

PRE-ADMISSION OF GUILT: BETWEEN THE SPEED OF JUDICIAL PROCEEDINGS AND GUARANTEES OF A FAIR TRIAL. A COMPARATIVE STUDY

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Abstract:

The pre-admission of guilt procedure is one of the most prominent mechanisms in contemporary criminal policy. It centres on the defendant waiving their right to a public trial in exchange for criminal penalties with mitigated benefits. Despite the practical advantages this procedure offers, namely alleviating the burden on judicial authorities and speeding up proceedings, it raises legal and rights-related issues. These issues are particularly linked to: (1) the lack of equality between the parties to criminal proceedings, (2) the extent to which the defendant is free to make the admission, and (3) the limited scope of the judge's oversight of that admission. All of these factors challenge the guarantees of a fair trial, particularly the presumption of innocence.

Keywords: presumption of innocence; fair trial; plea/consent-based justice; negotiation; admission of guilt.

1. Introduction

Criminal procedure law is a fundamental cornerstone of criminal justice and the rule of law. It protects individual rights and freedoms by establishing the principles of a fair trial, entrenching the presumption of innocence, and guaranteeing the rights of the defence.

However, given the problems experienced by the traditional criminal justice system — such as increased crime rates, a substantial increase in the number of cases referred to judicial authorities and slow trial procedures, adjudication and enforcement — criminal justice is facing an acute crisis in society. In response, Algeria enacted Law 14-25, marking a qualitative turning point in which the Algerian legislator adopted a modern criminal policy aligned with international standards. The aim is to overcome the crisis of traditional criminal justice by shifting from punitive justice to consensual, reconciliation-based justice. This transition is achieved by introducing new legal procedural mechanisms that reflect a comprehensive strategic vision, balancing the rights of the accused with the protection of public rights, simplifying procedures and ensuring the rapid adjudication of criminal cases. One of the most significant of these is the procedure of appearing before the court based on prior admission of guilt, which represents a fundamental change in the philosophy of punishment. It shifts the focus of criminal justice away from the pursuit of absolute judicial truth in public trials towards a negotiated truth shaped by the parties involved in the dispute.

This study is important because the procedure of appearing on the basis of a prior admission of guilt is based on the concept of procedural contracting. Rather than consuming state resources in lengthy legal disputes, both parties make concessions: the accused waives the right to a public trial in exchange for the prosecution waiving the right to demand the maximum penalty — i.e. the filing party agrees to reduce the punitive demand.

Accordingly, we raise the following question: To what extent has the Algerian legislator achieved a balance between efficiency, by reducing judicial conflict, and guarantees of a fair trial, in adopting the procedure of appearing based on prior admission of guilt?

This issue is of great importance as it strengthens the rights of the defence and evaluates the effectiveness of the mechanisms of this modern consensual justice system in simplifying criminal justice. The study is based on the idea that the procedure of appearing on the basis of prior admission of guilt is grounded in procedural contracting. Rather than consuming state resources in prolonged disputes, mutual concessions are made: the accused waives the right to a public trial in exchange for the prosecution authority waiving its demand for the maximum penalty.

Given the nature of the topic, this study primarily employs a descriptive approach to define the key concepts related to the subject by reference to comparative legal systems. The descriptive method is also employed to present what the Algerian legislator addressed in Law 14-25. Additionally, the study uses an analytical approach to analyse the legal texts governing the procedure of appearing in court after admitting guilt, and to identify the most important legal issues and gaps surrounding it.

The answer to the posed problem will be discussed through two main axes. The first axis covers the conceptual and legal framework of the procedure of appearance based on prior admission of guilt. The second axis addresses the challenges of the prior admission of guilt system in ensuring fair trial guarantees, i.e. the challenges involved in balancing reducing judicial conflict with safeguarding a fair trial. This involves exploring and proposing appropriate hypotheses and specifying the research objectives and methodology.

2. Conceptual and Legal Framework of Prior Admission of Guilt

2.1 The nature of prior admission of guilt

Prior admission of guilt is referred to by several names, including ‘admission under settlement’, ‘admission under negotiation’, and ‘appearance based on prior admission’. Accordingly, both jurisprudential and legislative definitions have varied in line with these different terms.

2.1.1 Definition of Prior Admission of Guilt

The definition of this procedure depends on whether it is examined from a jurisprudential or legislative perspective. Jurisprudence focuses on the contractual aspect, whereas legal scholarship focuses on the procedural and formal aspect.

2.1.1.1 Firstly, from the standpoint of contractual and negotiated justice, modern criminal jurisprudence considers prior admission of guilt to be a form of consensual (reconciliation-based) justice. It is based on direct or indirect negotiation between a representative of the public prosecution service and the accused. Under this arrangement, the accused acknowledges the charge brought against them in exchange for a mitigated penalty or a change in the legal characterisation of the offence¹.

Some scholars consider it to be a judicial contract, arguing that it is an arbitrary/voluntary agreement of a judicial nature, in which the intention of the accused aligns with that of the prosecution authority, who have the right to accuse and the authority to mitigate, in order to bring the public prosecution to an end². Others view it as a system designed to shorten long judicial procedures by replacing the public trial with a fast approval session founded on the accused’s admission, thereby realising the principle of economy of costs and judicial effort³.

2.1.1.2 Second: legislative definition

The French legislator defined it as a procedural simplification of the course of public prosecution. It enables the public prosecutor to offer a penalty to an accused person who admits their guilt, thus avoiding the need for a traditional court hearing for correctional offences⁴.

The Algerian legislator did not provide a direct definition, instead limiting Law 14-25 to regulating the stages through which it is carried out, its personal and substantive scope, and the conditions for its validity. A close reading of Article 539 of the Code of Criminal Procedure reveals a terminological inconsistency: the Arabic text uses the term ‘admission’ to mean ‘aveu’, whereas the French version uses the term ‘reconnaissance’⁵. This difference opens the door to interpretation: did the legislator intend to confine the matter to the sphere of proof, or did they intend to broaden its scope to include acknowledgement of rights and commitment to them?

According to Article 350 of the Code of Criminal Procedure, recognition is an ordinary means of proof subject to the judge’s discretion. Conversely, ‘admission’ as defined in Article 539 appears to be an evidentiary/procedural act aimed at terminating public prosecution through a negotiated agreement, and not merely a statement of truth⁶.

