

The Conditional Release in Light of the New Amendments to the Algerian Code of Criminal Procedure

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Abstract

The conditional release system represents one of the most humane and socially oriented mechanisms in modern penal policy. It aims to gradually reintegrate convicted persons into society and provide them with a new opportunity to reform their conduct within correctional institutions. In Algeria, this system has undergone significant developments, particularly following the latest amendments to the Code of Criminal Procedure, which introduced a more flexible and humane approach to the execution of sentences.

This study aims to highlight the legal framework governing conditional release in Algerian legislation and analyze the developments introduced by the legislator under the new amendments, with particular emphasis on the substantive and procedural aspects that have been modified. It also seeks to assess the effectiveness of these amendments in achieving the intended rehabilitative and social objectives and their compatibility with international human rights standards.

The study adopts a descriptive and analytical approach, combining an analysis of legal texts with comparative legislation and judicial practice, in order to reach accurate findings that may contribute to the development of Algerian penal policy.

Keywords: Conditional release; penal policy; legal amendments; social reintegration; Algerian Code of Criminal Procedure.

Introduction

Conditional release is one of the most important legal mechanisms of a humanitarian and social nature in modern penal policy. It reflects the transition of criminal thought from a philosophy of punishment and deterrence to one of reform, rehabilitation, and reintegration. Punishment is no longer understood merely as a means of retribution; rather, it has become an instrument for reforming offenders and preparing them to return positively to society, thereby achieving the supreme objective of criminal justice: protecting society on the one hand and safeguarding human rights on the other.

The Algerian legislator recognized the importance of this system at an early stage and incorporated it into national legislation as a transitional phase between life inside a correctional institution and life in freedom outside it. It gives convicted persons a new opportunity to rebuild themselves through the confidence demonstrated by the State in

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their good conduct and discipline while serving their sentences. As legal concepts evolved and attention to prisoners' rights and reintegration increased, the conditional release system underwent several legislative amendments aimed at improving its mechanisms, regulating its conditions, and adapting it to contemporary international standards.

The latest amendments to the Algerian Code of Criminal Procedure reaffirmed this humanitarian orientation by reconsidering certain provisions relating to conditional release, both with regard to the substantive conditions that must be met by the convicted person and the procedures followed in examining applications and issuing decisions. The objective is to make the system more equitable, effective, and transparent. Nevertheless, the practical implementation of these amendments continues to generate considerable debate among legal scholars and members of the judiciary concerning their ability to balance public security requirements with the imperatives of social reintegration.

Against this background, studying conditional release in light of the new amendments is important for identifying the legislative developments affecting its provisions and analyzing their implications for penal policy in Algeria, while assessing their effectiveness in achieving the intended rehabilitative objectives. The study also seeks to examine the practical aspects of implementing this system within Algerian correctional institutions, identify the obstacles that may hinder the achievement of its objectives, and propose legal and practical solutions capable of strengthening conditional release as an advanced rehabilitative mechanism.

The central research question is therefore the following:

To what extent have the new amendments to the Code of Criminal Procedure succeeded in developing the conditional release system and making it more consistent with the requirements of justice and human rights?

On the basis of this research problem, the article is organized around three main sections:

The first section addresses the conceptual and legal framework of conditional release;

The second section examines the new amendments introduced to the Code of Criminal Procedure;

The third section presents an applied study of the reality of conditional release in Algeria and its effectiveness in achieving its rehabilitative and social objectives.

Section One: The Legal Framework of Conditional Release

Conditional release is one of the most prominent legal mechanisms established by modern penal policy because of its central role in balancing the requirements of general deterrence with the reintegration of convicted persons into society. Conditional release is not merely an administrative discharge before the expiry of a sentence; rather, it is a regulated legal mechanism intended to assess the extent to which an offender has been rehabilitated and is prepared to re-enter social life, within a framework of continuous legal supervision.

First: The Concept of Conditional Release and Its Legal Nature

Conditional release is defined as the release of a convicted person before the expiry of the sentence, subject to legally prescribed conditions, while remaining under supervision during the remaining period of the sentence.

