



# Execution of convictions for deprivation of liberty: Between the necessity for prompt execution and the requirements for postponement



Received: 09/10/2024; Accepted: 26/02/2025

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## Abstract

In an effort to realize the objectives of the criminal sanctions, modern laws have taken into account the penal provisions of executive rules and court controls to facilitate the completion of the procedure for their implementation in a complete manner, so as to achieve the essential equilibrium between the freedoms of other people who were harmed by the act and the interests of the condemned criminal as a human. It is in this context that the importance and necessity of prompt execution of convictions involving deprivation of liberty as a public asset has been emphasized in order to achieve the end of this penalty.

## Keywords

Punishment ;  
Deprivation of freedom.;  
Implementation;  
Postponement;  
Immediate.

## الكلمات المفتاحية

عقوبة؛  
سلب حرية ؛  
تنفيذ؛  
تأجيل؛  
فورية.

## تنفيذ أحكام الإدانة بسلب الحرية بين ضرورة التعجيل ومقتضيات التأجيل ملخص

سعيًا منها لإدراك الأهداف المتوخاة من الجزاءات الجنائية، أحاطت القوانين الحديثة الأحكام الجزائية بقواعد تنفيذية و ضوابط محكمة لتسهيل استكمال إجراءات تنفيذها على الوجه الأتم ، بما يحقق التوازن المطلوب بين مصلحة الغير ممن كان ضحية للجريمة شفاء لغيضه وتحقيقا للردع بنوعيه وبين مصلحة المحكوم عليه بصفته إنسانا . وفق هذا السياق تم تأكيد أهمية و ضرورة السرعة في تنفيذ أحكام الإدانة المتضمنة سلب الحرية كأصل عام بغية تحقيق الغاية من هذا الجزاء ، و وضعت استثناءات سطرت بقدر محكم استوجبت التأجيل و هذا القدر مناطه تحكيم الاعتبارات الإنسانية .

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## **Introduction :**

Inevitably, the courts' different degrees of decisions and rulings and the process of their implementation have prompted those ensuring implementation in various legislations to explore rules governing the procedures to be accessible during the enforcement of freedom-restricting sanctions, within the prisoner admission process, without raising violent reactions that might complicate their progress, and to find a way to achieve the social goals for which the laws have been enacted.

In this study, we address the issue of executing sentences of deprivation of liberty due to its significant importance. How can the need to expedite their implementation in order to achieve the desired deterrent objective and to satisfy the general sense of justice be reconciled with the need to postpone such implementation in view of humanitarian considerations?

In order to respond to this problem, we have chosen both descriptive and analytical methods by which we read as the original text of the Algerian Prison Organization Act 05-04 in explanation, analysis and statement; from this point of view, the study has been divided into two studies:

Section I: Regulations for the application of a penalty involving deprivation of liberty.

Section II: Procedures for postponing the execution of this sentence.

Their statement along these lines is as follows:

### **I. Regulations for the application of a penalty involving deprivation of liberty :**

Several rules relating to the procedural aspect of penalties against the freedom of convicted persons apply almost to each of them, some to the immediate execution of convictions involving this type of sanction, others to the calculation of their duration and how to resolve what they have exhausted before the sentence's actual portion, with additional sentences applied to the order of enforcement if needed.

The contents of these executive rules are presented in two requests:

- Immediate and precise implementation.
- Arranging the implementation of these sanctions.

The details are as follows:

#### **I 1. First Subtitle : Immediateness and In the enforcement of sanctions involving deprivation of liberty :**

This element emphasizes the principle of promptly implementing such sanctions , and their manner, particularly regarding the calculation of the sentence imposed on the convicted individual, particularly if the individual is arrested for a certain period of time before the final judgment is handed down, thereby violating his personal freedom as an accused. Briefing on these two issues takes the following sections:

##### **1- As a general basis for the application of judicial:**

And penal judgments, especially as soon as they become<sup>(1)</sup> final the first of which is the provision for penalties of imprisonment, so that there is no room for appeal in any way, even if they have been issued initially, but with provisional enforcement of certain legislation such According to Article 463 of the Code of Criminal Procedure in Egypt, the appropriate authority is fully empowered to carry out this function; and to make it clearer that:

##### **1-1: There can be no recourse to penal provisions:**

###### **a. If the conditions:**

for them, whether those relating to the status of obedient, are absent, they shall be met by opposition at the level of 413 p1p2of C.C.P, or concerning clauses in question, like the Code of Criminal Procedure's Article 409(1), or the reality that the sentence was actually absent, but it was handed down in a felony of 326 of C.C.P ;Once the accused is present and surrenders to prison, public prosecutor, police or arrest, the opposition is dropped; or the appeal date is 411/ P2 of C.C.P, which is 10 days extendable to a maximum of two months in the situation explained by the previous text P2.

###### **b. Or appeal:**

if it relates to Article 416 of the Code of Criminal Procedure states that the criminal articles that we have triggered the offense. If the appellant does not originally have the right to appeal, those who do possess this right are enumerated in Article 417 / C.C.P, exclusively, or at the time of the scheduled appeal in A 418 p2. / C.C.P)<sup>(2)</sup> .

**c. There is also no possibility of appeal in cassation:**

if the contested decisions are set out in A496/ C.C.P. Even in the event that the sentence, subject to being final and of the highest caliber, the right to appeal can be extinguished if the convicted person (In absentia) advances and surrenders himself to prison or is arrested before the death sentence is served by progress, the sentence and the proceedings taken are not valid since the order to present himself, as stated in article 326 / C.C.P .

Also, there's no way to repudiate if the stabbing doesn't have that right, and I've identified Article 327 / C.C.P) who has this right, or if the date of the stabbing is over, that's what article 498 / C.C.P approved

**1-2: The competent authority is:**

responsible for imposing custodial or prison sentences are Article 36 of the Code of Criminal Procedure states that the Public Prosecutor's representative has jurisdiction over la République, which includes carrying out investigative judgments. and authorities, as stipulated by article 08/P2ofPrison Organization Act in accordance with the judicial specialization in criminal matters, which includes Paragraph 3 authorizes the Attorney-General and the State Procurator to use force in supervising the implementation of judicial decisions. may request the use of public force directly to facilitate implementation.

That's what article 462 /C.C P says : The Egyptian prosecutor's office has authority over the implementation of the relevant provisions and, if necessary, may use military forces.

Therefore, final convictions that include a penalty of deprivation of liberty require the competent Courts are required to execute them immediately as an asset.

**1-3: Exception to the rule of immediacy:**

The principle of "prompt enforcement of penalties involving deprivation of liberty" which was established by final judgments, is not absolute; even if the sentences are not final, such immediate enforcement may be permitted by law.

The judgment is subject to appeal, although it may not be carried out in the first place (as per article 411 / C.C.P Until the decision is taken, however, some bodies have been by law, the accused can be placed in prison before the final determination of the case. Article 117, Paragraph 3, of the Code of Criminal Procedure specifies this provision. The legislature also empowers the Public Prosecutor to order the placement of the accused in re-education centers, as needed, during this period, that the conditions prescribed in paragraph 59 must be met if he considers that the perpetrator of the offense has failed to provide adequate guarantees for his further attendance.

Article 59 / C.C.P As amended by Act No. 04-14 of 10 November 2004, states that if the perpetrator of the offense in question fails to provide adequate guarantees of attendance, the act is punishable by detention or imprisonment. The placement of the accused in re-education centers can only occur after the investigating judge notifies the Public Prosecutor, following the institution of interrogation proceedings, with regard to his identity and the acts attributed to him.

Just the first text, 117 / C.C.P Any judge—whether the investigating judge, the public prosecutor, the criminal court, or the president of the indictment chamber—has the authority to issue such an order.

Calculation of the duration of sentences affecting freedom: We determine the starting point for calculation and then the mechanism for reducing the period of detention before trial.

**2-1. How to calculate the duration:**

Regardless the type of penalty is for Once sentenced to liberty, and to ensure that The law ensures that the freedom of the wrongly convicted individual is not unjustly restricted. The term of such punishment shall commence from the day of arrest and imprisonment until the sentence is served<sup>(3)</sup>.