2.1.2 The Legal Nature of Prior Admission of Guilt

The legal nature of the prior admission of guilt procedure gives rise to legal and juristic debate because it seeks to terminate the public prosecution through an agreement between the public prosecutor and the accused instead of following the traditional trial process. Thus, its nature oscillates between being considered a criminal contract or a judicial procedural act.

According to Law 14-25, prior admission of guilt has a mixed (complex) nature: it combines a consensual agreement form with judicial control over the legality of that agreement.

The contractual nature of the procedure is set out in Article 539: either the public prosecutor's representative or the accused and their lawyer can initiate it⁷. In principle, the decision to resort to this procedure depends on the accused's free will to admit guilt and his acceptance of the penalty proposed by the public prosecutor after negotiation. This freedom is manifested in the accused's choice to accept or reject the penalty, after being granted a period of five days to respond to the penalty proposed by the public prosecutor⁸.

As for the judicial nature of the procedure, it is realised through the trial judge's approval (ratification) of the agreement to give it enforceable force. Thus, the consensual negotiated agreement becomes a judicial decision. Through this mechanism, the judge can oversee the validity of the admission and the legality of the penalties proposed by the public prosecutor. The judge therefore has the power to either ratify or refuse to ratify the record drawn up by the public prosecutor⁹.

Regarding the legal nature of the prior admission of guilt, some French legal scholarship considers it to constitute an administrative/procedural act conditional upon a requirement, the condition being the judge's approval. If the judge refuses to approve the agreement, it is treated as if it never existed and cannot be relied upon in an ordinary trial¹⁰.

In conclusion, the advantage of a guilty plea is that it gives the defendant a say in determining their criminal fate, while the judiciary's role in protecting freedoms is preserved through the ratification mechanism, which prevents the procedure from becoming a mere bargain at the expense of justice.

2.1.3 Emergence of the Prior Admission of Guilt System

The first practices of the prior admission of guilt system emerged in the United States in the mid-nineteenth century as an operational mechanism to address the backlog of cases within what is known as plea bargaining. However, it was not firmly established in law until 1970, when the US Supreme Court recognised that admissions in exchange for mitigation of a predetermined sentence were a necessary procedure for achieving efficient justice. This system has become a cornerstone of Anglo-Saxon criminal justice, with the majority of criminal cases being resolved without reaching the stage of trial.

It is characterised by significant flexibility, in contrast to the Latin legal system, in which the public prosecutor has broad negotiation authority, including:

- negotiation on the charge: dropping more serious charges in exchange for an admission of a less serious offence;
- negotiation on the penalty: agreeing to a specified term of imprisonment or substituting imprisonment with an alternative penalty;
- negotiation on the case facts: excluding certain facts from the case file which might otherwise lead to a harsher sentence¹¹.

As for its emergence in the Latin system, particularly in France, the system of appearance based on prior admission of guilt (often referred to as CRPC) was introduced under the 'Perben' Law (Loi Perben 2), which was passed in 2004. This law is considered one of the most influential legislative reforms in French criminal procedure¹². It brought about a revolution in the Code of Criminal Procedure, as part of a criminal policy aimed at modernising justice, by introducing concepts and procedures inspired by Anglo-Saxon systems.

In France, the plea-in-open-court system (*plaider-coupable*) allows the public prosecutor to propose it to an accused who admits guilt for misdemeanours where the maximum penalty does not exceed five years, in order to avoid a long trial. The public prosecutor does not have unlimited negotiating power; rather, they make an offer or proposal within a defined penalty ceiling, which is then submitted to the judge for approval or refusal if they consider the penalty does not match the offence.

2.2 Procedural mechanisms for implementing prior admission of guilt

Examining the provisions of Law 14-25 makes it clear that the Algerian legislator organised the procedure for admission of guilt in stages, progressing from offering the procedure to proposing and negotiating the penalty, and finally obtaining the court's approval (ratification) of the admission record.

2.2.1 The stage of initiation by offering the appearance procedure based on prior admission of guilt

First: 2.2.1.1 Parties to the Initiative

Article 539 of Law 14-25 defines the persons who have the authority to initiate the procedure. These are limited to:

- the public prosecutor's representative (the prosecutor's representative), who has discretionary power to propose the procedure taking into account the gravity of the offence and the personality of the accused, who has renounced the principle of absolute criminal contestation in exchange for an express admission that saves effort and time; and
- the person concerned (the accused) or his lawyer.

It could be argued that this provision does not use precise terminology to define the person's legal position or procedural status, i.e. whether they are classified as an 'accused' or merely a 'suspect'. It is sufficient that the person's initiative derives from free will and an awareness of the consequences of waiving the right to a public trial.

Moreover, for this procedure to be carried out, the law requires that the admission of the facts attributed to the person before the public prosecutor's representative must be voluntary and explicit. Therefore, the latter does not have the power to compel recourse to this pathway.

Regarding the lawyer's role in initiating the request for admission to the procedure based on a pre-existing plea, Article 539 of Law No. 25-14 does not clarify whether the lawyer's presence is an essential and mandatory prerequisite for the negotiations to be valid, or if the accused can waive their right to legal representation.

The wording of Article 542, paragraph 3 suggests that the decision of the head of the judicial authority to place the case in pretrial detention during the legally prescribed 'reflection period', after hearing the accused and their lawyer if present, indicates that the presence of counsel is not mandatory, unlike summary appearance (immediate appearance). This is in contrast to the French Code of Criminal Procedure, which clarifies the role of the lawyer as an active and mandatory participant in the process and requires that counsel be assigned to the accused if they do not have a lawyer present. Moreover, the accused cannot waive this right¹³. If a lawyer is absent, the procedural acts are deemed absolutely void in order to ensure the robustness of the safeguards and prevent the accused from being compelled to participate in the procedure.

2.2.1.2 Second topic: The temporal scope of the initiative to use the procedure (time of initiation)

The time at which the procedure for admission to appearance based on a prior guilty plea must be invoked is legally ambiguous due to the legislature's failure to set an explicit temporal rule. This is because it is unclear whether the procedure must be invoked before or after the public prosecution has been initiated. This differs from the mediation procedure, where the law expressly states that the initiative to use it must be taken before public prosecution is initiated.