It follows from this definition that conditional release does not terminate the sentence; rather, it constitutes a continuation of its execution outside the walls of the correctional institution, under a special legal status based on good conduct and compliance with the measures imposed on the beneficiary. (Ben Aissa, 2017)

This system has a dual nature: it is a privilege granted to the convicted person as a reward for good conduct and, at the same time, a supervisory mechanism that makes it possible to monitor compliance with the law after release. It represents an intermediate stage between deprivation of liberty and its full restoration, seeking to achieve rehabilitation without compromising the State's authority to enforce the sentence. (Khalil, 2016)

Second: Historical Development of Conditional Release in Algerian Legislation

The Algerian legislator was influenced by French penal thought, from which it drew the conditional release system that emerged in the late nineteenth century. Following independence, the system was incorporated into Algerian legislation under Ordinance No. 66-155 of 8 June 1966 containing the Code of Criminal Procedure, where its provisions were regulated for the first time in a clear and specific manner.

As the State and society underwent various transformations, successive amendments were introduced, most notably Laws No. 05-04 of 2005, No. 18-01 of 2018, and No. 25-14 of 2025, which expanded the scope of application of the system and regulated the powers of the committees competent to decide on conditional release applications. (Ordinance No. 66-155, 1966; Law No. 05-04, 2005; Law No. 18-01, 2018; Law No. 25-14, 2025)

These amendments demonstrate the legislator's concern with aligning penal policy with the requirements of restorative justice, particularly in light of overcrowding in correctional institutions and the need to provide humane alternatives to lengthy custodial sentences.

Third: The Legal Basis of the Conditional Release System

The Prison Organization Law regulates conditional release in Articles 134 to 139, specifying the substantive and formal conditions that must be met and the procedures to be followed by the Conditional Release Committee before the final decision is taken.

The system is based on a fundamental principle of penal policy: punishment is a means of rehabilitation rather than an end in itself. Accordingly, conditional release constitutes a practical embodiment of this principle, allowing the convicted person to serve part of the sentence in the community under specified supervisory conditions. (Abdelmalek, 2020)

Conditional release also derives its basis from constitutional principles, particularly the principle of human dignity provided for in Article 40 of the Algerian Constitution, which guarantees humane treatment of detainees. In addition, it is grounded in Algeria's international obligations, such as the International Covenant on Civil and Political Rights, which encourages States to adopt rehabilitative policies aimed at the gradual reintegration of convicted persons. (Constitution of Algeria, 2020, Art. 40; United Nations, 1966)

Fourth: Objectives of the Conditional Release System

Conditional release seeks to achieve a careful balance between the requirements of justice and social security through a number of objectives:

1. Achieving the rehabilitative purpose of punishment: by granting compliant prisoners who have demonstrated behavioral improvement an opportunity for gradual reintegration under legal supervision. (Abdelmalek, 2020)
2. Reducing prison overcrowding: conditional release contributes to reducing the number of inmates and improving detention conditions. (Nasser, 2020)
3. Strengthening trust between the State and the convicted person: the prisoner perceives that the legal system recognizes and rewards his or her rehabilitative efforts, thereby strengthening a sense of responsibility and discipline. (Ali, 2018)
4. Achieving social security: conditional release is granted only after establishing that the criminal risk has diminished, thereby balancing the protection of society with the individual's opportunity for a new beginning. (Belalia, 2019)

Accordingly, conditional release may be regarded as one of the most prominent applications of modern penal policy, placing the individual at the centre of the rehabilitative process and seeking to transform punishment from an instrument of deterrence into a means of rebuilding and reforming the individual.

Section Two: New Amendments to the Code of Criminal Procedure Concerning Conditional Release

In recent years, the conditional release system in Algeria has witnessed significant legislative activity within the broader orientation of the State toward modernizing penal policy in accordance with the principles of restorative justice and respect for human rights. The latest amendments, introduced by Law No. 25-14 of 2025, sought to strengthen the rehabilitative nature of punishment and reinforce mechanisms for the legal supervision of beneficiaries of conditional release, with the aim of balancing security requirements with convicted persons' right to reintegration.