This was decided by Article 12, Paragraph 1 of the Algerian Penal Code of Procedure stipulates that the commencement of the execution of a sentence involving deprivation of liberty is determined from the moment the person receives a notice there of admission to prison, which specified the time of his upon arrival at the prison institution, according to Article 482 of the Algerian Penal Code of Procedure (P.O.A.) stipulates that the term begins from the date of the convicted person's arrest according to the court judgment. Article 21 of the Penal Code specifies that the calculation of the term commences from the first day of the convicted person's detention, following an enforceable sentence, with due regard to the length during his detention pending trial.

In all penal laws, the duration of imprisonment is calculated by the Christmas calendar, which is stated in 560 / Egy.C.C.P., Since all the periods specified in the Criminal Procedure Codes are calculated by Christmas valuation," it is

quoted Based on the text of Article Article 40 of the Algerian Penal Code (in French) and Article 12, Paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women correspond to the provisions of Article 481/ Egyptian C.C.P .She didn't cut out article 490 / C.C.P.Egy.Unless the prisoner is released before the sentence is served, except in cases specified by law.

## **2-2: Deduction of the duration of pretrial detention:**

the accused 's freedom before trial is often deprived of considerations relating to the interest of investigation. This measure is called provisional detention; it is not even unfair to the prisoner, who is still presumed to have been acquitted until proven guilty. Modern methods have established that the guideline for reducing the period of pretrial detention begins from the moment specified in the conviction judgment has been established<sup>(4)</sup>.

This rule is listed in article 12P3 /Algeran.C.C.P., In its third paragraph, it stated that, in the event of preventive detention, each day of provisional detention shall be deducted from the total sentence , ordered by a judicial decision upon the sentencing.

I've got the text of article 482 / Egy .C.C.P. Taking into account the duration of pretrial detention, the length of the sentence imposed on the person shall be calculated from the day of their arrest.

The French courts have established that pretrial detention commences from the time the arrest warrant is issued by the investigator and the accused is sent to prison. If the accused is caught in flagrante delicto, pretrial detention starts only from the issuance of the detention order, not from the moment of arrest.

## **I. 2. Second Subtitle: Before executing sentences involving deprivation of liberty, arrangements must be made:**

Prior delving into an explanation of this rule, we would first like to clarify the status of a number of crimes that the criminal judge often finds himself before<sup>(5)</sup> , in which there is a distinction between two cases of Algerian penal law:

### **1:One referral case:**

when the offender commits several offenses without a final judicial decision, he or she shall be brought before the competent court in a single instance; the judge who speaks shall then be liable to a single penalty of deprivation of liberty, as outlined in Article 34 of the Algerian Penal Code. However, in cases involving multiple offenses or misdemeanours that are both referred to a single court, a single penalty is imposed against freedom, and its duration shall not exceed the maximum penalty prescribed by law for the most serious offense.

It appears that the legislator, in addition to being excluded from the idea of multiple custodial sanctions despite For multiple crimes<sup>(6)</sup>, it further clarification is required:

The penalty imposed for deprivation of liberty shall be consistent.

The duration of this sentence should not exceed the maximum legally prescribed sentence for the most serious offense.

### **2. Multiple referrals:**

when a person commits a number of offenses, and every time he or she is brought before a court and sentenced, only one of the sentences imposed against him or her, which is the most severe sentence, shall be executed<sup>(7)</sup>.

The exception is only one case in which the law allows a judge to include all or some of the sentences imposed, if of the same nature; this is provided for in article 35 /.Alg .P.C. If the courts handed down multiple anti-freedom sentences on the basis of multiple trials, only the most severe punishment would apply.

However, if the sentences are of the same nature, the judge may by reasoned decision order the inclusion of all or some of them within the maximum legally prescribed peak for the most serious offense<sup>(8)</sup>.

It is also clear that in this case the law required that the maximum penalty should not be exceeded, and in the case in which the judge was authorized to include a single sentence, it required that the decision of the joinder should be given cause.