Article 541 of Law No. 25-14 indicates that the public prosecutor's representative may propose this procedure to the accused before them¹⁴. This suggests that the public prosecution has already been initiated and charges have been brought against the individual. In such a situation, the following question must be raised: when public prosecution has been initiated and a request has been submitted to the investigating judge to conduct an inquiry and clarify the accused's explicit acknowledgement of the facts attributed to them (which are legally classified as a misdemeanour), does the investigating judge have the power to return the file to the public prosecutor in order to apply the procedure for prior admission/acknowledgement? The aim of this would be to simplify proceedings and reduce the burden on the court in relation to a public trial.

In this case, unlike in France, the legislature has remained silent. The French legislature granted the investigating judge the authority to order the referral of the file to the public prosecutor in order to apply

the procedures for prior admission/acknowledgement, at the request of the accused, with the accused's consent, or with the consent of the public prosecutor's office.

2.2.1.3 Third topic: The Substantive Scope of the Acknowledgement (Prior Guilty Plea)

The legislature intentionally narrowed the scope of the prior guilty plea system by confining it to misdemeanours, while excluding felonies and contraventions. As a general rule, the system applies to misdemeanours where the maximum prescribed imprisonment penalty does not exceed five years, regardless of whether the penalty is imprisonment alone or combined with a fine

As an exception to this general rule, the legislature excluded certain offences with penalties of less than five years for reasons relating to public policy or the particularities of the offence, such as offences where the victim's status or position is significant. For example, acts of violence against a spouse that do not result in an inability to work for a period of fifteen days. The exclusion also covers offences of a special nature, such as crimes affecting automated data processing systems. These excluded offences are listed exhaustively in Article 540, paragraphs 2, 3, 4 and 5¹⁵.

2.2.1 Negotiating the proposed penalty

Negotiating the criminal penalty is the most important stage in the prior guilty-plea system and an essential procedural step. This stage clearly brings restorative/plea-based justice features into view through the convergence of intentions: the public prosecution, acting as a representative of society, meets the accused's intention to reduce their criminal liability¹⁶.

Accordingly, the role of the public prosecution evolves from prosecution to procedural negotiation, aiming to formulate a judicial settlement that meets the requirements of procedural efficiency while ensuring a balance between the rapid resolution of public prosecution proceedings and the safeguards associated with a fair trial. Although the Algerian legislature followed the French legislature's lead in introducing the procedure for appearance based on a prior guilty plea — motivated by the need to relieve the burden on judicial authorities and accelerate the pace of judicial work — it nevertheless imposed procedural constraints on the negotiation process¹⁷.

2.2.2 First topic: The Powers of the Public Prosecution in the Negotiation Stage

Article 541 of Law No. 25-14 limits the powers of the public prosecution during negotiations by stipulating that they must adhere to procedural legality. Consequently, the public prosecutor's representative cannot alter the legal classification of the offence based on the facts attributed to the accused, as documented in police or prosecutorial custody reports, or during the investigation¹⁸. They may not agree with the accused to act contrary to that characterisation either. The representative's powers are therefore limited to the following:

A) The power to propose the penalty, including the amount of the penalty and the manner of its execution. The assessment of the penalty is governed by specific rules designed to balance the rigidity of the legal text with the discretionary authority granted to the representative. This is done in the following steps:

Proposing several types of penalties (either principal or additional) or a single penalty, while granting the possibility of reducing the penalty by up to half of the legally prescribed maximum where the proposed penalty is imprisonment or a fine.

In cases where the proposed penalty is a fine only, the minimum limit is two-thirds of the legally prescribed fine.

Proposing how to execute the proposed penalty by making it subject to suspended execution where the accused meets the legal conditions, such as having no prior criminal record, in order to encourage the accused to accept the plea bargain.

Proposing the replacement of a non-suspended custodial imprisonment penalty with an alternative penalty, such as work for the benefit of the community (public-interest work), provided that the substantive conditions required by the Penal Code are met¹⁹. This proposal constitutes an administrative/procedural bargain in that it saves the state the cost of incarceration while enabling the defendant to maintain their social integration.

B) The power to request the imposition of judicial control measures or pretrial detention

In addition to keeping the accused free during the negotiation process, if the public prosecutor's representative reaches an agreement with the accused concerning a custodial penalty involving deprivation of liberty for a period not exceeding twenty days and before the date of the confirmation hearing, the law grants the representative the right to request that the president of the court and the judge who ordered pretrial detention or the imposition of judicial supervision measures apply them accordingly.

However, some scholars argue that the spirit of plea-based justice is inconsistent with the increased use of pretrial detention because this procedure is founded on mutual trust and voluntary acknowledgement²⁰.

2.2.2.2 Second Topic: The role of the accused in negotiating the penalty

At this stage, the focus of the accused is on discussing the sentencing proposal made by the public prosecutor's representative, in the presence of their lawyer. The lawyer plays a key role in ensuring the legality of the legal characterisation and assessing whether the proposed penalty is proportionate to the facts attributed to the accused.

The accused can either accept or refuse the prosecution's proposal immediately, or request time to think about it and consult with their defence counsel regarding the safeguards for waiving the right to a public trial. These safeguards are established by Article 542 for a period of five days²¹.

The accused's stance — acceptance or refusal — has several consequences:

A) If the proposal is refused:

The plea-based process ends and the public prosecutor's representative regains full powers to proceed with the criminal case in accordance with the general rules²². This can be done by making an initial request to the investigating judge or by bringing the case before the court according to the summoning procedures (such as issuing an order to appear) or by making an immediate appearance if the misdemeanour is committed in flagrante delicto.

In this situation, the law does not permit the acknowledgement made by the accused before the public prosecutor's representative to be used as evidence against them. Furthermore, the French legislator requires such documents to be withdrawn from the case file in Article 495-14, in order to guarantee the court's impartiality²³.

B) In the event of acceptance of the proposed penalty

If the accused expresses their acceptance of the proposal, the public prosecutor's representative proceeds to draw up a record of the agreement. This document constitutes the supporting instrument for the procedure.

The record must be drafted in the official form and include, under penalty of nullity, the legally required formal and substantive particulars. These are: the full identity of the accused; the facts attributed to them, including their legal characterisation and classification; the date and place of their commission; the accused's express acknowledgement of these facts; the accused's disclosure of their acceptance of the proposed penalty; and their readiness to implement it immediately.

The record is then signed by the accused, the public prosecutor's representative and the court clerk. However, the text of Article 542 does not mention including the victim in the agreement record; it only refers to the victim being notified of the hearing date when the accused is brought before the court²⁴.

