Judge for the Execution of Sentences

The Judge for the Execution of Sentences is a specialized judge belonging to the court of second instance who oversees the execution of imposed penalties. Following consultation with the Committee for the Execution of Sentences, he may authorize the reduction of the sentences of detainees exhibiting good behavior for the purpose of their education and social reintegration.

The Judge for the Execution of Sentences is also defined as a specialized judge attached to the court of major claims, entrusted with monitoring the course of life of convicted persons both inside and outside prison, with the objective of supervising convicted individuals and facilitating their social reintegration.²

The Algerian legislator did not define the Judge for the Execution of Sentences either in the new prison law or the former one. Through an examination of Article 04 of the Law on the Organization of Prisons and the Re-education of Prisoners issued under Ordinance No. 72-02, as well as Article 22 of the Law on the Organization of Prisons and the Social Reintegration of Detainees No. 05-04, it becomes evident that the Algerian legislator merely specified his powers and the method of his appointment. In reality, this appears natural, since providing definitions is not necessarily the task of the legislator but rather of legal doctrine. Furthermore, the Judge for the Execution of Sentences is relatively recent in origin and not widely adopted across the world due to substantial differences in judicial systems. In some countries, for instance, the prison sector falls under the authority of the Ministry of Interior rather than the Ministry of Justice.³

Third: The Emergence and Evolution of the System of the Judge for the Execution of Sentences

The principle of judicial supervision over the enforcement of criminal sanctions throughout different eras and periods has been closely linked to the principle of judicial individualization of punishment. The Algerian legislator adopted this principle through Ordinance No. 72-02 concerning the Law on the Organization of Prisons, with the aim of keeping pace with modern ideas in penal policy, particularly the incorporation of the principle of legality into the stage of sentence execution, ensuring that penalties are implemented in accordance with Algerian law, and safeguarding the rights of detainees during the execution of custodial sentences.

The position of the Judge for the Execution of Sentences was introduced pursuant to Article 07 of Ordinance No. 72-02 (repealed), under the designation “Judge for the Execution of Criminal Judgments.” However, the Algerian legislator was not the first to introduce this institution; rather, it emerged as a legacy of the colonial system or as a legal and logistical consequence thereof. Although

the system of the Judge for the Execution of Sentences had been established in France as early as 1958, it was not implemented in Algeria until after independence with the promulgation of the Law on the Organization of Prisons and the Re-education of Prisoners.

This designation was considered broad in scope because criminal judgments encompass not only custodial penalties but also judgments imposing fines and preventive measures. Consequently, the literal interpretation of the term includes all criminal judgments, whereas practical reality requires that other authorities be entrusted with the execution of criminal judgments involving non-custodial sanctions.

It is worth noting that before the issuance of this ordinance, the task of enforcing penalties fell within the competence of the Public Prosecutor in whose jurisdiction the penal institution was located. With the promulgation of Ordinance No. 72-02 (repealed), judicial intervention during the execution phase became restricted exclusively to the Judge for the Execution of Criminal Judgments. This rendered his role limited in light of the duties assigned to him and the restricted powers he exercised within the framework of supervising penal treatment. His powers were confined to the framework of the Classification and Discipline Committee provided for under Article 24 of Ordinance No. 72-02, a committee predominantly administrative in nature. Moreover, the decisions issued by the Judge for the Execution of Criminal Judgments were subject solely to the oversight of the Minister of Justice.

The Algerian legislator was not entirely successful in incorporating the system of judicial supervision within Ordinance No. 72-02, since this system was not then considered a modern and clearly developed framework of penal policy, nor had its effectiveness in achieving penal policy objectives yet become evident during that period. Furthermore, Algeria had only recently attained independence and had gradually begun enacting its own legislation, which resulted in laws containing numerous shortcomings, particularly regarding the powers granted to the Judge for the Execution of Criminal Judgments, which remained limited in scope.

Nevertheless, the legislator later remedied these shortcomings by repealing Ordinance No. 72-02 and promulgating Law No. 05-04 concerning the Organization of Prisons and the Social Reintegration of Detainees.

Law No. 05-04 concerning the Organization of Prisons and the Social Reintegration of Detainees introduced a relative development regarding supervision over the execution of custodial sentences. The designation was changed to "Judge for the Execution of Sentences," a term deemed more appropriate since criminal judgments do not relate solely to custodial penalties. The Judge for the Execution of Sentences was granted a range of powers, all of which contribute to the process of penal treatment while simultaneously promoting the reform and rehabilitation of convicted persons. In addition, the legislator introduced the Committee for the Execution of Sentences, which replaced the former Classification and Discipline Committee and is chaired by the Judge for the Execution of Sentences.