The rule of "order of enforcement" in Algerian law seems to be implausible, since even in multiple cases, only the most severe punishment is carried out because it is meting out other penalties of the same nature.

The Egyptian legalizes the order of execution so that it is set down from the most severe punishment to the lightest penalty; article 34/ Alg .P.C. affirms that in the event of a variety of penalties, the following must be carried out:

1. Hard work, 2 - imprisonment, 3 - imprisonment with labour, 4 - simple confinement

If the convicted person does not benefit from the consolidation of the sentences imposed on him.

Even if the lighter penalty is carried out, the perpetrator has been sentenced to another more severe penalty, the execution of which is deferred until the higher penalty is served.

Thus, in Egyptian law, as well as in Lebanon, the most severe penalty is excluded; it is applied only when there is a number of offenses<sup>(9)</sup>; if the same act is committed under multiple legal provisions, and if the offenses are interconnected with a unified objective<sup>(10)</sup>.

And as long as it is, the hard work must take any other penalty of restriction of liberty for an offense that occurred before it was sentenced in the light of article 35/ Egy .P.C. Finally, it is required that the total of these not exceed the limit set by 36/ Egy.C.P.

## **II– Procedures for postponing the execution of this sentence.**

In the first rule, we have already indicated that the principal in the execution of judicial and penal decisions, in particular those prescribed for penalties restricting liberty, particularly immediate, but that the law has excluded certain cases for special considerations regarding the condition of the sentenced person, which may warrant.

Al-Rahmah has been found guilty; these cases have been restricted by some of the following techniques: Egyptian and Lebanese.

Algerian law had expanded the number of postponements in four cases: one in which the law had to defer enforcement and the other three was permissible.

Other legislation has expanded the census of postponements<sup>(11)</sup>, including Algerian legislation, as we will see later. After all, the delay of both kinds: duty and reward is as follows:

### **II 1. First Subtitle : Postponements:**

#### **1 - Due or compulsory postponement:**

There is a unique situation in which the execution of the legally imposed sentence of deprivation of liberty may need to be postponed, specifically in cases of "insanity of the liberty has to be postponed, namely, "insanity of the convicted person"; insanity is considered to be an impediment to enforcement and does not serve the sentence, but only until recovery.

And I confirmed Article 35 of the P.O.A .However, if the prison doctor finds out that the convicted prisoner is an insane and inevitable prisoner before the medical ward of the prison centres for re-examination, if the situation requires that he be transferred to a psychiatric hospital to ascertain his condition immediately, if he is found to be a psychopath, he remains in the hospital, and the public prosecutor must be informed so that he can order his placement in the hospital until he is cured, then the hospital administration notifies the public prosecutor, who orders the person's return to prison. The period spent in the hospital is then deducted from the sentence. from the judge &apos; s sentence.

The Public Prosecutor's Office, in its capacity as the executing authority, has the authority to transfer a mentally ill convicted person to a psychiatric hospital. Article 462 of the Code of Criminal Procedure (Alg.C.C.P.) explicitly states this. Office is responsible for executing sentences pronounced in public trials, as stipulated in Article 36, Paragraph 6. The Attorney-General of the Republic is mandated to execute investigation decisions and judicial orders, issuing necessary decisions and taking measures to ensure their implementation.

As provided in article 20 of the Alg. P.O.A The decision to defer must be made by the Attorney-General of the competent Judicial Council for execution if the sentence is less than three months &apos; imprisonment.

The authority to grant a stay for sentences postponement of three months or more is solely within the competence of the Minister of Justice. The Public Prosecutor or the Minister of Justice must approve the extra time request on a case-by-case basis, accompanied by supporting documents detailing the facts and circumstances justifying the place of sentence execution, as stipulated in Article 21 of the Algerian Penal Code of Procedure (Alg. P.O.A.).

