



Procedural Steps in Juvenile Criminal Cases

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Abstract:

This article explores and analyzes the procedural steps of criminal proceedings before juvenile courts. It highlights how these procedures differ from those applied in general criminal courts due to the unique nature of juveniles, which requires legal treatment adapted to their age, psychological condition, and social background. The research aims to present the stages of the legal process from the moment the juvenile is apprehended and the preliminary investigation begins, to the transfer of the case to the juvenile prosecutor, and finally to the trial hearings and resulting sanctions. It also reviews the legal and procedural safeguards established to protect this vulnerable group.

Keywords: Juvenile justice, Criminal procedure, Preliminary investigation, Juvenile judge, Judicial police.

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Introduction

Juvenile justice is a specialized branch of the judiciary. It is distinct in its structure and purpose, as it deals with minors who have not yet reached full criminal responsibility. Most modern legal systems have established either independent juvenile courts or special procedures for handling juvenile cases. This is based on the principle of the “best interests of the child,” a concept recognized in international treaties, most notably the 1989 Convention on the Rights of the Child.

The distinct nature of juvenile justice is not limited to the types of sanctions or measures imposed. It also applies to how the entire criminal process unfolds—from the moment of arrest and investigation, through to trial and sentencing. Throughout these stages, the juvenile’s psychological, social, and age-related circumstances must be considered. The involvement of specialists is often required, and confidentiality is maintained. The system emphasizes rehabilitation and education over punishment.

Given the unique characteristics of juveniles, especially regarding their age and level of maturity, both national legislation and international conventions have introduced specific guarantees and procedures to protect them throughout the criminal process. However, the application of these measures raises several questions about their effectiveness in ensuring the child’s best interest and securing their rights, without compromising the requirements of criminal justice.

This leads us to the main research question: To what extent do the procedures of juvenile criminal proceedings uphold the best interest of the child while maintaining a fair balance between rehabilitative goals and the need for criminal deterrence?

To answer this, the article is divided into two main sections:

- **Section One:** Procedures for handling juveniles before trial
- **Section Two:** Procedures during juvenile trial hearings

Section One: Procedures for Handling Juveniles Before Trial

This stage is also referred to as the **evidence-gathering phase**. It includes all actions taken to reveal the crime, in terms of facts and individuals involved. In most legal systems, this stage is overseen by a designated authority known as the **judicial police**. This body is the first to deal with juvenile offenders. It is authorized to search for crimes and suspects in order to clarify facts and resolve uncertainties surrounding the offense.

In Algeria, as in several comparative legal systems, no specialized police force exists exclusively for juveniles. Instead, the general judicial police are responsible for conducting preliminary investigations, regardless of whether the

offense was committed by an adult or a minor. The same legal provisions apply in both cases, even when the offenses are punishable by law¹ Juvenile delinquency units were established within the National Gendarmerie under the operational directive issued on January 24, 2005. Each juvenile unit is composed of a head officer, holding the rank of First Assistant, and gendarmes as needed. The unit may be expanded to include up to six gendarmes. These units operate in accordance with Paragraphs 2 and 5 of Article 15 of the Code of Criminal Procedure².

Section One: Procedures Followed During the Preliminary Investigation Phase

The preliminary investigation is one of the initial procedural stages in juvenile criminal proceedings. It marks a critical point at which law enforcement and judicial authorities begin interacting with the juvenile offender. This stage is especially important, as it lays the foundation for all subsequent legal steps. It also directly influences the course the case will take, whether it leads to dismissal, referral, or alternative measures.

This phase is characterized by the specific way the juvenile is treated. Legal guarantees and protected rights must be respected—particularly regarding the manner of arrest, the questioning process, and the child’s right to defense. Social protection agencies must also be involved. Most legal systems require the presence of the juvenile’s guardian or legal representative, in addition to a lawyer and a social or psychological specialist. This is to create an environment that safeguards the child against any form of abuse or harm to their dignity and best interests.

This section focuses on the legal procedures necessary to deal with a juvenile offender, especially concerning police custody and detention during the preliminary phase.

Subsection One: Legal Provisions and Safeguards Related to Juvenile Custody

Taking a juvenile into custody is one of the most serious measures that can be imposed during the preliminary investigation phase. This action has a direct psychological impact on the child. The risk increases if the procedure is carried out without proper legal safeguards. While the aim of temporary detention is to allow the competent authorities to collect evidence and investigate the facts, dealing with a minor in this context must follow specific criteria. These criteria should take into account the child’s age, level of maturity, and family and social circumstances.

Most national legal systems, along with international treaties, have paid close attention to regulating juvenile custody. They impose strict conditions regarding its duration, the authority that may order it, and the treatment of the juvenile during detention. These regulations are based on a fundamental principle: custody must be a last resort. It should only be used when absolutely necessary, for a limited time, and under maximum legal protection to prevent abuse or violations.

In this regard, Algerian legislation provides specific provisions for the custody of juvenile offenders. These provisions are different from those applied to adults and include distinct procedures and conditions under judicial police supervision.

First: Judicial Police Authority

The legislator grants judicial police forces the authority to investigate crimes, pursue offenders, and uncover criminal acts. These authorities are given full investigative powers, as outlined in Articles 12, 17, and 18 of the Criminal Procedure Code³ This includes receiving complaints and reports, gathering evidence, conducting inspections, searches, and other related procedures. Article 15 of the Code of Criminal Procedure defines the individuals who hold the status of judicial police officers⁴

Second: Provisions on Juvenile Custody A distinctive feature introduced by Law No. 15-12 lies in its special treatment of juveniles placed in police custody⁵

¹ Jamal Najimi, *Child Protection Law in Algeria: Analysis and Qualification*, Dar Houma, Algeria, 2016, p. 98.

² Decree No. 66/155 dated 08 June 1966, as amended and supplemented..

³ Abdallah Ouhaybiya, *Guarantees of Personal Freedom During the Preliminary Investigation Stage*, National Office for Educational Workers, 3rd ed., Algeria, 2013, p. 231.

⁴ Article 15 of the Criminal Procedure Code defines persons with the status of judicial police officers as follows: heads of municipal popular councils; national gendarmerie officers; employees belonging to the special corps of inspectors, conservators, and police officers of the national security; gendarmerie personnel who have served at least three years in the national gendarmerie and appointed by a joint decision of the Minister of Justice and the Minister of National Defense, subject to approval by a special committee; employees belonging to the special corps of inspectors and agents of the national security police who have served at least three years in this capacity and who have been appointed by a joint decision of the Minister of Interior and the Minister of Justice, with the approval of a special committee.