First: Rationale for the Legislative Amendment

The revision of the provisions governing conditional release was not an isolated legislative step; rather, it responded to a set of interconnected factors. On the one hand, increasing overcrowding in correctional institutions created administrative, economic, and social pressures that made it necessary to consider humane alternatives to custodial sentences. On the other hand, practical experience revealed shortcomings in post-release supervision, which in some cases contributed to some released persons returning to criminal activity. (Bouziiane, 2019; Nasser, 2020)

The Algerian legislator was also influenced by contemporary penal thought, particularly the philosophy of restorative justice, which reasserts the importance of reforming the offender rather than merely punishing him or her and calls for preparing convicted persons for gradual integration into society. This forms part of Algeria's commitment to the recommendations of international organizations advocating the development of alternatives to traditional punishment.

Second: Key Developments Introduced by Law No. 25-14 of 2025

Through this law, the Algerian legislator introduced a number of substantive amendments affecting both the substantive and procedural foundations of conditional release. The most important include:

1. Legal Basis of the Judicial Authorities Responsible for the Implementation of Sentences

First: General Introduction – The Status of the Competent Judicial Authorities Responsible for Sentence Enforcement

Book Four of the Algerian Code of Criminal Procedure is devoted to the stage following the final criminal judgment, namely the enforcement of the sentence. This stage is particularly important because its purpose is not limited to merely enforcing the criminal sanction; rather, it extends to adapting the sentence to the personal and social circumstances of the convicted person in order to achieve the rehabilitative and preventive purpose of punishment and ensure reintegration into society.

For this purpose, the Algerian legislator established specialized judicial bodies responsible for judicial supervision of sentence enforcement and for modifying the methods of its implementation.

Second: Detailed Explanation of the Legal Provisions

Article 627: Judicial Organization for Sentence Enforcement

This article provides for the establishment of a special judicial structure for sentence enforcement at the level of each judicial council, consisting of two judicial levels:

- Sentence Enforcement Division: the first level, constituted as a division within the court of first instance.

With regard to the term “adaptation of the sentence” used in the text of the article, it refers to:

- Adaptation of custodial sentences: this means adjusting the sentence imposed to the actual circumstances of the convicted person within the correctional institution by adopting decisions concerning the manner in which it is to be enforced, such as selecting the appropriate penal regime or benefiting from alternative or mitigated systems, in accordance with the person’s conduct and willingness to reform.
- Sentence Enforcement Chamber: a specialized chamber located within the judicial council.
- Adjudicating appeals against judgments issued by the Sentence Enforcement Division.

This organization enshrines the principle of two levels of adjudication, thereby safeguarding the rights of the convicted person and the public prosecution and ensuring judicial oversight of sentence-enforcement decisions.

It can therefore be concluded that this article establishes a specialized, two-tier judicial system aimed at supervising the enforcement of custodial sentences and adapting them in a manner that serves the objectives of modern criminal policy.

Article 628: Subject-Matter and Territorial Jurisdiction of the Sentence Enforcement Division

This article precisely defines the jurisdiction of the Sentence Enforcement Division in terms of the types of applications over which it has authority to rule and its territorial jurisdiction.

First: Subject-Matter Jurisdiction

The Sentence Enforcement Division has jurisdiction to rule, by reasoned judicial decisions, on the following applications:

- Allowing the convicted person to serve the remainder of the sentence outside the correctional institution under specified conditions.

Among these are:

- Temporary suspension of sentence enforcement: temporarily suspending the enforcement of a sentence for legal or humanitarian reasons, such as a serious health condition.
- Electronic monitoring: subjecting the convicted person to a remote monitoring system as a total or partial alternative to imprisonment.
- Semi-liberty: allowing the prisoner to leave the correctional institution during the day for work or study and return to it at night.

It follows from the provision that this article precisely defines the powers of the Sentence Enforcement Division, both in terms of the nature of the decisions and territorial jurisdiction, thereby ensuring the proper enforcement of criminal judgments.