It must be emphasized that after the insane prisoner has been referred to psychiatric hospital centres, the length of time he has spent in this centre is deducted from the length of his sentence, because his presence in this place is also restricted to his freedom; it is unfair not to discount her, especially if he has been there for a long time; this is what article 317 / Egy .C.C.P has decided. It is essential that the execution of the sentence of deprivation of liberty be postponed untilis fully recovered if he is found to be insane and may be placed in mental health centres by order of the Public Prosecutor &apos; s Office. The period that has elapsed in time spent in these centers shall be deducted from the sentence imposed amount of the sentence imposed time spent in these centers shall be deducted from the sentence imposed. The delay could be due to the seriousness of the harm experienced by the convicted individual on one hand, and the apprehension about potential aggression against other convicts and individuals sentenced to similar penalties On the other hand. there is also the challenge of achieving the objectives of this penalty if the convicted person mentally unstable, since the latter does not realize that he has been punished for an offense that he has committed, as a deterrent, and to prevent him from returning to attack.

## **2. Possible postponement:**

There is a distinction between three cases, as follows:

### **2-1.: Status of pregnant women in their sixth month:**

Article 485 / Egy .C.C.P.If a person sentenced to a penalty of deprivation of liberty is pregnant in the sixth month, her pregnancy may be postponed until a period of two months has elapsed; if she starts to be executed and shows that she is pregnant, she must be treated in prison for custody until the aforementioned period has expired; this procedure is confirmed by article 190 /Egy.P.O.A.)<sup>(12)</sup>.

In addition to this special treatment, Egyptian lawmakers have decided to have compassion for the mother of this prisoner by allowing the child to remain with her until the age of two, which is stated in article 20/ Egy.P.O.A.

### **2-2: Sick convict 's condition is a disease which is feared to increase:**

if the sentence is carried out, the execution shall be deferred until the cause has passed, i.e. the recovery of the sentence, which is established in article 486/ Egy .C.C.P, by affirming the possibility of postponement for each convicted person of a disease whose health status could worsen if implemented and which could lead to a risk to his or her life.

It was also confirmed by article 36 / Egy.P.O.A..If a convicted prisoner is found to have a serious illness or to have a total disability, he must presented to the director of the medical department for re-examination, in coordination with the medical examiner, to conduct an assessment. potential for their Release hinges on approval by the prison's general director and the consent of the public prosecutor. It is mandatory to inform both the administrative authority and the relevant prosecutor of the decision.

The administrative authority tasked with overseeing the released individual is required to reside must be within its administrative competence, subject every six months to a medical doctor to sign a medical examination, be required to submit a report on his status and be referred to the prison service for confirmation of his health status in order to cancel his release if necessary.

### **2-3.: The situation of both spouses sentenced to the same penalty:**

in such a case, the deferral is required:

- a. The sentence shall be one year 's imprisonment.
- B-They've never been imprisoned, so they don't have any priors.
- c. Have a known residence.
- D-If they're bailing out a little kid.

It's the substance of article 488 / Egy .C.C.P.It stated that, if those sentenced to a term of up to one year 's imprisonment were married and had not been imprisoned before, the execution of one sentence may be postponed until the other is released, if a child under 15 years of age is in their custody, provided that they have a known place of residence in Egypt<sup>(13)</sup>.

The Public Prosecutor 's Office may, in the event of a postponement, request the convicted person 's assurances that he will not escape; she has been granted 489 / Egy .C.C.P.In cases where a delay in the execution of a sentence may be requested to provide bail, the amount of the order issued shall be assessed by way of a delay; it may require that the execution be delayed as appropriate to ensure that the sentenced person does not escape.

## **II. 2. Second Subtitle: Deferment of implementation in Algerian law:**

The Algerian legislature has broadened the scope of cases where the execution of custodial sentences can be postponed, beyond those previously described, but also of the Prisons Regulation Act. Chapter III, section 2, of the implementing procedure, devotes it to the following articles:

### **1: Postponements in compliance with article provisions15-16:**

#### **Article 15 states that:**

" When the Rapporteur's decision is final, the imposition of a loss of liberty against those who have not been imprisoned may be temporarily delayed.