⁵ Law No. 15-12 dated 28 Ramadan 1436 (corresponding to 15 July 2015) on Child Protection, Official Gazette No. 39

Second: Provisions on Juvenile Custody One of the key features introduced by Law No. 15-12 concerns the legal framework of police custody for juveniles. It addresses whether this measure can be applied to minors and how it differs from adult procedures. The law outlines all related procedures, restrictions, and time limits. Initially, the Algerian legislator referred to this measure as “supervised detention,” but later replaced the term with “police custody.” However, the law does not define the concept explicitly. Instead, it only specifies the circumstances under which it may be applied, the authorities responsible for its implementation, and the rights of minors held in custody.

1. Safeguards in Juvenile Custody

The law provides several safeguards that must be observed by those authorized to place a juvenile in custody. These include:

- **Minimum age requirement:** The child must be over 13 years old. Article 19 of Law No. 15-12 states: “A child under the age of 13 may not be placed in police custody if suspected of committing or attempting to commit a criminal offense.”
- **Legal duration of custody:** The time limit for holding a minor differs from that for adults. It must not exceed 24 hours. Custody may be applied in cases involving misdemeanors that clearly disturb public order or where the offense carries a maximum penalty of more than five years’ imprisonment. In felony cases, custody is allowed without exception. This is in accordance with Article 49, paragraph 2 of Law No. 15-12. Any extension must follow the procedures set out in Article 51 of the Code of Criminal Procedure, and each extension must not exceed 24 hours.

2. Custody Procedures

To ensure that police custody is carried out in a lawful manner and to minimize psychological harm to the child, the law imposes several procedural requirements on judicial police officers. These legal obligations are designed to protect the rights of the juvenile during detention. They include:

- Immediate notification of the public prosecutor
- Informing the child’s legal guardian
- Right to legal counsel
- Hearing the child
- Conducting a medical examination
- Ensuring that detention facilities are appropriate for juveniles

Subsection Two: The Role of the Public Prosecution

The public prosecution is the authority responsible for evaluating the results of the investigation carried out by the judicial police. Officers of the judicial police do not have the authority to decide on the outcome of their investigations. Once their work is completed, all related reports must be submitted to the Public Prosecutor. This is stated in Article 18, paragraph 2 of the Code of Criminal Procedure, which reads: “They must, upon completion of their work, submit the original copies of the reports, along with certified true copies, and all relevant documents, evidence, and seized items, directly to the Public Prosecutor.”

Thus, the Public Prosecutor, as the legal representative of the public prosecution, holds the sole authority to decide how to proceed based on the investigation results. This authority is exercised in line with legal standards and the principle of prosecutorial discretion, which grants broad powers in determining the appropriateness of prosecution¹. According to Article 36, paragraph six of the Code of Criminal Procedure: “The Public Prosecutor receives reports, complaints, and notifications and decides on the appropriate course of action. He may carry out the necessary investigative procedures himself or order them to be undertaken. He is responsible for directing the work of judicial police officers and their assistants who are involved in criminal investigations or trials. He may either refer the case for prosecution or issue a dismissal order, which may always be revoked.”

It is also worth noting that the Algerian legislator introduced a new responsibility for the Public Prosecution under Law No. 15-12 on Child Protection. This includes the authority to initiate mediation in juvenile cases. This section will examine that role, in addition to the power to dismiss criminal proceedings.

First: Dismissal of Criminal Proceedings

The decision to dismiss a criminal case is one of the discretionary measures available during the investigation phase²

¹ Ishaq Ibrahim Mansour, *Fundamental Principles in Criminal Procedure Law*, University Press, Algeria, 1993, p. 45

² Ali Shamlal, *The Discretionary Authority of the Public Prosecution in Public Prosecution Cases: A Comparative*

This decision results in halting the public prosecution and prevents the case from being initiated. The Algerian legislator did not provide a specific definition of the dismissal order but merely referred to it in paragraph four of Article 36 of the Code of Criminal Procedure. According to this provision, the Public Prosecutor holds discretionary power to initiate criminal proceedings and may decide on the course of action deemed appropriate.

However, if there are legal or factual reasons that justify not pursuing the offender, the Prosecutor may issue a dismissal order. This order is always revocable, particularly if new evidence emerges. The legislator granted the authority to dismiss cases when the offense qualifies as a misdemeanor or infraction, and when the conditions for dismissal are met. In contrast, dismissal is not allowed in felony cases, as investigation in such cases is mandatory.

The Child Protection Law does not contain provisions on dismissing criminal proceedings. Therefore, general legal principles must be applied when carrying out this measure. The decision to dismiss is based on two main grounds:

A – Legal Grounds

These are based on explicit legal provisions that prevent the prosecution from exercising its power to initiate proceedings. When one of these grounds is met, no penalty can be imposed on the accused. These reasons are found in either the Penal Code or the Code of Criminal Procedure and are divided into two categories:

1) Substantive Legal Grounds These include three situations:

- **1.1** Dismissal due to lack of legal elements of the offense
- **1.2** Dismissal due to the presence of a legal bar to punishment
- **1.3** Dismissal based on the absence of criminal responsibility

2) Procedural Legal Grounds These include two main reasons:

- **First:** The inability to initiate public proceedings when the law requires specific conditions for certain crimes. If those conditions are not met, the case must be dismissed¹, These are three cases:

1.2 Dismissal due to the absence of a filed complaint.

2.2 Dismissal due to withdrawal of authorization or request.

B) Factual Grounds: These refer to reasons related to the substance of the case and its facts. They are not explicitly specified by law but fall under the discretionary power of the Public Prosecution to decide on dismissal², It includes four cases:

1. Dismissal due to the unknown identity of the perpetrator.
2. Dismissal due to the invalidity of the incident.
3. Dismissal due to insufficient evidence.
4. Dismissal due to the insignificance of the incident.

C) Consequences of the Dismissal Decision: The dismissal order issued by the Public Prosecution is an administrative measure. It does not have the status of a judicial ruling and can be revoked at any time to reopen the case. Among the most significant consequences of such dismissal are:

1. The decision has no judicial character and, therefore, cannot be appealed by any means³
2. The dismissal order is provisional and may be revoked after issuance and notification to the complainant if new evidence emerges.
3. Impact on the statute of limitations for public prosecution: Referring to the Code of Criminal Procedure, articles 7 to 9 address the statute of limitations for public prosecution. The question arises regarding the relationship between the statute of limitations and the dismissal order, particularly its effect on the running of the limitation period. The dismissal order does not interrupt the limitation period unless it is issued against the accused or formally notified to them.

Study, Dar Houma, Algeria, 2009, p. 65.