Article 629: Legal Status of the Sentence Enforcement Judge

This article focuses on defining the status and duties of the Sentence Enforcement Judge as the principal actor in the sentence-enforcement system.

- Legal status: judge with adjudicatory authority.

The Sentence Enforcement Judge has the authority to issue binding judicial decisions that directly affect the rights of convicted persons.

- Selection requirements:

The judge is selected from among judges specialized in correctional institution matters, which presupposes extensive knowledge of penology, prison administration, and reintegration programs. (Law No. 25-14, 2025)

- Duties:

The judge performs the duties stipulated in the Code of Criminal Procedure, in addition to the powers granted under legislation governing correctional institutions.

The judge also performs duties both within judicial bodies and inside prisons by visiting correctional institutions, examining the conditions of convicted persons, and coordinating with prison administration in order to take decisions based on factual information.

This article strengthens the position of the Sentence Enforcement Judge and emphasizes the specialized nature of the function and its practical role in supervising sentence enforcement.

It can be concluded that Articles 627, 628, and 629 establish an integrated legal framework for sentence enforcement in Algeria based on:

1. A specialized and hierarchical judiciary ensuring judicial oversight of sentence enforcement.
2. A rehabilitative and humane orientation relying on alternatives to custodial sentences and encouraging social reintegration.
3. A specialized judge serving as the central point of balance between deterrence requirements and respect for human rights.

This system reflects the development of Algerian criminal policy toward making punishment a means of reform and rehabilitation rather than merely an instrument of repression and punishment. (Law No. 25-14, 2025)

1. Strengthening Post-Release Supervision

One of the most important developments is the introduction of the possibility of technical monitoring of released persons through electronic means, particularly electronic bracelets, in cases where the committee considers such measures necessary to protect public order or reassure victims. (Law No. 25-14, 2025)

The law also permits the immediate revocation of conditional release if the conditions are violated or a new offence is committed, without resorting to lengthy judicial procedures, thereby giving the system greater effectiveness and speed in deterrence.

2. Integration with Alternative Measures to Punishment

The latest amendments established the principle of integration between conditional release and alternative measures, such as community service, judicial supervision, and criminal reconciliation. This indicates the adoption of a flexible penal policy based on gradual enforcement and reintegration rather than imprisonment as the sole means of punishment. (Law No. 25-14, 2025)

Third: Analytical Reading of the Impact of the Amendments

An analytical reading shows that the primary objective of the amendments was not so much to expand the scope of conditional release as to regulate it and refine its criteria. Previous experiences demonstrated that arbitrary or poorly assessed release could lead to recidivism or failure of reintegration.

However, expanding the powers of the committee and involving social and psychological specialists represents a positive move toward achieving restorative justice. Requiring the released person to have a professional or social project is also one of the most significant practical safeguards for successful reintegration, as it links freedom to productive capacity and stability. (Aribi, 2022)

Fourth: Shortcomings in Practical Implementation

Despite the soundness of the new provisions, practical implementation continues to face a number of obstacles, most notably:

1. Insufficient human and technical resources required to monitor released persons electronically and effectively.
2. Weak coordination between justice institutions and social bodies responsible for reintegration follow-up.
3. Lack of institutional support for released persons in the labor market, making their return to society difficult.
4. Negative social attitudes toward released persons, which limit their opportunities for integration and increase the likelihood of relapse. (Aribi, 2022)

All of this calls for parallel reforms at the level of social and rehabilitative institutions so that conditional release does not remain merely an attractive legal provision, but becomes an effective instrument for rebuilding both the individual and society.

Section Three: Legal and Social Effects of Conditional Release in the Algerian System

Conditional release is one of the fundamental pillars of modern Algerian penal policy, combining general deterrence with the rehabilitative purpose of socially reintegrating convicted persons. The latest amendments to the Code of Criminal Procedure have given this system new dimensions at both the legal and social levels, thereby enhancing its effectiveness and compatibility with the principles of restorative justice.