2.2.3 Stage of validation of the acknowledgement record by the trial judge

The validation stage is intended to confer legal legitimacy on the penalty agreement concluded between the public prosecutor's representative and the guilty plea. This stage acts as a safeguard to prevent abuse of power by the public prosecution in determining the accused's fate.

Once the record is signed, the accused is immediately referred to the president of the court or the designated judge, accompanied by the agreement record and the entire case file. The judge also sets the date of the validation hearing and ensures that the victim is notified of it²⁵.

2.2.3.1 At this stage, the question arises as to the nature of the judge's role: is it that of a trial judge or of a judge overseeing the legality of the procedures? The answer depends on the powers granted to the judge by law and the limits imposed on them.

First: Powers of the Trial Judge in Validating the Acknowledgement Record

Article 544 of Law No. 25-14 sets out the judge's jurisdiction and functional tasks in exhaustive detail. These include supervising the formal aspect of the record and verifying that it contains the legally required particulars after hearing the accused and their lawyer, if applicable, and exercising objective substantive oversight to determine the legality of the negotiations. This oversight is reflected in balancing the accused's acknowledgement with the proposed penalty²⁶.

A) Verifying the voluntariness of the acknowledgement: the judge must ensure that the accused's acknowledgement of the facts was not the result of pressure or coercion, but was made freely and with full awareness of the legal consequences. Jurist Jean Pradel notes that the judge's role is to verify that negotiated justice does not impair the rights of the defence²⁷.

B)

B) Oversight of the legal classification and legality of the penalty: The judge reviews the legal classification assigned by the public prosecutor's representative to the facts attributed to the accused. For example, if the facts constitute a felony, but the negotiation record characterises them as a misdemeanour. Additionally, the misdemeanour must fall within the category where the maximum penalty does not exceed five years, or the offence must be one of those listed exhaustively in Article 540. The judge then verifies that the penalty proposed by the public prosecutor's representative is legal and proportionate to the seriousness of the offence, the personality of the accused and their criminal record. This is particularly important when the penalty is suspended or takes the form of an alternative penalty, as the judge must then ensure that the conditions for these measures are met²⁸. In this respect, the judge acts as a guardian of procedural legality.

C) The decision on the negotiation record

The power to decide is at the core of the judge's role. If the judge is satisfied with the legal characterisation of the offence, the voluntariness of the accused's acknowledgement and the appropriateness of the proposed penalty for the alleged offence, together with fulfilment of the formally required legal conditions, the judge grants validation to the record.

Conversely, if the judge considers the penalty inappropriate, or if the accused's consent to the proposed penalty is not sound — for example, if the acknowledgement is tainted by coercion the judge will refuse to validate or approve the record.

Second: Powers/limits imposed on the judge in validating the acknowledgement record

Law No. 25-14 restricts the powers granted to the judge in validating the record, thereby reducing their discretionary authority according to the general rules. Accordingly, the judge may not exceed these limits. The most important constraints are:

The judge is bound by the facts stated in the record. They may not request new evidence or hear witnesses. This applies the general principle of criminal procedure law, which grants the trial judge the power to present evidence at the hearing, discuss it in the presence of the accused, and base the judgement on it²⁹.

(In other words, validation is not an open-ended reconsideration of the evidence.)

- No alteration of the proposed penalty: the judge may not modify the penalty proposed in the negotiation record, whether by increasing or reducing it, changing its type or reclassifying the offence.

Thirdly, the legal effects arising from the court's decision in the appearance-based procedure following a prior guilty plea constitute the decisive point in the plea-based (negotiated) justice process. The outcome is either (i) termination of the criminal proceedings or (ii) recourse to the general procedural rules for the case. In all cases, the judge must provide reasons for the decision.

A. Effects of validation of the record

If the judge validates the agreement because it satisfies the legal conditions, their jurisdiction in the dispute ends. The decision becomes final as a judicial judgement and produces a set of legal effects.

Acquisition of Enforceability and the Authority of Res Judicata

The validation decision is considered a judgment. As such, it has the same effects as decisions issued by a criminal court for misdemeanours. This includes the possibility of it resulting in entries on the criminal record ("criminal record sheet"), and it may be relied upon as a precedent in cases of recidivism³⁰.

The Algerian legislator also treats it as an enforceable title for both criminal and civil matters, as expressly stated in Article 547. In particular, the agreed penalty becomes immediately enforceable and is executed according to the rules applicable to the ordinary enforcement of criminal judgements. By contrast, the French legislator considered it to have the same effects as a criminal judgment.

Dealing with and ruling on the civil claim

The effects of validation are not confined to the criminal penalty; they also determine civil damages, compensating the victim for harm suffered. Law No. 25-14 implies that the victim's presence is not required at any stage of the procedure, including during the appearance stage and negotiations over the proposed penalty. The law merely requires that the victim be notified of the hearing date, so that they can establish their status as a civil party and claim damages if the record is validated. The judge therefore rules on both the criminal and civil claims in a single judgment³¹.

The appealability of the approval decision:

By granting the Algerian legislature the power to approve the record of the settlement negotiations, it became capable of being challenged by way of appeal, as if it were a judicial ruling³². Although the general rules of the Criminal Procedure Code state that the right of appeal lies with both the Public Prosecution Service and the accused, under Article 545, paragraph 5, the legislature limits the matters that may be appealed to the following: (i) the validity of the admission/acknowledgement (confession); (ii) the legal characterisation of the facts; and (iii) the lawfulness of the proposed penalty. All of these issues relate to public criminal action. This confirms that the legislature has confined the right of appeal to the Public Prosecution and the accused alone, as they are the parties involved in the settlement negotiations, unlike the victim³³.

Comparative criminal jurisprudence has diverged on this right as an obstacle to the objectives of restorative (plea/settlement-based) justice. It is argued that the essence of an antecedent admission of guilt lies in speed and the shortening of procedures, as well as alleviating the burden on judicial authorities. It is contended that the recognition of a right of appeal would render the procedure meaningless and run counter to the principle of restorative/settlement-based justice, particularly where both parties — or one of them — withdraw from a legal commitment and then seek to have it judicially documented³⁴. Conversely, another legal doctrine considers that the right of appeal safeguards the legitimacy of restorative criminal justice by protecting the principle of adjudication in two instances and enabling review of the fairness of the penalty. For example, this would be necessary if the approved penalty exceeded the maximum limit of five years.