¹ Milyani Moulay Baghdad, *Criminal Procedures in Algerian Legislation*, National Book Institution, Algeria, 1992, p. 115..

² Abdallah Ouhaybiya, *Op. cit.*, p. 235.

³ Miraaj Al-Hadidi, *A Brief on Criminal Procedures with New Amendments*, Dar Houma, Algeria, 2004, p. 23..

4. The dismissal order cannot be reasoned or justified, as it is not a judicial ruling and does not carry legal weight before a criminal court. This stems from the discretionary authority granted to the Public Prosecution in deciding whether to initiate public prosecution
5. This decision applies to misdemeanors and infractions, but not to felonies¹

Second: Criminal Mediation

Mediation is a recent procedure adopted to resolve judicial disputes. Algeria has embraced this approach through its domestic laws, such as the Civil and Administrative Procedures Law No. 08-09. According to Article 994 of this law, judges are required to offer mediation to the parties in all cases, except for family matters, labor disputes, and any cases that affect public order.

The Algerian legislator introduced mediation for the first time as an alternative means to terminate criminal prosecution. This is reflected in Law No. 15-12 concerning child protection, which dedicates an entire chapter to mediation—Chapter Three of Title Three, covering Articles 110 through 115.

Referring to its definition, mediation is stated under the first chapter titled "General Provisions." It is described as a legal mechanism aiming to reach an agreement between the child and their legal representative on one side, and the victim or their legal heirs on the other. The goal is to end the prosecution, compensate the victim for the harm suffered, limit the effects of the crime, and contribute to the child's reintegration.

A) Conditions for Mediation:

The Algerian legislator specified a set of conditions that must be met for mediation to be valid. These are outlined in Articles 110 and 111 of the Child Protection Law, and they are as follows:

1. Mediation must be applied only to misdemeanors and petty offenses committed by children.
2. Mediation can take place at any time after the child commits the misdemeanor or petty offense.
3. Mediation must be conducted before the initiation of public prosecution.
4. Mediation cannot be used for felonies.
5. Resorting to mediation results in the suspension of public prosecution, starting from the date the Public Prosecutor issues the mediation order.

According to Article 111 of the Child Protection Law, the mediator may be the Public Prosecutor, one of their deputies, or a judicial police officer. Mediation involves three parties:

- The juvenile offender and their legal representative.
- The victim or their legal heirs.
- The Public Prosecutor, one of their deputies, or a judicial police officer.

B) Mediation Procedures and Outcomes:

The legislator granted this authority to the Public Prosecution before initiating public prosecution. Several rules must be respected to safeguard the rights of both the juvenile offender and the victim. If these rules are violated by the competent authority, the mediation becomes void. These rules are established by Law 15-12 to protect the rights of both parties.

The request for mediation may come from the juvenile offender, their legal representative, or the defense lawyer. It may also be initiated automatically by the Public Prosecutor. Once the decision to proceed with mediation is made, the Public Prosecutor summons the juvenile and their legal representative, as well as the victim or their heirs, to gather their opinions and proceed with the mediation process.

If an agreement is reached, a report is prepared detailing the demands and commitments of each party toward the other. This report is signed by the mediator and all parties involved. When mediation is conducted by the Public Prosecutor, all parties sign the agreement. If the mediation is conducted by a judicial police officer, the report is sent to the Public Prosecutor for approval, as per Article 112 of the same law.

The implementation phase follows, where the mediation report serves as an enforceable document. If the victim claims civil compensation, enforcement can proceed compulsorily, provided the document bears an enforceable formula, in accordance with Article 113 of Law 15-12.

The mediation report may also include a commitment by the juvenile, guaranteed by their legal representative, to

¹ Ishaq Ibrahim Mansour, *Op. cit.*, p. 121.

fulfill the obligations within the agreed timeframe, as stated in Article 114 of the Child Protection Law.

Second Section: Procedures for Juveniles During the Preliminary Investigation Stage

The investigation phase is among the most important stages of criminal proceedings, as it involves official procedures. Thus, it must comply strictly with the law to prevent any abuse of procedures that could lead to their invalidation¹. We will address the authority in charge of investigation in the first section, while the second section will examine the jurisdiction of the juvenile judge assigned to conduct investigations.

Section One: The Competent Investigative Authority

The Algerian legislator has assigned the investigation of crimes committed by juveniles—whether they are classified as contraventions, misdemeanors, or felonies—to a specialized authority, different from that which handles regular criminal investigations. This reflects the adoption of the principle of specialization in juvenile investigative procedures, delegated to two bodies:

A) Investigation by the Juvenile Judge

In the case of a misdemeanor committed by a juvenile offender, the Public Prosecutor refers the case to the juvenile judge. The judge must begin a preliminary investigation as soon as the case is referred, in order to conduct the necessary inquiries to reveal the truth and to understand the juvenile's personality. This must be done before the case is forwarded to the juvenile court for trial.

According to Article 61, one or more juvenile judges are appointed in each court located at the seat of a judicial district by a decision from the Minister of Justice, for a term of three years.

In other courts, juvenile judges are appointed by order of the President of the Court of Appeal, also for a three-year term. For the first time, the legislator required that the judge appointed to this position must hold the rank of at least Vice President of the Court. This condition was not present in the repealed Article 449 of the Code of Criminal Procedure. Article 61, paragraph 3, states: "Juvenile judges shall be selected from among judges who hold the rank of at least Vice President of the Court."

The legislator introduced this rank requirement to ensure the juvenile judge has the necessary responsibility, competence, and experience. This enables the judge to impose the most suitable sanctions in the interest of the juvenile, while also safeguarding the rights of both the juvenile and the victim. To achieve this, the judge must have some familiarity with social sciences related to juvenile behavior. The juvenile judge conducts the investigation by undertaking all necessary inquiries to establish the facts, understand the child's character, and determine the most appropriate educational measures.

B) Investigation by the Investigating Judge Assigned to Juvenile Cases

One or more investigating judges may be assigned in each court by order of the President of the Court of Appeal. These judges are responsible for investigating felonies committed by juveniles. This is outlined in Article 62(2), which states: "... the possibility of sharing investigative documents between the investigating judge and the juvenile judge, or with the investigating judge assigned to juvenile cases in felony matters"

As such, the juvenile judge must have substantial knowledge in modern pedagogy, psychology, sociology, and juvenile criminology. The role is more educational than judicial in nature.