First: Legal Effects of Conditional Release

1. Continuity of Judicial Supervision

Conditional release does not constitute termination of the sentence so much as a change in the manner of its enforcement. The released person remains subject to close judicial and administrative supervision during the remaining period of the sentence. Consequently, the legal relationship between the released person and the judicial authority continues, with the latter monitoring compliance with the conditions of release and retaining the possibility of revoking it immediately when a violation is established. (Law No. 25-14, 2025)

Thus, the philosophy of “supervised freedom” is achieved, balancing the trust granted to the released person with the protection of society against potential misconduct.

2. Consolidation of the Rehabilitative Dimension of Punishment

The social and psychological supervision accompanying conditional release constitutes a fundamental manifestation of the transformation of penal policy toward rehabilitation rather than pure punishment. Punishment is no longer merely deprivation of liberty; it is a means of correcting conduct and reintegrating the individual into society through participation in social and vocational support programs. (Law No. 25-14, 2025)

The inclusion of social and psychological specialists in the Conditional Release Committee has contributed to consolidating this humanitarian dimension of penal law.

3. Defining Legal Responsibilities among the Competent Authorities

The implementation of conditional release entails a precise distribution of legal responsibilities among the various bodies concerned, such as the Sentence Enforcement Judge, the public prosecution, prison administration, and social reintegration services. This distribution is necessary to ensure transparency in decision-making and implementation follow-up. It also prevents overlap or negligence that could lead to failure of the reintegration process or recidivism. (Aribi, 2022)

Conditional release therefore emerges as an integrated legal system in which judicial, administrative, and social dimensions converge toward a single objective: rehabilitation and the protection of public order.

Second: Social Effects of Conditional Release

1. Social and Vocational Reintegration

Conditional release provides prisoners with a practical opportunity to resume their lives within a regulated legal framework through professional and social projects accompanying them after release. This aspect is considered one of the main pillars of restorative justice, as it reduces the likelihood of recidivism and strengthens a sense of belonging and responsibility. (Aribi, 2022)

The released person thereby becomes a positive social actor rather than a burden on the State and society.

2. Reducing Pressure on Correctional Institutions

Conditional release policy helps reduce overcrowding in prisons, thereby improving detention conditions and directing resources toward rehabilitation programs rather than expenditure solely on accommodation. It also enables prison administration to devote closer attention to prisoners most in need of care, thereby increasing the effectiveness of rehabilitation. (Nasser, 2020)

3. Improving the Social Image of Released Persons

Released persons often face difficulties in gaining social acceptance. However, conditional release, because it is preceded by careful behavioral assessment, gives beneficiaries a degree of credibility in the eyes of society. Their participation in professional projects or public services also helps change negative perceptions and reinforces the idea that punishment is not the end of the road but rather the beginning of a new and productive life. (Aribi, 2022)

Third: Overall Assessment of the Effects of the New Amendments

Field experience confirms that the latest amendments to the Code of Criminal Procedure have produced a more balanced conditional release system that links freedom with responsibility. The involvement of social and

psychological specialists in the Conditional Release Committee enhances the scientific credibility of decisions, while the adoption of technical means, such as electronic bracelets, has increased the effectiveness of supervision. (Law No. 25-14, 2025; Herath, 2022)

Nevertheless, the greatest challenge remains practical implementation, as correctional services face difficulties arising from limited technical and human resources and weak coordination between judicial and social structures. Accordingly, the success of the conditional release system depends on the extent to which legislative provisions and field practice are integrated and on society’s awareness of the need to embrace released persons in order to achieve effective reintegration. (Ammar, 2020; Aribi, 2022)