B. The consequences of refusing to approve the agreement record

In addition to granting the court the authority to approve the record of the agreement, Law No. 25-14 also empowers the court to refuse approval if it deems the penalty inappropriate or if the admission/acknowledgement is vitiated by moral or procedural coercion. The judge must state the reasons for refusal in the decision, specifying the grounds thereof. The refusal has several consequences:

Reactivation of ordinary prosecution procedures

Once the court rules to refuse approval of the record, it refers the case file to the Public Prosecution Service³⁵. The Public Prosecutor then resumes the right to prosecute in accordance with the general rules of the Code of Criminal Procedure, including referral by way of immediate appearance, direct summons or request for an investigation to be opened by the investigating judge. Trial procedures begin again and the accused benefits from the guarantees of a fair trial, based on the presumption of innocence.

Incapacity of the judge who refused approval to rule on the dispute

One of the most significant procedural effects is that the case is heard again by a judicial panel composed differently to the judge who refused to approve the record containing the prior admission of guilt. This ensures complete impartiality and avoids any prejudgement based on the judge's knowledge of the accused's admission and the details of negotiations between the accused and the Public Prosecutor³⁶.

Excluding the record of the admission/acknowledgement from the case file

If the record is not approved, Law No. 25-14 requires the court to remove it from the case file and keep it in the registry as confidential material³⁷. The court must also erase all traces of the admission before the trial judge who will hear the case later, to prevent the judge from forming a prior conviction. This safeguards the presumption of innocence, ensuring that the accused is considered innocent until convicted. Furthermore, this confidentiality guarantees the accused's right to a fair trial and helps prevent individuals from hesitating to accept restorative justice mechanisms. The removed record may not be referred to again in order to build an accusation against the defendant, under penalty of nullity³⁸.

Deprivation of the confession's evidentiary force

Once a decision refusing approval of the record is issued, the accused's admission to the facts is treated as if it had never occurred. Accordingly, it loses its character as a legally recognised means of proof. The Public Prosecutor and the trial judge are prohibited from invoking or relying upon the accused's previous admission at a later stage to secure their conviction. This evidentiary risk also applies to all statements drawn up during negotiations between the accused and the Public Prosecutor.

3. The second main heading: Challenges of the system of prior admission of guilt in achieving the guarantees of a fair trial

Despite the advantages of a system based on appearance/settlement through a prior admission of guilt—particularly in speeding up and simplifying criminal procedures and reducing the number of pending cases—such a system faces challenges that reflect the tension between the State's objective of implementing rapid-justice policies and the need to preserve justice in an equitable manner. The most significant challenge lies in maintaining judicial truth, which is established within a fair trial, where the court's function is to search for the truth. By contrast, under a system of prior admission of guilt, the process settles for the "agreed truth" arranged by the parties to end the dispute, which constitutes an infringement of the principles of a fair trial enshrined constitutionally and internationally³⁹.

In this regard, the Universal Declaration of Human Rights establishes the right to a fair trial as a fundamental right of the individual. This right is embodied in the presumption of innocence, meaning that a person is considered innocent until proven guilty according to law. Cases should be examined by an independent and impartial judicial authority, free from abuse or injustice, and on the basis of equality before the law. Trials should be public and defendants should have access to legal representation. These principles are also reflected in the International Covenant on Civil and Political Rights, which recognises the right to a fair trial as a fundamental human right under Article 14. This includes the right to have one's case heard by a competent, independent and impartial tribunal established by law⁴⁰.

Similarly, the Arab Charter on Human Rights and the Rights of Peoples includes provisions to protect the rights of the accused during criminal proceedings. It emphasises equality and the independence of the judiciary, as well as the right of the accused to a public trial with all necessary guarantees.

The aim is therefore to identify the most significant legal challenges associated with the procedure of prior admission of guilt, which affect criminal justice and the guarantees of a fair trial. The greatest challenge lies in preserving judicial truth within the framework of a fair trial: while the court seeks the truth, prior admission systems are content with the truth agreed upon by the parties involved in order to resolve the dispute. Despite the system's advantages in terms of speed, procedural simplification and reducing accumulated cases, it faces legal challenges that undermine criminal justice and the guarantees of a fair trial. The most significant of these challenges are:

3.1 Imbalance between the negotiating parties

In this system, the balance of power always favours the Public Prosecution at the expense of the accused, placing them in a weaker legal position and rendering them a passive subject of negotiation. This is

reflected in the dominance of the Public Prosecution Service, which alone determines whether to resort to this procedure, even before the accused requests it. This creates a form of procedural dependence. Furthermore, the accused does not have the right to compel the Public Prosecution to use this procedure. The most prominent manifestations of this imbalance can be summarised as follows:

3.1.1 The Public Prosecution's exclusive control over the penalty

The Public Prosecutor has exclusive authority to propose the penalty; the accused cannot propose an alternative penalty. They may only accept the proposed penalty, with limited options such as a suspension of execution or replacing a custodial sentence with community service/work for public benefit. In this context, the penalty is not open to negotiation. Consequently, the 'agreement' effectively constitutes submission to the authority of the Public Prosecution⁴¹.

This puts the accused in a situation commonly known as 'coercion of options', whereby the Public Prosecutor offers a reduced or suspended penalty in exchange for a confession, while threatening the maximum penalty if the accused resorts to an ordinary trial. This can result in a false confession from someone who fears being unable to prove their innocence in court. Consequently, the balance shifts in favour of judicial effectiveness at the expense of the accused's rights, resulting in an absence of equality and parity in defence capabilities compared to the powers of the Public Prosecutor⁴².

3.1.2 Non-mandatory attendance of counsel and restriction of their role in the defence

Unlike French legislation, which requires mandatory attendance under penalty of the nullity of the procedures, the Algerian legislature did not include the presence of a lawyer as a mandatory condition in Law No. 25-14, such that the negotiation procedures would be invalid without his presence. Instead, Article 545 refers to hearing the accused or their lawyer, if applicable. In practice, the participation of the accused and their counsel does not ensure real equality of arms: when counsel is present, their role is limited, since they do not have the right to propose a penalty that fits the circumstances of the accused⁴³.

Furthermore, counsel is not permitted to access the full case file before the hearing to submit the proposed penalty in order to evaluate the validity of the procedures, e.g. the nullity of the search procedures in relation to the charges brought against the accused, except after the deadline for responding to the acceptance of the proposed penalty has passed. This further reduces what is provided for in Article 547, thereby shrinking the scope of counsel's genuine negotiation. In effect, counsel is reduced to merely attesting to the accused's admission and advising acceptance or refusal of the settlement.