Section Two: Jurisdiction of the Investigating Judge Assigned to Juvenile Cases

Under Law No. 15-12, the Algerian legislator defined the jurisdiction of the investigating judge assigned to juvenile cases. This applies to both delinquent children and children at risk. Jurisdiction is determined based on the territorial area in which the judge operates, known as territorial jurisdiction. As for subject-matter jurisdiction, it relates to the type of criminal activity the judge is authorized to investigate. Both types of jurisdiction are outlined below:

A) Territorial Jurisdiction

The investigating judge's territorial jurisdiction applies to two categories:

1) Delinquent Children

According to Article 60 of Law No. 15-12, territorial jurisdiction is determined by the following:

- The court district in which the crime was committed and where the juvenile judge exercises authority.
- The court district where the juvenile or their legal guardian resides.

¹ Abdallah Ouhaybiya, *Op. cit.*, p. 331..

- The court district where the juvenile was found.
- The location where the juvenile has been placed.

2) Children at Risk

For children at risk, territorial jurisdiction is determined by:

- The place of residence or housing of the child at risk¹
- **The residence or domicile of the legal guardian.**
- **The juvenile judge in the area where the child was found, in the absence of the above two conditions** (Article 32 of Law No. 15-12).

B) Subject-Matter Jurisdiction

In order for the investigating juvenile judge to exercise jurisdiction over crimes committed by minors, the legislator has made investigation procedures mandatory. This is outlined in Article 64 of Law No. 15-12. Investigation is obligatory in felonies and misdemeanors, but it remains optional in the case of minor offenses. As for children who are deemed to be at risk, the law subjects them to special protection measures. Therefore, the juvenile judge may only intervene after receiving a formal petition submitted by one of the following parties:

- The child or their legal representative.
- The Public Prosecutor.
- Local administrative bodies, such as the Wāli (Governor) or the President of the Municipal People's Assembly. These authorities are granted such power due to their administrative police role, especially when intervention is preventive and occurs before the commission of a crime.
- Services of open-environment institutions.

Section Two: Trial Procedures in Juvenile Cases

The trial stage in juvenile proceedings represents a pivotal phase in criminal justice. It is expected to culminate in legal outcomes that reflect both the procedural steps taken and the unique legal and psychological needs of the juvenile offender. This type of trial holds a distinct character, differing from regular criminal courts in both form and substance. It is aligned with international standards that stress the importance of protecting minors from the negative impact of conventional criminal trials, and that prioritize their rehabilitation and reintegration into society.

Juvenile justice legislation places significant emphasis on confidentiality, flexibility, and an educational approach during trial proceedings. These trials are designed to focus more on reform than on punishment. Accordingly, juvenile laws provide several safeguards, including the mandatory presence of legal counsel, the preparation of psychological and social background reports on the minor, and the adoption of corrective measures as alternatives to custodial sentences wherever possible². This will be addressed in the following section.

Section One: Judicial Authorities Competent to Try Juvenile Offenders

The identification of the competent judicial authority is a crucial starting point for ensuring a fair and effective trial for juvenile offenders. These authorities are designated by law to ensure specialization and efficiency in handling juvenile cases. The aim is to take into account the age, psychological, and social characteristics of children. Judicial specialization is considered a cornerstone of juvenile justice, as it seeks to establish a legal environment that responds to the specific needs of minors. It also ensures that justice is delivered in a manner that emphasizes rehabilitation and education, rather than retribution alone.

Accordingly, this section will examine the nature of the judicial bodies responsible for juvenile trials, the conditions under which they exercise their jurisdiction, and the mechanisms that support their role in achieving educational and social justice for this group.

Subsection One: Jurisdiction of the Juvenile Court

The juvenile court plays a significant role in carrying out its functions and fulfilling its objectives, which are centered on addressing the juvenile's situation in a way that promotes rehabilitation and protects against the risk of delinquency. The court departs from the conventional rules concerning territorial and subject-matter jurisdiction³,

¹ Abdallah Ouhaybiya, *Op. cit.*, p. 346..

² Husni Nassar, *Child Protection Legislations: Children's Rights in Constitutional, International, Civil, Criminal, Social Legislation and Personal Status Rules*, AlMa'arif Publishing, Alexandria, 1973, p. 208..

³ Baraa Abdel Latif Mundhir, *Criminal Policy in Juvenile Care Law*, 1st ed., Dar Al-Jamea, Jordan, 2009, p. 128..

The Juvenile Court is solely convened and exclusively competent, with no other court sharing its jurisdiction¹. The Juvenile Court considers the case of a minor when charged with any offense, whether an infraction, misdemeanor, or felony, and when the minor is at risk. Its jurisdiction is determined by the age of the minor at the time the offense was committed, not at the time of initiating the public action. Its rules are regarded as part of public order²

First: Subject-Matter Jurisdiction The Juvenile Division handles crimes committed by minors, classified based on their severity as infractions, misdemeanors, or felonies. This section explains:

1. Jurisdiction over Misdemeanors and Infractions The Juvenile Division has jurisdiction at the court level to hear infractions and misdemeanors committed by children, under Articles 59 and 79 of Order No. 15-12.

- Article 59 states: “Each court shall include a Juvenile Division that is competent to hear misdemeanors and infractions committed by children.”

- Article 79 adds that: “If the juvenile judge considers that the facts amount to an infraction or misdemeanor, they shall issue an order referring the case to the Juvenile Division.” The division also hears civil claims brought against delinquent children, under Article 88 of the Child Protection Law, and investigates felonies committed by children pursuant to Article 61 (4) of that law.

2. Jurisdiction over Felonies Subject-matter jurisdiction over felonies rests with the Juvenile Division at the judicial council’s main court. Article 59 (2) of the Child Protection Law specifies: “The Juvenile Division located at the judicial council’s seat is competent to hear felonies committed by children.”

Second: Territorial (Local) Jurisdiction Territorial jurisdiction determines which judicial body geographically handles juvenile cases. It follows general local jurisdiction rules and is based on the place where the crime occurred or where the child was arrested. Article 60 of the Child Protection Law lists criteria for local jurisdiction over Juvenile Divisions:

- The court district where the crime occurred
- The court of the child’s or their legal guardian’s place of residence
- The court in whose jurisdiction the child was found
- The court in the jurisdiction where the child was placed

These four criteria apply to Juvenile Divisions either at the court level or at the judicial council’s main seat. Beyond subject-matter and territorial jurisdiction, there is also personal jurisdiction: it applies to children aged 10 to 18 at the time of the offense—not at trial. Children under ten are exempt from criminal prosecution and cannot be tried, regardless of the severity of the offense.

Appeals and Reclassification Within the Juvenile System

1. Appeal Jurisdiction of the Judicial Council’s Juvenile Chamber The Juvenile Chamber at the judicial council’s seat hears appeals of decisions by Juvenile Divisions in cases of infractions and misdemeanors. It also hears appeals on felonies tried by Juvenile Divisions at the council’s seat, including appeals of juvenile judges’ orders.