Neither those sentenced to imprisonment nor those convicted for crimes against the security of the State and its property may be granted a stay of sentence. "

**Comment:**

In the first paragraph, this article requires that the convicted person should not be held in custody at the time of his conviction and final release. The reason for this condition may be the fear that some problems will occur during the resumption of the sentence, particularly as it relates to the calculation of the length of time.

We must not be confused about the referral or placement orders in health-care shops, in any case the transfer of a convicted prisoner to a hospital or other psychiatric institution; such placement is no less a disadvantage to freedom; therefore, the period spent in these centres is deducted from the sentence imposed, as we will see later -

It is also prohibited to accept a stay of sentence in a situation where the convicted person is a returnee or detained person, or the criminal fact that he was sentenced to deprivation of liberty is a crime of security of the State.

The legislator's refusal to delay execution in some cases stemmed from concerns about the severity of the convicted person's criminal actions and the nature of certain crimes, including crimes.

**Article 16 provides that:**

"The temporary delay in the execution of a convicted person's sentence may be granted only in the following cases **cases:**

1. If he or she is seriously ill by a doctor who is used by the Public Prosecutor &apos; s Office and who is not in custody.

2.If there is a death in his family.

3. If a member of his family is seriously ill and proves to be the family &apos; s strength.

4. If a delay is so necessary that the convicted person can complete peasant, industrial or traditional industrial work, it is clear that no member of his or her family can complete such work and that the cessation of his or her work would cause substantial harm to him or her and his or her relatives.

5.If his participation in an examination proves important for his future.

6. If his wife is also locked up and the absence of the couple would cause irreparable harm to minor children or other family members who are sick or incapacitated.

7. If a woman is pregnant or is the mother of a child under 24 months of age.

8. If the convicted person is sentenced to less than six months &apos; imprisonment and has applied for a pardon.

9. If the convicted person is liable to a fine and has been arrested for it and has applied for pardon. &quot;

**2: Postponements in accordance with articles 18-19:**

**Article 18:**

"The execution of a penal sentence may be deferred as outlined in Article 16, with a maximum postponement period of six months, except in the following cases:

1- Breastfeeding: The deferral ends when the child is fully 24 months.

2- In the case of a In cases where illness is deemed incompatible with detention, a specified period may be set for resolving this incompatibility.

3-The deadline expires in cases governed by paragraph 9 of Article 16.

**Comment:**

This article relates to the length of the postponement, that is, the time at which the application continues to be postponed, which is six months in a year, and is fairly acceptable; it is neither too long nor too short, but the legislator has made some exceptions in which this limit can be exceeded, three situations in which the individual convict is considered as a special case for health (1 and 2).

As for insanity, article 47/Alg.P.C, Ensure that anyone who is in a state of insanity during the commission of the offense shall be punished, taking into account the content of article 21/P2. Alg.P.C.

And in fact, the case of a lunatic doesn't need to be commented on because it concerns a person who is immune to a projected denial of criminal responsibility.

**Article 19 adds another case:**

"The execution of a sentence may be postponed by a decision of the Minister of Justice after a request from the competent authorities or bodies, if the sentence is less than 18 months, and is related to a sentenced person who has been summoned to the national service."

**Comment:**

The difference between the three cases already described in the previous element of the rule "Article 16," to which we refer, is apparent. The first, sixth and seventh cases are the same as those that may be deferred in Egyptian legislation and are only different in part of the seventh case with regard to determining the duration of

a woman &apos; s pregnancy; they are specified in article 485/ Egy .C.C.P.Six months and a two-month stay of execution has extended Algeria &apos; s law further, allowing for the postponement of execution for pregnant women at all and for mothers under the age of 24 months.

In the remaining cases, we believe that the Algerian legislature is too numerous despite its safeguards in favour of the sentenced person (case 4 and 5), and that some of them were required by humanitarian considerations (case 2 and 3); we do not deny the importance of those guarantees and the legitimacy of the mercy of the sentenced persons provided that they are not at the expense of criminal justice and do not prevent the penal punishment from being served for both their pros and correctional purposes.