Article 23 of Law No. 05-04 on the Organization of Prisons and the Social Reintegration of Detainees provides that the Judge for the Execution of Sentences shall ensure the legality of the enforcement of custodial penalties and, where appropriate, alternative sanctions, while also guaranteeing the proper application of measures relating to the individualization of punishment. Consequently, the powers of the Judge for the Execution of Sentences became broader than they had previously been. He was granted authority in matters of classification, organization, and orientation, as well as the transfer of detainees from one institution to another. He also acquired powers relating to the adaptation of penalties and the implementation of social reintegration programs. Through this

development, the Algerian legislator recognized the extension of judicial intervention into the stage of penal execution.⁴

Second Axis: The Legal Framework Governing the Work of the Judge for the Execution of Sentences under Law 14/25

The legal framework governing the work of the Judge for the Execution of Sentences constitutes the foundation upon which he relies in exercising his duties during the stage of sentence enforcement. Through Law 14/25 concerning the organization of prisons and the social reintegration of detainees, the Algerian legislator sought to establish a set of legal rules defining the powers and competencies of this judge in a manner that ensures a balance between the execution of punishment and the protection of detainees' rights. This is reflected in the role he plays in supervising the enforcement of custodial sentences and monitoring the conditions of detainees within penal institutions, in addition to his relationship with the various bodies concerned with the implementation of penal policy.

In order to understand the nature of this legal framework more precisely, it is necessary to identify the legal basis upon which the Judge for the Execution of Sentences relies in exercising his functions, then clarify his relationship with penal institutions as the entities within which punishment is carried out, as well as to highlight his relationship with other judicial authorities whose roles complement one another in the field of executing criminal judgments. Accordingly, this section will be divided into three subsections: the first subsection concerns the legal basis of the Judge for the Execution of Sentences under Law 14/25; the second subsection addresses the relationship between the Judge for the Execution of Sentences and penal institutions; and the third subsection examines the relationship between the Judge for the Execution of Sentences and other judicial authorities.

First: The Legal Basis of the Judge for the Execution of Sentences under Law 14/25

Following independence, the Algerian legislator adopted a transitional legislative policy embodied in the ordinance issued on 31 December 1962, which maintained the temporary applicability of French legislation, except for provisions affecting national sovereignty, pending the establishment of an independent national legal system consistent with the nature of the Algerian state after independence.⁵

Within the framework of regulating penal institutions, the Algerian legislator enacted Ordinance No. 72-02 of 10 February 1972 concerning the Organization of Prisons and the Re-education of Prisoners. This ordinance introduced the position of the Judge for the Execution of Criminal Judgments, to whom was entrusted the task of monitoring the enforcement of criminal judgments, individualizing penalties, and determining the appropriate methods of penal treatment for detainees within penal institutions in a manner that fulfills the objectives of reform and rehabilitation.⁶

With the evolution of modern penal policy, which increasingly came to be based upon the idea of reforming convicted persons and reintegrating them into society, the Algerian legislator intervened in order to strengthen the powers of the Judge for the Execution of Sentences and reinforce his role during the stage of sentence enforcement. Consequently, Law No. 05-04 of 06 February 2005 concerning the Organization of Prisons and the Social Reintegration of Detainees was enacted, repealing Ordinance No. 72-02. This law consolidated the principle of judicial oversight over the execution of custodial sentences and granted the Judge for the Execution of Sentences a range of powers enabling him to supervise the enforcement of penalties and monitor the conditions of detainees within penal institutions, thereby ensuring a balance between the execution of punishment and respect for the rights of convicted persons.⁷

Law 14/25 further strengthened the legal framework governing the work of the Judge for the Execution of Sentences by reaffirming his role in supervising the enforcement of custodial penalties and monitoring the conditions of detainees within penal institutions, in addition to his contribution to adapting punishment in a manner consistent with the personality and social circumstances of the convicted person. This reflects the orientation of the Algerian legislator toward consolidating a modern penal policy founded upon achieving a balance between the execution of punishment on the one hand, and ensuring the reform and social reintegration of convicted persons on the other.⁸

Second: The Relationship Between the Judge for the Execution of Sentences and Penal Institutions

Despite the clarity of the legal provisions expressly granting the judge jurisdiction over all matters relating to penal treatment, while assigning to the administration of the penal institution the organization of the detainees' daily life, it is in practice difficult to distinguish between the two fields because of the significant overlap existing between them. This situation has often been the cause of numerous conflicts between the Judge for the Execution of Sentences and the director of the penal institution.