2. The Juvenile Judge’s Power to Reclassify Offenses The law requires courts, especially Juvenile Divisions, to carefully examine the facts and evidence presented. If the facts are misclassified, the court must reclassify and decide correctly:

- a. If facts were brought as a misdemeanor, but in reality amount to an infraction, the Juvenile Division must reclassify and decide according to Article 65 of the 15-12 law on Child Protection.
- b. If a case was opened as a misdemeanor and referred to the Juvenile Division, but later the court finds the facts constitute a felony, the juvenile judge must transfer the case with all documents to the Juvenile Division at the judicial council’s seat. That division may then order additional investigation, with a juvenile investigating judge appointed.
- c. If the investigation is complete and the file was sent to the Juvenile Division at the judicial council’s seat, and then the court reclassifies the facts from felony to misdemeanor after hearing the case, it may proceed in line with the legal principle “whoever holds the whole holds the part”³

In application of the above, the Juvenile Division at the judicial council’s seat may rule on the offense in the absence

¹ Muawad Abdul Nawwab, *Explanation of Juvenile Law*, 3rd ed., University Press, Egypt, 1997, p. 40.

² Khalid Abdli Amiri, *Provisions of the Criminal Procedure Law*, 1st ed., New University Press, Egypt, 2000, p. 189.

³ Al-Hajj Ali Badr Al-Din, *Criminal Protection of the Child in Algerian Law*, Master’s Thesis, Tlemcen, 2010, p. 151.

of any provision preventing it. The same procedures are followed before this division, and this also contributes to procedural efficiency and reduces unnecessary burden.

Section Two: Composition of the Juvenile Division's Hearing Panel

The Juvenile Division operates as a collective judicial body. This structure is based on legal and social considerations to ensure a fair trial for the minor, taking into account the child's age and the sensitivity of their social and cultural circumstances.

First: Composition at the Court Level

According to Article 80 of the Child Protection Law, the Juvenile Division at the court level consists of the following:

1. **Juvenile Judge** Presides over the hearing. The judge must hold the rank of at least Vice President of the Court, in accordance with Article 61, paragraph 3, of the Child Protection Law.
2. **Two Sworn Assistants** Both principal and alternate assistants are appointed for a term of three years by order of the President of the competent Judicial Council. They must meet the following criteria:
 - Be over 30 years old
 - Hold Algerian nationality
 - Have interest in and specialization in child-related matters
 - Be listed in a register prepared by a committee that meets at the Judicial Council, whose composition and procedures are set by the Minister of Justice, Keeper of the Seals
3. **Representative of the Public Prosecution** The Public Prosecutor or one of their deputies.
4. **Court Clerk** Assistant to the Juvenile Division.

Second: Composition at the Judicial Council Level

The composition of the Juvenile Division at the level of the Judicial Council is defined in Article 91 of the Child Protection Law as follows:

1. **President of the Chamber**
2. **Two Counselors** Appointed by order of the President of the Judicial Council. They must be judges with a demonstrated interest in child-related matters or have experience as juvenile judges.
3. **Representative of the Public Prosecution**
4. **Court Clerk** Serves as the session's recorder.

The chamber carries out its duties in the same manner as the Juvenile Division at the court level. In appeal cases before the chamber, the presiding judge has the same powers as the juvenile judge, whether in investigation, adjudication, or post-judgment supervision. The key distinction between the Juvenile Division and the Juvenile Chamber lies in their composition: the first consists of a judge and sworn assistants, while the second is made up of a presiding judge and two counselors¹

Section Three: The Child's Rights During Trial

The Algerian legislator has established a dedicated judicial body for minors. This structure differs from the regular judicial system. As a result, trials involving minors must follow special procedures. These include: the confidentiality of hearings, a prohibition on publishing court proceedings, the presence of a lawyer and guardian, the hearing of the minor, and a social investigation. Each of these measures is briefly explained below

1. Confidentiality of Hearings

In principle, trials are conducted publicly. This means the courtroom is open to the public, and anyone may attend. Many constitutions across the world affirm this principle. However, exceptions are allowed to protect public morals or sensitive information. In such cases, it must be recorded in the trial minutes whether the session was public or closed.

While this rule applies to adult trials, most comparative legal systems require juvenile hearings to be held privately. In line with this, the Algerian legislator adopted confidentiality for juvenile proceedings. Article 82 of the Child Protection Law states: "Hearings before the Juvenile Division shall be held in closed session."

Further, Article 83 provides that: "The Juvenile Division rules on each case separately and without the presence of

¹ Al-Hajj Ali Badr Al-Din, *Op. cit.*, p. 154.

other accused persons. Only the child's legal representative, close relatives up to the second degree, witnesses, victims, judges, members of the National Bar Association, and, where necessary, representatives of associations and child protection officers involved in the case are allowed to attend."

The aim is to protect the best interests of the child. Public hearings may harm the child by indirectly exposing them to social stigma and psychological pressure. However, the final judgment must be pronounced publicly. Article 89 states: "Judgments in crimes committed by children shall be delivered in a public session."

2. Prohibition on Publishing Trial Proceedings

Article 8 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice states: "In principle, no information that may lead to the identification of a juvenile offender shall be published."

This rule seeks to protect the child's reputation and preserve their developing personality.

In line with this principle, the Algerian legislator expanded the scope of the publication ban and provided for criminal sanctions. Article 137 of the Child Protection Law states: "Anyone who publishes and/or broadcasts proceedings of juvenile court sessions, or summaries of hearings, orders, judgments, or decisions, whether in books, the press, radio, cinema, internet, or by any other means, shall be punished by imprisonment from six months to two years and a fine of 10,000 to 200,000 DZD, or by one of these penalties."

3. Presence of Lawyer and Guardian

Under general legal rules, an individual may attend legal proceedings in person and with their lawyer. However, in juvenile trials, the presence of a guardian or legal representative is mandatory. Judicial authorities are not permitted to deal directly with individuals who lack full legal capacity in procedures that concern their rights¹ In addition to the points previously mentioned, the child has the right to seek legal representation through a lawyer.

a) The Necessity of Appointing and Ensuring the Presence of a Lawyer for the Child: The court must, when a lawyer is involved, allow that lawyer to defend their client freely, comfortably, and within the bounds of the law. The lawyer must be enabled to fulfill the role granted to them by both the law and the Constitution, without any restriction on the rights of defense.

The presence of a lawyer alongside the juvenile is essential, regardless of how the offense is classified—whether it is a felony, misdemeanor, or infraction. If neither the child nor their legal guardian appoints a lawyer, the court must take the initiative to appoint or assign one.