### **III-Results and discussion:**

We affirm In conclusion, criminal sanctions, including the imposition of penalties involving deprivation of liberty, serve the dual purposes of public deterrence and the fulfillment of societal justice. Crimes are viewed as offenses against societal interests that are highly protected; it requires a resolute response; however, the sentenced person remains a human being who deserves humane treatment.

One of our most crucial The goal of this research is to balance the prompt execution of prison sentences with the need for postponement, focusing on:

1- Ensuring fairness in criminal penalties and their appropriateness deal with the crime are subject to the control of well-established executive mechanisms, so most modern penal legislation has established strict executive rules that satisfy the general sense of justice, even if they need to be regulated.

2. The primary rules governing the enforcement of deprivation of liberty penalties include immediate imposition upon final sentencing except in a few exceptional cases and the order of the multiple offenses required, with a distinction to be drawn between the single case of referral and the case of multiple referrals.

3. To carry out convictions more quickly, accurate calculation of the imposed sentence is necessary; justice demands consideration of the period spent in prison prior to the final sentence is handed down be taken into account and deducted from the sentence imposed.

4. Humanitarian considerations require consideration of the health, mental health, and social status of the sentenced person before implementation; if the order is to be deferred the reason for the delay is no longer valid, these considerations are to be regarded as protective guarantees for the sentenced person. It is fair to take account of them, but the legislator must control them and not expand them while balancing them with interests and rights so that they are not lost.

### **IV-Conclusion:**

At the end of this study, we should like to emphasize the following:

1. There is a need for firm implementation of the penal provisions that contain a negative impact on freedom, in order to guarantee the defense of the victim's goals and interests.

2. A necessity exists, to establish specific rules for implementing sanctions within a dedicated legal code, separate from the Prisons Organization Act and the Code of Criminal Procedure.

3. The need to establish new mechanisms to resolve emerging problems in the implementation of custodial sanctions; to establish strict control over the proper implementation by a competent body or body or to extend the powers of a judge to enforce sanctions in this area.

### **Referrals and References:**

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- [2]. Moulay Baghdadi, the penal procedure is considered in Algerian law, Dit (Algeria: National Book Institution, 1992), p. 462 et seq.
- [3]. See Mahmoud Mahmoud Mustafa, op. cit., p. 536; Merle Vitu. Traité de Droit Criminel, P 841-843.
- [4]. See Mahmoud Mustafa, ibid., p. 537; Mahmoud Najib Hosni, Commentary on the Penal Code of Lebanon,.Beirut, 1968.688.
- [5]. See Mahmoud Mustafa, op. cit., pp. 586-587 et seq.; Mahmoud Najib Hosni, commentary to the Lebanese Penal Code, pp. 689-690.



- [6]. Decision of the Criminal Chamber of the Supreme Court, 21/01/1969.
- [7]. See decision of the Criminal Chamber of the Supreme Court, 14/06/1983, case law, p. 83." In the case of multiple prosecutions, and if there are negative sentences, only the most severe punishment is carried out. Wherever this is the case, the rule of non-inclusion is only effective at the stage of enforcement. "
- [8]. See Resolution 25/10 of 1985 - "The Criminal Chamber of the Supreme Council allows for the inclusion of negative penalties for freedom only if the penalties are not crimes of the same nature" Judges Bulletin, 44 p. 126.
- [9]. The exception is provided for in articles 35 and 36 of the Egyptian Penal Code.
- [10]. See, DjoundiAbdulmalik, Criminal encyclopedia, Dtl.Egypt. Accreditation printing press. Beirut.Lebanon. 1360 H.G5/201.
- [11]. Look, Ali Rashid, Criminal Code, Entry and Origins of Public Theoretical, D.Cairo.The people's house.Arab Renaissance House, 1974. Page 648-649.
- [12]. Prison Organization Act No. 396 of 1956, as amended by Act No. 106 of 2015.
- [13]. The Egyptian Code of Criminal Procedure, No. 150 of 1950, as amended by Act No. 198 of 2020 of 05/009/2020, sets the child at 15 years of age, while the Albanian legislature sets the child below 18 years of age (article 55 of the Penal Code).