No function or task assigned to the Judge for the Execution of Sentences permits interference in the powers of the director of the penal institution or the prison administration regarding the management and organization of the institution. Consequently, it is sometimes stated that certain powers of the Judge for the Execution of Sentences are individual in nature, whereas the powers of the director of the penal institution are collective. However, this distinction is not entirely precise, since nothing in the Law on the Organization of Prisons prevents the Judge for the Execution of Sentences from issuing decisions affecting a group of detainees, such as all detainees placed under the system of external workshops or semi-liberty, for example. What is prohibited, however, is the issuance of decisions that interfere with the regulatory or administrative powers exclusively vested in the prison administration.

The director of the penal institution is a public official appointed by the central administration through an administrative decision and is subject to the rules governing public service. He is the primary authority responsible for managing the affairs of the institution in accordance with the law. He also serves as the head of all employees within the institution and is responsible for managing the affairs of convicted persons. In this capacity, he contributes directly to their process of social reintegration, being the immediate authority responsible for everything occurring within the institution, whether relating to material or human administration.

Since the protection of the rights of convicted persons lies at the very core of the judicial function, which must remain independent from the prison administration, the Algerian legislator established legal provisions expressly granting the Judge for the Execution of Sentences jurisdiction over all matters relating to methods of penal treatment, while entrusting the prison administration with the organization of detainees' daily life in a manner intended to prevent conflicts between the Judge for the Execution of Sentences and the director of the penal institution.

The director of the penal institution is also competent to supervise the judicial registry office, and his position within this service establishes a permanent and continuous relationship with the Prosecutor General and the Public Prosecutor concerning all matters related to transfer and escort procedures. Furthermore, he exercises hierarchical authority over prison guards and rehabilitation officers. In this respect, they are subject to his instructions concerning the maintenance of order and security, while at the same time, in their educational and rehabilitative functions, they remain subject

to the Committee for the Execution of Sentences chaired by the Judge for the Execution of Sentences, which establishes their work program.

Life within the penal institution is fundamentally based on respect for its internal regulations, to the extent that the provisions of the Law on the Organization of Prisons grant priority to institutional order over penal treatment, despite the latter constituting the ultimate objective of punishment. Failure by detainees to comply with the institution's internal regulations exposes them to disciplinary sanctions, the authority to impose which has been entrusted by the legislator to the director of the penal institution, including solitary confinement, a measure which under Ordinance No. 72-02 had fallen exclusively within the powers of the Judge for the Execution of Sentences.⁹

Third: The Relationship Between the Judge for the Execution of Sentences and Other Judicial Authorities

It is important to note that, in the course of performing his functions, the Judge for the Execution of Sentences maintains multiple relationships with the authorities striving to ensure the success of his mission. Among the most important of these are the Minister of Justice, trial judges, the Public Prosecution, the director of the penal institution, and finally technical bodies namely experts and specialists whose assistance the Judge for the Execution of Sentences may require in carrying out his duties. Consequently, it becomes necessary to determine the judicial body to which the Judge for the Execution of Sentences belongs, whether he is considered part of the trial judiciary, the Public Prosecution, or rather an autonomous judicial authority in his own right.

1. The Judicial Authority to Which the Judge for the Execution of Sentences Belongs

Determining the judicial authority to which the Judge for the Execution of Sentences belongs is essential for assessing the degree of independence enjoyed by this judge. If the Judge for the Execution of Sentences is regarded as a member of the Public Prosecution, this necessarily implies that he remains subject, in the performance of his functions, to the authority of the Prosecutor General. The law recognizes independence only for trial judges in the exercise of their duties, whereas members of the Public Prosecution are subject to hierarchical subordination. Moreover, they do not benefit from the guarantee of tenure provided for under Article 26 of Organic Law No. 04-11.