This requirement is reflected in Article 25 of the Law on Legal Aid, which states that the costs of the lawyer shall be covered by the state treasury² A lawyer may withdraw from defending a juvenile offender for exceptional reasons or circumstances. In such cases, the court is authorized to appoint another lawyer to complete the duties of the withdrawing counsel. This measure ensures that the juvenile's trial proceeds without delay. The presence of a lawyer is considered a matter of public order. Accordingly, the judge must inform the accused of their right to legal representation and record this notification in the minutes, as stipulated in Article 33 of the Child Protection Law. The right to defense, whether oral or written, is fundamental. The defense must adopt a clear and explicit stance before the court. It should critically examine the evidence to determine if it is sufficient or insufficient to convict the accused. This allows the court to safeguard the guarantees necessary for uncovering and revealing the truth.

b) Presence of the Juvenile's Guardian: According to general legal principles, an individual attends legal proceedings personally with their lawyer. However, the social nature of juvenile trials requires a distinctive approach. This results in procedures that diverge from general rules, emphasizing protections specifically designed for the benefit and welfare of the juvenile offender. One key protection is the mandatory presence of the guardian or legal representative during the trial. The law requires the guardian or their delegate to attend and follow the proceedings. Article 68(1) of the Child Protection Law states: "The juvenile and their legal representative shall be notified of the prosecution by the juvenile judge." The purpose of this notification is to ensure the hearing of the juvenile, their guardian, and any persons the judge considers relevant for the juvenile's rehabilitation and reform. The judge summons the juvenile, defense lawyer, and legal guardian or their delegate by sending a formal notice within eight days, as per Article 38(2) of the Child Protection Law. The presence of the guardian is particularly important psychologically, as it provides reassurance and helps mitigate adverse effects on the juvenile.

Section Two: Sanctions Imposed on the Juvenile and Available Appeals

The issuance of a penalty or measure against the juvenile offender marks the final stage of the proceedings before

¹ Yamena Amimer, *Protection of the Delinquent Juvenile in Criminal Procedure Law*, Master's Thesis, Faculty of Law, University of Algiers, 2009, pp. 110–111.

² Article 292 of the Criminal Procedure Code states: "The presence of a lawyer at the session to assist the accused is mandatory, and when necessary, the president shall appoint a lawyer for the accused ex officio."

the juvenile court. Such decisions carry legal, social, and psychological consequences that may affect the juvenile's future. Given the juvenile's age and level of maturity, it is essential that these sanctions be based primarily on rehabilitative and educational foundations rather than punitive ones. This approach aligns with the principles governing juvenile justice¹.

Accordingly, this section will examine the main types of sanctions that may be imposed on the juvenile offender. It will then outline the available means of appeal and the accompanying safeguards designed to protect the juvenile's procedural and legal rights².

Accordingly, this section will be divided into two subsections. The first subsection addresses the issuance of the judicial ruling, while the second discusses the means of appealing such rulings.

Subsection One: Issuance of the Judicial Ruling

According to the provisions of Articles 49, 50, and 51 of the Penal Code, as well as Articles 76, 85, 87, 100, and subsequent articles of the Child Protection Law, the general rule in cases of misdemeanors and felonies is that the juvenile offender is sentenced only to protective and rehabilitative measures. As an exception, the court may sentence the juvenile to imprisonment or a fine. For violations, penalties may include either a reprimand or a fine. Additionally, the court may impose probation and supervision if necessary.

The fundamental aim of initiating a public prosecution and pursuing the juvenile offender—whether delinquent or at risk—is to reach a judicial ruling. This ruling may result in acquittal, as stipulated in Article 84 of the Child Protection Law: "If the arguments or facts presented in the case do not establish any crime, or if they are unproven or not attributable to the child, the juvenile court shall acquit."

If the crime is proven and the juvenile is convicted, the law grants the juvenile court authority to impose the following rulings:

- Protective measures
- Custodial sentences

The juvenile judge primarily handles these penalties, as they impact not only the life and future of the juvenile but also society as a whole. An incorrect judgment may burden society and potentially transform a delinquent child into a habitual criminal. Therefore, the system prioritizes protective measures, then custodial sentences, and finally fines.

1. Protective and Rehabilitative Measures

Legislations differ in recognizing and adopting such measures in their domestic laws, with several approaches emerging:

- The first approach grants juveniles protective measures while prohibiting any penalties prescribed for adults, except those regarded as both adult penalties and juvenile measures.
- The second approach applies protective measures only to minors who lack criminal responsibility, while juveniles aged 13 to 18 are generally subject to such measures but may be sentenced to mitigated punishments based on justified judicial decisions.

Regarding the position of the Algerian legislator, although these protective measures are not considered punishments—since they are absent from the list of primary or supplementary penalties—they also do not fall under security measures. This is due to their exclusion from the measures listed in Article 19 of the Criminal Procedure Code. Nevertheless, a close examination of their content and objectives reveals that they closely align with the concept of security measures as defined in Article 4 of the same code³

It is worth noting the text of Article 85 of the Child Protection Law, in which the legislator enumerates the protective and rehabilitative measures. The juvenile judge is granted the authority to select what is appropriate based on the nature of the offense committed by the juvenile. This approach is common in comparative legislations. The purpose of listing these measures is to provide the juvenile judge with flexibility to choose the most suitable measure for the specific case before them. This is due to several reasons:

- a) Juveniles differ among themselves in terms of age, level of understanding, physical condition, and motives for committing the offense, as well as the seriousness of the crime.
- b) Juveniles do not possess the same awareness as adults. Even a mitigated punishment may negatively affect their

¹ Nabil Saqr, *Supreme Court Jurisprudence in Criminal Procedures*, Vol. 1, Dar Al-Huda, Algeria, 2008, p. 68.

² Suleiman Abdul Moneim, *Fundamentals of Algerian Criminal Procedures*, New University Press, Egypt, *ibid.*, p. 845.

³ Ahsan Yousqi'ah, *A Brief on General Criminal Law*, 12th ed., Dar Houma, Algeria, 2013, p. 369..

psychological well-being and social environment.

c) The legislator's recognition and enumeration of protective measures align with the principle of judicial individualization. These measures also correspond with Islamic law, under which juveniles are not held criminally liable like adults. Instead, their responsibility is disciplinary. Thus, punishments such as hudud, qisas, or ta'zir do not apply to them. Instead, they may face admonition, custody, or placement in a special institution.

Based on the above, the law grants the juvenile judge authority to issue protective measures in two scenarios: either against juvenile delinquents or juveniles at risk.