Consequently, the possibility of discussing the appropriateness of the penalty and proposing a reduced penalty is obstructed. This contrasts with the role of counsel in an open trial, where they can effectively challenge evidence and raise procedural and substantive arguments in support of the accused, such as circumstances presented through evidence relating to family obligations, illness or financial hardship, which could influence the court to rule in favour of a mitigated penalty.

3.2 Undermining the presumption of innocence

The principle that a person is presumed innocent constitutes the essential cornerstone upon which criminal law is built. As Karel Vasak, a jurist and legal scholar, noted in his commentary on the European Convention on Human Rights, the true meaning of the legality of offences and penalties lies in ensuring the basic status of innocence for every accused person⁴⁴, which is inherent to the individual and is only removed by a judicial decision that eliminates doubt with certainty. Accordingly, the presumption of innocence is the primary support for the principles of a fair trial.

According to criminal doctrine, a system based on the prior admission of guilt undermines the principle of the presumption of innocence, which is a fundamental pillar of fair trial guarantees. The accused is induced to admit guilt, not necessarily because they are actually guilty, but to obtain the benefits of a reduced penalty. The real objective is often to avoid prolonged imprisonment or the high costs of trial proceedings. This contradicts modern legislation, which treats this rule as both a constitutional and human rights principle linked to a fair trial.

The Algerian constitutional amendment of 2020 states that a person is innocent until their guilt is proven by a judicial authority⁴⁵. This principle is considered a foundational element of constitutional legality

within the provisions of Article One of the Criminal Procedure Code. This principle has also been reaffirmed by international instruments, most notably the Universal Declaration of Human Rights. Article 11 of this declaration recognises the right to a fair trial as a fundamental right, based on the presumption of innocence — that is, a person is presumed innocent until proven guilty in accordance with the law⁴⁶.

The most significant consequence of violating the presumption of innocence in a system of prior admission of guilt is that the burden of proof is reversed and any doubt is interpreted in favour of the accused.

3.2.1 Criminal proof

Criminal policy grounded in the presumption of innocence requires the public prosecution to prove the charge. Consequently, the burden of proof lies with the Public Prosecution Service, which must prove the elements of the offence against the accused and provide supporting evidence. By contrast, the role of the accused is limited to challenging the evidence assembled against them in order to rebut it and demonstrate its inaccuracy⁴⁷.

Furthermore, the Public Prosecution's burden of proof extends beyond the constituent elements of the offence to include the conditions of liability, as this is part of its obligation to establish the truth. The court seeks the same objective through trial procedures.

Consequently, the accused's waiver of a public trial and admission of guilt to the Public Prosecutor does not, in principle, violate this fundamental rule. However, criminal doctrine argues that shifting the burden of proof from the Public Prosecution to the accused forces the latter to establish their own guilt in order to avoid a more severe penalty. (49)

3.2.2 Interpreting doubt in favour of the accused

The principle that doubt should be resolved in favour of the accused is a natural consequence of the presumption of innocence. Indeed, the latter is not merely an evidentiary or procedural presumption, but a constitutional and rights-based guarantee that requires the Public Prosecution Service to provide conclusive proof of guilt. Accordingly, any reasonable doubt regarding the elements of the charge or the validity of the evidence presented must tip the scales in favour of the presumption of innocence.

However, because appearing in court based on a prior admission of guilt is fundamentally based on an agreement between the accused and the Public Prosecutor (who is a representative/agent of the Republic), there is an issue regarding the extent to which this procedure is consistent with the rule that doubt is interpreted in favour of the accused. The admission may not always be the product of wholly free and uncoerced will, but may instead result from moral coercion, procedural pressures or a desire to avoid a harsher penalty. This gives rise to the risk of a false confession.

Therefore, the relationship between the procedure of prior admission of guilt and the rule that doubt is interpreted in favour of the accused lies in the danger that such an admission may relieve the Public Prosecution of the burden of proof and allow the judgment to be based on conjecture and probability rather than solid certainty. This could weaken the effectiveness of the rule that doubt is interpreted in favour of the accused, since the accused's acceptance of the admission could lead to the detailed examination of the evidence being bypassed.

3.3 Impairment of the Principle of Public Hearings and the Transparency of Justice

Publicity surrounding the trial limits the judge's work. Its purpose is to ensure the correct application of the law and prevent external influences from affecting the issuance of judicial judgements, thereby ensuring that such judgements are worthy of public confidence. The proper application of the law and the pursuit of the public interest are thus achieved simultaneously⁴⁸.

This is because trial procedures allow the public to supervise the conduct of the judiciary. Specifically, unlike the preliminary investigation, the final investigation takes place publicly before the court. Accordingly, this principle was established to guarantee the rights of the accused and the public interest, since public access enables the public to monitor judicial actions. This ensures a fair and impartial trial, promoting the discovery of the truth and the attainment of justice⁴⁹.

Publicity also ensures community oversight of judicial work, thereby helping to prevent the abuse of authority or repression in secret. By contrast, arrangements concluded behind closed doors pave the way

for favouritism. Furthermore, shifting the proceedings from an open courtroom to the closed office of the Public Prosecution Office significantly challenges the public scrutiny of the procedure, rendering it contractual. This directly impacts society's trust in the justice system.

In summary, the publicity of the trial serves two purposes: it respects the judiciary and strengthens confidence in its integrity, thereby achieving general deterrence. It also enables evidence to be discussed during the hearing, allowing the defence to rebut it and confront its proponents directly. Finally, it ensures transparency in the judicial process by guaranteeing that the judge's decision is based on evidence presented in public, thereby ensuring impartiality and objectivity⁵⁰.

3.4 The limited scope of judicial oversight for the sentencing judge

The role of the judge differs radically under a system of prior admission of guilt compared to ordinary trials. In the former, the judge does not seek to establish the truth of the case; rather, the focus is on the integrity and soundness of the procedure. Consequently, the judge's role shifts from deciding the case to approving the agreement between the defendant and the Public Prosecution. In most cases, this oversight is merely formal and does not affect the substance of justice⁵¹.

Typically, this oversight is confined to asking the accused if they accept the proposed penalty without reviewing the details of the case file, the circumstances of the offence, the weight of the evidence, or the accused's potential motives for admitting guilt. The judge's authority to amend the proposed penalty is also limited. The sentencing judge's discretion is restricted to accepting or rejecting the proposed outcome in full. Consequently, the court's supervisory role is weakened and it becomes merely a mechanism for recording what the accused and the Public Prosecution have agreed upon.