III. Figures and Tables

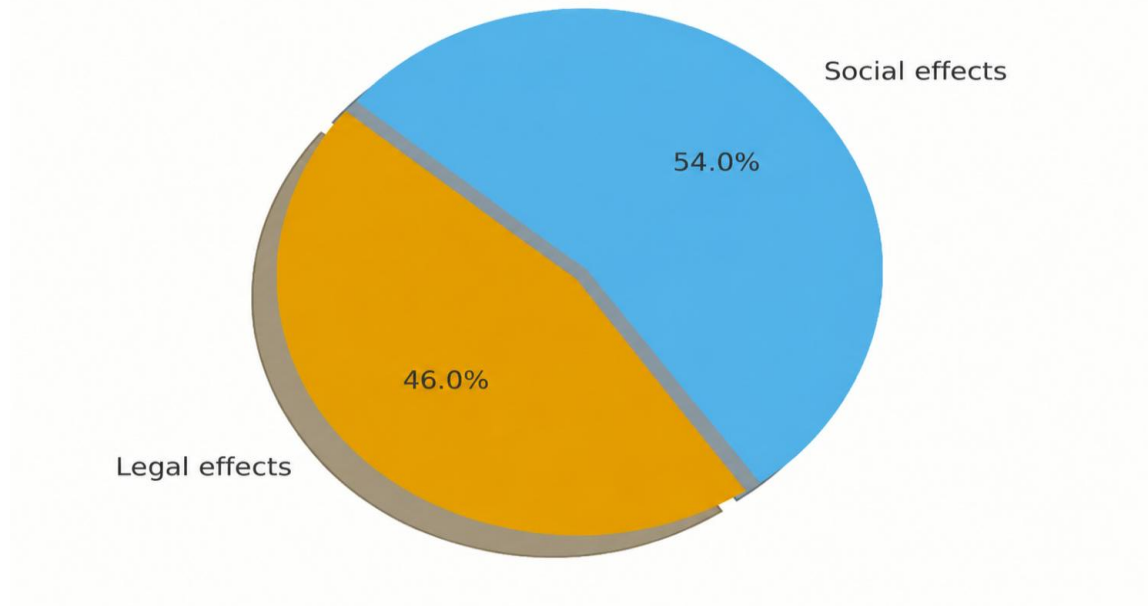
Table 1. Distribution of the Legal and Social Effects of Conditional Release in Algeria (2024)

Source: Prepared by the researcher based on data from the Algerian Ministry of Justice and social reintegration reports (2024).

Category	Analytical indicators	Percentage	Remarks
Legal effects	Continuity of judicial supervision; strengthening the rehabilitative nature of punishment; defining legal responsibilities among judicial and social authorities	46%	This aspect reflects a development in the legal perspective toward making punishment a means of rehabilitation and post-release supervision.
Social effects	Social reintegration; reducing overcrowding in correctional institutions; improving society’s perception of released persons	54%	The social aspect highlights the humanitarian and policy role of conditional release as a tool for reintegration.
Result	—	100%	These percentages represent a balance between the legal and social dimensions of modern penal policy.

Figure 1. Distribution of the Effects of Conditional Release in Algeria (2024)

Distribution of the Effects of Conditional Release in Algeria (2024)



Source: Author's elaboration based on data from the Ministry of Justice (2024).

The table and Figure 1 show that the social effects of conditional release, at 54%, exceed its legal effects, which account for 46%.

This reflects the transformation undergone by Algerian penal policy from a logic of repression and punishment toward a logic of rehabilitation and reintegration, as released persons have become subject to social and psychological support measures aimed at reducing recidivism and ensuring their integration into society.

The findings also show that reducing overcrowding in correctional institutions is one of the most important practical benefits of expanding the application of conditional release, alongside improving relations between former prisoners and society through training and employment programs.

From a legal perspective, strengthening judicial supervision and clarifying responsibilities between the committee and the public prosecution have helped reduce legal gaps and ensure close monitoring of released persons.

Accordingly, conditional release in Algeria can be said to embody an effective balance between retributive justice and social justice, ensuring the protection of society while preserving individual dignity and promoting reintegration.

Conclusion

The study concludes that the conditional release system in Algeria is no longer merely a mitigating measure of punishment, but has become an integrated rehabilitative mechanism combining legal and social dimensions.

By strengthening judicial supervision and psychological and social support, the legislator has established a framework that balances the protection of society with the rehabilitation of the offender.

The findings show that the success of this system depends primarily on:

- The competence of the authorities responsible for supervision and follow-up;
- Coordination between judicial and social bodies; and
- Changing society's perception of released persons.

The study also recommends expanding social reintegration programs and improving vocational and psychological training for released persons in order to ensure the sustainability of this modern penal policy.

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