2. The Relationship Between the Judge for the Execution of Sentences and the Minister of Justice, Keeper of the Seals:

Reference to Chapter Two of Title Two of the provisions of Law No. 05-04, under the heading "Judge for the Execution of Sentences," particularly Article 22, reveals that:

"One or more judges shall be appointed by decision of the Minister of Justice, Keeper of the Seals, within the jurisdiction of each judicial council to perform the functions of Judge for the Execution of Sentences."

From this provision, it may be inferred that the Judge for the Execution of Sentences is hierarchically subordinate to the Minister of Justice. This method of appointment deprives him of the independence enjoyed by trial judges, thereby rendering his legal status closer to that of the standing judiciary than to the sitting judiciary.

Furthermore, the intervention of the Minister in appointing this judge may undermine the process of social reintegration in light of the general principles governing it, since such intervention reflects the influence of the executive authority over the stage of sentence enforcement. This would amount to a return to the earlier period during which the prison administration exercised exclusive supervision over the execution phase of punishment before the establishment of the office of the Judge for the Execution of Sentences.

For this reason, the method by which the Judge for the Execution of Sentences is appointed ought to be reconsidered. It would be preferable for his appointment to be made through a presidential decree, in the same manner as trial judges. This is the approach adopted in French legislation, where the Judge for the Execution of Sentences is appointed by presidential decree, and his functions are likewise terminated through the same procedure by which he was appointed.

3. The Relationship Between the Judge for the Execution of Sentences and Trial Judges:

The legislator entrusted the task of imposing punishment to the trial judge, but only within the framework established by law, whether with regard to assessing the appropriate penalty for each offender individually or with regard to its execution. On this basis, the legislator determined penalties proportionate to the gravity of the committed offenses and divided them into supplementary penalties and principal penalties.

Supplementary penalties include mandatory penalties, in which the judge's authority is limited to determining their duration, and optional penalties, with respect to which the judge possesses full discretion either to impose or not to impose them. Principal penalties, with the exception of the death penalty and life imprisonment, are generally prescribed within statutory minimum and maximum limits. Consequently, the discretionary authority of the judge is ordinarily confined within these limits.

This discretionary power is not absolute, as it is influenced by the circumstances of the offender and the commission of the offense. The law provides for situations in which the judge may mitigate the penalty and reduce it below the statutory minimum, as well as other situations in which the penalty may be aggravated beyond the statutory maximum. The judge may also substitute the principal penalty with an alternative sanction.

Once the stage of determining and pronouncing the appropriate sentence in the judicial ruling has been completed, the execution phase begins. The legislator entrusted this phase to the Public Prosecution pursuant to Article 10 of the Law on the Organization of Prisons and the Social Reintegration of Detainees. In pursuit of this objective, the Public Prosecution may requisition public force where necessary.

Custodial sentences are enforced on the basis of an extract from the judgment or criminal decision prepared by the Prosecutor General or the Public Prosecutor, by virtue of which the convicted person is placed within a penal institution. As for financial penalties, namely fines and confiscation measures, they are collected by the tax authorities or the State Property Administration upon request from the Public Prosecution. Supplementary penalties are enforced in accordance with the provisions established by law.

Accordingly, the punishment enters into the stage of application, meaning its actual enforcement against the convicted person, whereby the detainee is placed under the supervision of the Judge for the Execution of Sentences throughout the duration of the imposed sentence.¹⁰

Conclusion

Through the study of the subject of the Judge for the Execution of Sentences under Law 14/25, it becomes evident that the stage of sentence enforcement has come to occupy a fundamental position within modern penal policy. Attention is no longer directed solely toward the issuance of judicial rulings, but has extended to encompass the manner in which such rulings are executed in a way that fulfills the objectives of criminal justice and contributes to the reform of convicted persons and their reintegration into society. From this perspective, the pivotal role of the Judge for the Execution of

Sentences has emerged, as he constitutes the link between the judiciary and the prison administration, as well as the guarantor of the proper execution of penalties in accordance with the provisions of the law.

The research has demonstrated that the Algerian legislator accorded particular importance to the system of the Judge for the Execution of Sentences by organizing it within the legal framework governing penal institutions and granting this judge a range of powers enabling him to supervise the enforcement of custodial sentences and monitor the conditions of detainees within penal institutions. It has also become apparent that the Judge for the Execution of Sentences performs an important role in overseeing the work of the prison administration and ensuring compliance with the legal rules governing sentence enforcement, thereby reinforcing the principle of legality and guaranteeing the protection of detainees' rights.