3.5 Marginalisation of the victim's rights

In establishing the appearance procedure based on a prior admission of guilt, the Algerian legislator focused on the relationship between the accused and the Public Prosecution while neglecting the role of the victim as the injured party and their lawyer. The offence affects the interests of both society and the individual victim directly. Therefore, it is the victim's right to feel that justice has been achieved through their presence at all stages of the public prosecution process.

Referring to the relevant provisions, particularly Article 539 of Law 25–14, it can be seen that there is no mention of the victim's involvement in proposing or negotiating the penalty. Instead, the victim is simply summoned to attend the hearing to certify the negotiations record before the court. The purpose of this attendance is to request compensation for harm resulting from the crime⁵².

However, this occurs after the agreement has already been concluded between the Public Prosecution Service and the accused, leaving the victim unaware of what was negotiated. This ignorance affects the victim's ability to assess whether the facts admitted by the accused correspond to the true circumstances—facts that may, in reality, be more serious than stated and allow for a harsher legal characterisation and/or penalty.

Accordingly, this procedure cannot be waived when its legal conditions are not met. The result is that, for the agreement between the Public Prosecution and the accused to be valid, the legislator does not require the victim's presence, involvement or consent at the stage of proposing and negotiating the agreement. In other words, the victim's involvement is not a prerequisite for the validity of the negotiated agreement. This is primarily to ensure that 'negotiated justice' is not obstructed by the victim's involvement.

4. Conclusion:

In conclusion, we find that the contemporary shift in criminal policy towards expanding the scope of alternatives to public prosecution and consensual justice mechanisms—driven by pressure from judicial congestion and the need for procedural efficiency—still requires a rethink of the philosophy of criminal procedure. This rebuild must strike a balance between procedural speed and procedural legality. Accordingly, the future of the system of prior admission of guilt depends on the extent to which Algerian criminal legislation can develop a model of constitutional negotiated justice that does not undermine the presumption of innocence through the admission of guilt. Instead, it should be treated as a limited procedural tool, subject to strict safeguards that protect the accused's right to a fair trial.

The study also identified contemporary transformations in criminal policy, most notably the prior admission of guilt. Despite the practical advantages of this system, such as reducing the burden on judicial authorities, speeding up adjudication, lowering judicial costs and enhancing procedural efficiency, it also raises sensitive legal and rights-based concerns. In particular, these relate to the extent of free will when making the admission and the limited scope of the judge's oversight. This undermines guarantees of a fair trial and contributes to an imbalance between the parties to the criminal dispute. Therefore, the success of this procedure depends on the existence of a precise and clear legal framework that protects the rights of the defence and ensures effective judicial supervision. It also requires the provision of the fundamental guarantees of a fair trial enshrined in international instruments and domestic legislation.

Results

1. In a system of prior admission of guilt, an accused person's admission is not necessarily the product of completely free will. It may be influenced by psychological pressure and the fear of harsher penalties if the case proceeds through an ordinary trial.
2. Marginalising the victim during the agreement and negotiation stage reduces the procedure's effectiveness and undermines its transparency.
3. A balanced model of negotiated justice is required for prior admission of guilt, one that achieves procedural effectiveness without impairing the accused's fundamental rights and defence guarantees.
4. Although the 'appearance/procedural attendance based on prior admission' is an effective mechanism for achieving procedural speed, it poses risks to fundamental rights and liberties due to a lack of strict legal and judicial safeguards.
5. The success of the system hinges on the extent to which prior admission is subject to judicial oversight, particularly with regard to the validity of consent and the legality of the agreement.
6. The procedure prioritises procedural and practical aspects while paying insufficient attention to rights-based dimensions.

Recommendations/proposals:

- Incorporate more precise standards for judicial oversight and procedural transparency. The essential gap in comparative legislation is not the legitimacy of the system of prior admission of guilt itself, but rather the limits of judicial supervision over criminal negotiations and the extent to which the judiciary is independent in assessing proportionality between facts and proposed penalties.

Through this study, it becomes clear that appearing based on a prior admission of guilt is not merely an alternative procedural mechanism for settling a public prosecution. Rather, it has become one of the most prominent expressions of modern negotiated justice, seeking to strike a balance between the effectiveness of criminal policy and the protection of rights and fundamental freedoms.

Footnotes:

¹- Expand the judge's power to clearly and effectively verify that there are independent, objective evidentiary grounds supporting the admission and do not merely rely on the accused's admission of guilt.

²- Al-Louzi, S., 2018, *Consensual Justice: A Comparative Study*, Dar Al-Thaqafa Publishing and Distribution, Amman, Jordan, p. 92.

³- Mireille Delmas-Marty, 2019, *Procédure pénale comparée*, PUF, Paris.

⁴- At 495–7: 'When a person acknowledges the facts alleged against them, the Public Prosecutor of the Republic may, on their own initiative or at the request of the person concerned or their lawyer, propose to that person — provided that they are represented by a lawyer — one or more of the principal or supplementary penalties incurred.' Law No. 2004-204 of 9 March 2004 on adapting justice to developments in criminality, Official Journal (JO) No. 59 of 10 March 2004.

⁵- Article 539 of Law No. 25–14 of 3 August 2025 concerning the Criminal Procedure Code, Official Gazette of the People's Democratic Republic of Algeria, Issue No. 45, 13 August 2025.

⁶- Article 350 of Law No. 25–14 (see above).

⁷- Article 541 (same reference).