1) Measures Taken Against Juvenile Delinquents:

Juvenile courts apply different criminal procedures according to the juvenile's age and the type of crime committed. If a juvenile commits an offense classified as a violation and is under 13 years old, the court may only issue a reprimand. However, if the court deems it beneficial, it may place the juvenile under a probation system according to Article 87/01 of the Child Protection Law.

For juveniles aged between 13 and less than 18, the court may impose either a reprimand or a fine. The latter is applied under the responsibility of a civil guardian and this must be noted in the ruling, as indicated in Article 87/02. The reprimand is part of the corrective measures applied to juvenile offenders for minor violations. There are various definitions of reprimand, but the common theme is that it serves as a form of guided and corrective blame. The judge chooses the wording and manner to ensure it has a positive impact on the juvenile without causing harm.

The reprimand is delivered in the juvenile's presence. Its purpose is to address the fact that the offenses committed are minor and the juvenile's personality does not reflect criminal danger. Juveniles generally possess sound emotional capacity, making the reprimand sufficient for reform. It creates a psychological awareness in the juvenile about the wrongfulness of their behavior, discouraging repetition under the threat of consequences if their behavior does not improve.

If the juvenile commits an offense classified as a misdemeanor or felony, custodial sentences or fines are generally not applied. Instead, one of the protective measures listed in Article 85 of the Child Protection Law is used:

1. Delivery to a legal guardian or a trustworthy individual or family.
2. Placement in an accredited institution responsible for child welfare.
3. Placement in a boarding school suitable for school-age children.
4. Placement in a specialized center for juvenile delinquents.
5. Placement under probation supervision.

In all cases, the duration of these measures must be limited and cannot extend beyond the date on which the juvenile reaches the age of criminal majority (18 years). Notably, the Algerian legislator has reduced the number of protective and rehabilitative measures compared to the former Article 444 of the repealed Criminal Procedure Code. It can also be inferred that the legislator divided the measures into two categories: those related to delivery and those related to placement.

2) Measures Taken Against Juveniles at Risk:

The legislator adopted the same approach for juveniles at risk as for delinquents, prescribing delivery and placement measures. Article 40 of the Child Protection Law grants the juvenile judge authority, by order, to impose one of the following measures:

- a) Keeping the child within the family.
- b) Delivering the child to the father or mother who does not hold custody unless custody has been legally revoked.
- c) Delivering the child to a relative.
- d) Delivering the child to a trustworthy individual or family.

The judge may also assign open-environment services to protect and care for juveniles. Social reports must be regularly submitted to the juvenile judge on the juvenile's progress and rehabilitation within society.

Furthermore, the judge may order placement in the following centers, according to Article 41 of the Child Protection Law:

- Specialized centers for the protection of juveniles at risk.
- Departments responsible for child welfare assistance.

3) Duration of Protective Measures: In order to safeguard public freedoms and to prevent a juvenile from being subjected to protective measures for longer than necessary for their treatment, the legislator has set clear maximum limits.

First, it is important to note that there has been scholarly debate regarding the legitimacy of imposing measures on a person before the commission of a crime. Some argue that this constitutes a clear violation of individual rights and freedoms. They believe such measures should be subject to judicial oversight only after a crime has been committed. Others support judicial intervention before the act, considering these measures as precautionary steps that protect society from the negative consequences of juveniles at risk. This latter view is the one adopted by the Algerian legislator.

To achieve the corrective and therapeutic purpose of such measures, the authority is given discretion to terminate them once their goals have been met and the juvenile no longer poses a danger. The duration of the measure is not determined by the gravity of the crime or the juvenile's responsibility but rather by the level of risk and need for rehabilitation.

For juvenile offenders, the judge's ruling on the measure must not extend beyond the age of criminal majority, which is 18 years. In the case of juveniles at risk, the duration of protective measures is two years, renewable, but in all cases, it may not exceed the child's 18th birthday, according to Articles 42/01 and 85/03 of the Child Protection Law. Although this is the general rule, in cases of necessity, the period may be extended up to the age of 21. This extension may be requested by the person to whom the child was entrusted, the juvenile themselves, or ordered by the authority on its own initiative. When such an extension is granted, the juvenile benefits from the support outlined in Article 44 of the Child Protection Law.

Second Custodial Sentences The personality of the juvenile is still considered limited, as their life experience is incomplete. While the juvenile may have developed criminal tendencies and discernment, their psychological immaturity and capacity for rehabilitation have led the legislator to leave certain decisions to the discretion of the judge. The judge must decide whether to continue with protective measures or replace them with a fine or imprisonment.

If the court determines that the seriousness of the offense or the juvenile's danger requires a custodial sentence, this sentence applies only to juveniles who are older than 13 but younger than 18. The court must justify its ruling and comply with the provisions of Article 50 of the Penal Code, which requires the sentence duration to be half of what would have been imposed if the offender were an adult.

This exception is considered a legally mitigating circumstance that the court must observe. Failure to do so renders the ruling invalid and subject to appeal due to violation of the law.

In cases where the juvenile commits a felony, a custodial sentence is applied. Youth is considered a mitigating factor, but the offense remains classified in its original form. This was confirmed by the Court of Cassation when it ruled that "the juvenile's excuse is based on a personal circumstance, namely age, which has no impact on the nature of the crime. Therefore, the juvenile's felony remains in its original category."

The Algerian legislator has also ensured that custodial sentences for juvenile offenders are subject to forms of segregation and investigation. Imprisonment, as a custodial sentence, cannot be imposed on a juvenile offender under the age of 18, even temporarily. This is consistent with the United Nations Rules for the Protection of Juveniles Deprived of their Liberty of 1990 at the international level. These rules stipulate that detention should be used only as a last resort. Furthermore, juveniles should not be deprived of their liberty except in accordance with the principles and procedures set forth in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, commonly known as the Beijing Rules.

Third The Fine: A fine is a financial penalty that requires the convicted individual to pay a certain sum to the treasury. It is imposed on the juvenile offender as a punishment in cases of minor offenses, according to Article 51 of the Penal Code and Article 87 of the Child Protection Law. The fine must be paid by the civil guardian, as physical coercion cannot be imposed on juveniles under Article 600 of the Criminal Procedure Code.

The law also recognizes the fine as a penalty applicable to juveniles, provided that it suits the circumstances of the offender and contributes to their rehabilitation and reform. Although fines are among the measures stipulated in various legislations, there is disagreement regarding their effectiveness when applied to juveniles. Some argue that fines have little benefit because they are often paid by the juvenile's parents. In cases of non-payment, the judge may replace the fine with another measure. Conversely, others support the imposition of fines on juveniles.