The study further revealed that the Judge for the Execution of Sentences plays an essential role in achieving the principle of individualization of punishment through monitoring the individual circumstances of detainees and contributing to decisions concerning the adaptation of sentence enforcement in accordance with their personal and social conditions. This is reflected in his supervision of detainee classification and his monitoring of reform and rehabilitation programs within penal institutions, in addition to his role in activating the various mechanisms aimed at reintegrating detainees into society.

Moreover, Law 14/25 contributed to strengthening the legal framework governing the work of the Judge for the Execution of Sentences by emphasizing the importance of judicial oversight over the execution of penalties and granting this judge powers enabling him to intervene in order to ensure the proper application of legal provisions and the achievement of the reformative objectives of punishment. This reflects the orientation of the Algerian legislator toward adopting a modern penal policy founded upon achieving a balance between the requirements of protecting society from crime and ensuring respect for the dignity and fundamental rights of convicted persons.

Accordingly, it is evident that the Judge for the Execution of Sentences represents an effective judicial mechanism during the stage of sentence enforcement. Through his powers and competencies, he contributes to ensuring the proper execution of criminal judgments and to achieving the objectives of penal policy based on reform, rehabilitation, and the social reintegration of detainees, thereby strengthening the role of criminal justice in achieving security and stability within society.

At the conclusion of our study, we arrived at the following findings:

The Judge for the Execution of Sentences constitutes one of the most important judicial mechanisms adopted by the Algerian legislator to ensure the proper enforcement of custodial sentences through supervision and oversight of penal institutions and the monitoring of the execution of criminal judgments.

The stage of sentence enforcement in Algerian legislation is no longer regarded as merely an administrative phase; rather, it has become subject to judicial oversight exercised by the Judge for the Execution of Sentences, reflecting the evolution of penal policy toward strengthening the guarantees of legality and protecting the rights of convicted persons.

The Judge for the Execution of Sentences enjoys multiple powers enabling him to monitor the conditions of detainees within penal institutions and ensure compliance with the laws and regulations governing the enforcement of penalties.

The Judge for the Execution of Sentences contributes to consolidating the principle of individualization of punishment by taking into account the personal and social circumstances of

detainees during the execution of penalties, thereby allowing punishment to be adapted in accordance with their particular situations.

The Judge for the Execution of Sentences plays an important role in protecting the rights of detainees within penal institutions by monitoring conditions of detention and ensuring respect for the dignity and fundamental rights of detainees.

The Judge for the Execution of Sentences contributes to achieving the objectives of modern penal policy, which is founded upon the reform and social reintegration of convicted persons, through supervising reformatory and rehabilitative programs directed toward detainees.

Law 14/25 emphasized the importance of the role played by the Judge for the Execution of Sentences during the enforcement stage of punishment by strengthening the legal framework governing his powers and competencies, thereby enabling him to exercise a more effective role in supervising penal institutions.

The Judge for the Execution of Sentences constitutes a link between the judicial authority and the prison administration, thereby contributing to the achievement of a balance between the enforcement of judicial decisions and the protection of detainees' rights within penal institutions.

Based on the findings reached in this study, a number of recommendations may be proposed with the aim of strengthening the role of the Judge for the Execution of Sentences and improving the effectiveness of the penal system, the most important of which are as follows:

The necessity of strengthening the legal framework governing the competencies of the Judge for the Execution of Sentences in a manner that ensures the expansion of his powers in supervising the enforcement of penalties within penal institutions.

The need to provide the material and human resources necessary to enable the Judge for the Execution of Sentences to perform his duties effectively, particularly with regard to monitoring the conditions of detainees within penal institutions.

Intensifying the supervisory visits carried out by the Judge for the Execution of Sentences to penal institutions in order to assess detention conditions and ensure respect for detainees' rights.

Strengthening cooperation and coordination between the Judge for the Execution of Sentences, the administration of penal institutions, and the competent bodies concerned with the reform and social reintegration of detainees.

Developing reform and rehabilitation programs within penal institutions in a manner that contributes to preparing detainees for reintegration into society following their release.

Increasing specialized training courses for judges entrusted with the execution of sentences, with the objective of enabling them to acquire comprehensive knowledge of the various legal and social aspects related to sentence enforcement.

Encouraging specialized legal studies and research in the field of sentence enforcement due to their important role in developing penal policy and improving mechanisms for the social reintegration of detainees.

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