- ⁸- Article 542 (same reference).
- ⁹- Article 545 (same reference).
- ¹⁰- Pradel, J. (2017). *Procédure pénale*, 19th ed., Cujas, Paris, p. 785.
- ¹¹- Ghanem, M. A., 2008, *Criminal Negotiation: A Comparative Study Between Latin and Anglo-Saxon Procedural Systems*, Dar Al-Nahda Al-Arabiya, Egypt, p. 97.
- ¹²- Law No. 2004-204 of 9 March 2004 on adapting justice to developments in criminality, J.O.R.F No. 59 of 10 March 2004.
- ¹³- Article 495-9 of Law No. 2004-204: ‘A person may not waive their right to be assisted by a lawyer... If a person does not already have a lawyer, a lawyer shall be appointed ex officio.’
- ¹⁴- Article 541 of Law No. 25-14: ‘The Public Prosecutor may propose the settlement procedure/offer to the accused presented before it or in its presence.’
- ¹⁵- Article 180 of Law No. 2004-204: ‘If the person under investigation admits the alleged facts, the examining judge may, of their own accord or at the request of the relevant party or the Public Prosecutor, refer the case to the Public Prosecutor for the implementation of the procedure set out in Articles 495-7.’
- ¹⁶- Article 394 bis of Law No. 04-15 amending Ordinance No. 66-156 of the Penal Code: ‘Imprisonment for a period ranging from six months to two years and a fine ranging from 60,000 to 200,000 DZD shall be imposed on anyone who, by fraud, enters or remains in, or attempts to enter or remain in, all or part of an automated data processing system.’
- ¹⁷- Article 366 bis of Law No. 19-2015, which amends and supplements Ordinance No. 66-156 containing the Penal Code: ‘Whoever intentionally inflicts injury or strikes their spouse shall be punished as follows: imprisonment for a period ranging from one to three years, unless the injury or strike results in an illness or incapacity to work for a period exceeding fifteen days.’
- ¹⁸- Ahmad Fathy Sarour, 2022, *The Commentary/Handbook on Criminal Procedure*, Dar Al-Nahda Al-Arabiya, Cairo, p. 482.
- ¹⁹- Article 5 bis of Law No. 09-01 of 25/02/2009, amending and supplementing Ordinance No. 66-156 containing the Penal Code (Official Gazette [J.R.] No. 15 of 2009).
- ²⁰- Abbas, Ammar (2024). *Consensual Justice in Algerian and Comparative Legislation*. Dar Al-Jami‘a Al-Jadida, Alexandria, p. 175.
- ²¹- Pradel, J., 2017. *Procédure Pénale*, 19th ed., Cujas, Paris, p. 787.
- Article 542: ‘The accused or their lawyer may request a time limit of no more than five (5) days to respond to the penalty(ies) proposed by the Public Prosecutor.’ (Previous reference).
- ²²- Article 543: ‘If the accused refuses the Public Prosecutor’s proposal or fails to express their approval within the granted time period, the Public Prosecutor shall take the appropriate procedure regarding the matter.’ (Previous reference).
- ²³- Pradel, J. (2024). *Procédure Pénale* (22nd ed.). Paris: Librairie Générale de Droit et de Jurisprudence (LGDJ), pp. 755-812.
- (Note: your entry appears to have overlapping/incorrect page details. If you could provide the correct page range, I can correct it.)
- ²⁴- Article 544, paragraph 6 of Law No. 25-14 (previous reference).
- ²⁵- Article 544, paragraph 6 of Law No. 25-14 (previous reference).
- ²⁶- Article 545 of Law No. 25-14 (previous reference).
- ²⁷- Pradel, J. (2024). *Procédure pénale*, 22nd ed., LGDJ, Paris, p. 812.
- ²⁸- Stéphanie Detraz, 2021, ‘Prior admission of guilt: between efficiency and guarantees’, *Revue de science criminelle et de droit pénal comparé* (RSC), Dalloz, p. 45.
- ²⁹- Article 349, paragraph 2: ‘The judge may not base their decision on evidence other than that presented during the pleadings and debated orally before them.’
- ³⁰- Article 547 of Law No. 25-14 (see previous reference).
- ³¹- Article 545, paragraph 3: ‘The judge rules by means of a single judgment, which is subject to appeal in both public and civil claims.’
- ³²- Article 587 of Law No. 25-14: ‘The right of appeal concerns the accused or their lawyer, the person responsible for civil rights, the Public Prosecutor, the Attorney General and the civil claimant...’
- ³³- Article 545/5 of Law No. 25-14 (previous reference).
- ³⁴- Aubert, B., 2019. ‘The homologation judge: a judge without powers’. *Recueil Dalloz*, p.621.

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- ³⁵- Article 545, paragraph 4 of Law No. 25–14 (see previous reference).
- ³⁶- Stéphanie Detraz, 2021, ‘Prior admission of guilt: between efficiency and guarantees’, RSC, Dalloz, p. 47
- ³⁷- Pradel, J. (2024). Procédure pénale (22nd ed.). LGDJ: Paris, p. 817.
- ³⁸- Article 11 of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly by Resolution 217 A (III) on 10 December 1948 (www.ohchr.org/ar).
- ³⁹- (www.ohchr.org/ar).
- ⁴⁰- Article 40: Article 14 of the International Covenant on Civil and Political Rights was adopted by United Nations General Assembly resolution 2200 (XXI) on 16 December 1966.
- ⁴¹- Article 42 of the Arab Charter on Human Rights.
- ⁴²- Aubert, B. (2022). La procédure de CRPC : entre célébrité et péril pour les libertés. Recueil Dalloz, p. 819.
- ⁴³- Pradel, Jean (2024). Op. cit., p. 648.
- ⁴⁴- Abd al-Hafidh Arabi Rabi’ (2022). ‘Features of the presumption of innocence in contemporary criminal policy’. Journal of Law and Human Sciences, Vol. 15, Issue 1, pp. 2210–2225.
- ⁴⁵- Pradel, Jean (2024). Ibid., p. 652.
- ⁴⁶- Article 41 of Presidential Decree No. 20/442 dated 30/12/2020 relating to constitutional amendment (Official Gazette of Algeria), Issue 82 (2020).
- ⁴⁷- Article 11 of the Universal Declaration of Human Rights: ‘Everyone charged with a penal offence shall be presumed innocent until proved guilty according to law in a public trial at which they have had all the guarantees necessary for their defence.’
- ⁴⁸- Sorour, A. F. (2016). Constitutional Criminal Law. 3rd ed. Dar al-Nahda al-‘Arabiyya, Egypt. p. 292.
- ⁴⁹- Al-Adjadj, Abd al-Karim (2020). ‘The interaction of public opinion with the publicity of trials and its impact on the right to a fair trial’. Judicial Opinion Journal, Vol. 12, Issue 2, pp. 405–418.
- ⁵⁰- Abdelkader Labkirat and Sara bint Zaynab (2026). ‘The publicity of criminal hearings as a manifestation of cementing the principle of adversarial presence’. Journal of Legal and Political Studies, Vol. 12, Issue 1 (January 2026).
- ⁵¹- Ahmad Fathi Sorour, op. cit., p. 230.
- ⁵²- Pradel, Jean (2024). Ibid. p. 652.