From the provisions of Articles 86 and 87 of the Child Protection Law, it can be concluded that juveniles may be fined for minor offenses. Exceptionally, for juveniles aged over 13, fines may replace or supplement the protective measures outlined in Article 85 of the same law if the judge deems it necessary due to the juvenile's personal

circumstances. Such decisions must be justified with a reasoned ruling¹.

Section Two: Methods of Appealing Judicial Rulings This section addresses the main methods of appeal available to juveniles. It outlines their conditions, the competent judicial authorities, and examines whether these methods strike the necessary balance between protecting the juvenile and ensuring effective legal deterrence.

First: Ordinary Methods of Appeal The ordinary methods of appeal for judicial rulings and decisions are opposition and appeal. This is based on Article 90/01 of the Child Protection Law, which states: *“An appeal against judgments issued in misdemeanors and felonies committed by the child may be made by opposition and appeal”*

1. Opposition (Al-Mu’arada): Opposition is the first ordinary method of appeal in terms of time and procedure. It applies to judgments and decisions issued in absentia against the juvenile. Through this method, the opposing party may submit a request to the same judicial authority that issued the judgment or decision in the juvenile’s absence. The goal is to have the case reconsidered so that the party can present arguments, evidence, or defenses that were not submitted before the issuance of the contested in absentia ruling.

A judgment or decision is considered in absentia when the accused fails to attend the trial session. This may be due to a failure to notify the accused properly, or due to an acceptable excuse preventing the accused from appearing before the court. In such cases, justice requires a retrial with the juvenile present²

Referring to the text of Article 90 of the Child Protection Law, the legislator permits juveniles to file an opposition appeal against judgments issued by the Juvenile Section of the court when the crime is classified as a misdemeanor. If the crime is classified as a felony, the opposition appeal is to be made before the Juvenile Section of the court at the Judicial Council, meaning that the opposition appeal is filed before the same authority that issued the default judgment.

Opposition appeals are accepted according to the same deadlines and procedures applied before the criminal court. This is stipulated in Article 90 of the Child Protection Law, which states that judgments issued by the Juvenile Court may be opposed by the juvenile, their legal representative, or their lawyer. The appeal must be submitted within the time limits specified in Article 411 of the Algerian Code of Criminal Procedure, which is within ten days from the date of notification of the judgment. If the notification is given to the accused person, this period is considered insufficient and short. Therefore, the deadline is extended to two months if the person resides outside the national territory, according to Article 411 of the Code of Criminal Procedure.

If the juvenile fails to appear or does not attend the opposition hearing, Articles 409 to 415 of the Code of Criminal Procedure apply. Moreover, opposition appeals can be filed against criminal penalties, whether imprisonment or fines, and some measures where the judgment is issued in absentia. However, in the case of measures such as surrender or reprimand, the juvenile must be present since such decisions cannot be issued by the juvenile judge without their presence. The juvenile, their legal representative, or lawyer may file an opposition appeal without violating the provisions of Article 17 of the Code of Criminal Procedure. Opposition appeals are also permissible against judgments in misdemeanors, violations, and felonies committed by the juvenile, according to paragraphs 1 and 4 of Article 90 of the Child Protection Law.

B. Appeal: The juvenile accused may present any evidence missed earlier in their defense before the Juvenile Section at the Judicial Council. In line with the principle of two-tier litigation, the law generally permits appeals against all criminal procedures and judgments, according to Articles 49 and 50 of the Algerian Penal Code. These judgments, related to violations, misdemeanors, felonies, and financial penalties, may be appealed before the Juvenile Chamber at the Judicial Council, according to Articles 417 to 428 of the Algerian Penal Code.

Article 416 of the Code of Criminal Procedure specifies the judgments subject to appeal. These include judgments related to misdemeanors that impose imprisonment or fines exceeding 20,000 Algerian dinars for individuals and 100,000 Algerian dinars for legal entities, as well as acquittal judgments.

Second: Extraordinary Remedies The cassation appeal is an extraordinary method to challenge final judgments issued by the highest courts in felonies and misdemeanors. Article 95 of the Child Protection Law permits cassation appeals against final judgments and decisions issued by juvenile judicial authorities. This raises the question of whether juveniles have the right to file cassation appeals or any other extraordinary remedies, such as requests for retrial under Article 531 of the Code of Criminal Procedure.

The law grants juveniles the right to file cassation appeals against final judgments and decisions issued by juvenile

¹ Bouazza Didan, “Child Protection in Algerian Penal Law,” *Economic and Political Journal*, Vol. 35, No. 4, Dar Al-Hikma, Algeria, 1997, p. 1076.

² Abdul Aziz Saad, *Methods and Procedures of Appeal in Judgments and Judicial Decisions*, 1st ed., Dar Houma, Algeria, 2005, p. 15.

courts. This also applies to measures ordered by the Juvenile Chamber at the Judicial Council. The deadline to file a cassation appeal is eight days, starting from the day after the ruling is pronounced for judgments delivered in the presence of the accused, and from the day opposition is no longer accepted for default judgments, in accordance with Article 498 of the amended Code of Criminal Procedure. The Algerian legislator has not established a specific provision explicitly granting juveniles the right to cassation appeals, unlike the case for appeals.

CONCLUSION:

What can be concluded from this study is a final summary of its findings, which indicate that juvenile delinquency is primarily a social problem rather than merely a legal one. Juveniles' behavior interacts with the surrounding social environment they live in, and they are influenced by what they experience around them. This influence results from either internal or external factors. Thus, without these factors, a juvenile would not necessarily be delinquent or deviant.

The Algerian legislator has shown concern for juveniles since independence by enacting several laws aimed at protecting children, such as Law No. 72-02 on the Protection of Childhood and Adolescence. This concern further developed with the issuance of the new and specific Law 15-12, the Child Protection Law. This law contains provisions consistent with the 1989 International Convention and aims to secure care, protection, and safeguard the rights of the child. It grants the juvenile judge broad authority, especially when the child is in danger.

The Algerian legislator defines a juvenile by legal age, which is eighteen years old, the age of criminal majority. Law 15-12 addresses both the child and the juvenile, prioritizing the child's best interest in every situation. It established a comprehensive legal system specifically designed to deal with this group—the Juvenile Court. This court holds exclusive authority to handle cases involving children, whether they are at risk or delinquent. Law 15-12 highlights the authority of the juvenile judge, whose role is preventive, reformatory, and administrative. The judge is concerned with all aspects of the juvenile's situation, whether the child is physically or psychologically endangered, exposed to risk, or at risk of deviation that threatens their future, or if they have committed an offense that endangers society. Therefore, it can be said that the enactment of this law reflects the Algerian legislator's awareness of the importance of juveniles in society.

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