



## **Algerian Criminal Policy in Combating Narcotic Drug and Psychotropic Substance Offences**

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### **Abstract:**

In accordance with the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 1988), 'narcotic drugs' are defined as any substance, natural or synthetic, listed in Schedules I and II of the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol. Similarly, 'psychotropic substances' refer to any substance, natural or synthetic, or any natural product listed in Schedules I, II, III, and IV of the Convention on Psychotropic Substances of 1971.

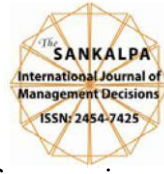
Narcotic drugs are toxins that threaten all of humanity, debilitating the human body physically and diminishing mental faculties internally, while also undermining moral standards. Consequently, they have been internationally criminalized—a path adopted by the Algerian Legislator through Law No. 04-18, as most recently amended and supplemented by Law No. 25-03 (dated July 1, 2025), to keep pace with contemporary developments and emerging challenges.

**Keywords:** Narcotic Drugs, Psychotropic Substances, Algerian Legislation, Law No 04 -18  
Law No 25-03

### **Introduction**

Drug and psychotropic substance-related crimes rank among the most serious offences threatening the security of society and its health, social and economic stability, given their devastating effects on the individual, the family and public order. By virtue of Algeria's strategic geographical position, the country constitutes a major transit zone that traffickers have turned into a preferred route, and their trade has intensified considerably, particularly over the past decade. This situation has had a dual impact on Algeria: on the negative side, it has exposed all segments of society to the dangers of drug crime; on the positive side, it has prompted Algeria to align itself with the global approach in confronting such offences.

The Algerian legislator has thus addressed these crimes through a criminal policy founded on a combination of prevention and punishment, enacting special legal texts and imposing heavier penalties, while also establishing preventive and therapeutic mechanisms aimed at curbing the spread of the phenomenon. This was achieved through the measures introduced by Law No. 04-18 on the prevention of narcotic drugs and psychotropic substances and the suppression of their illicit use and trafficking. In response to developments that have affected all aspects of life, the Algerian legislator sought to keep pace with these changes by means of the legal amendment introduced by Law No. 25-03.



However, the continued escalation of drug- and psychotropic substance-related offences raises a critical problem, which can be formulated as follows:

To what extent has Algerian criminal policy succeeded, through its preventive and punitive mechanisms, in countering drug and psychotropic substance crimes by curbing their spread, achieving deterrence, and protecting society?

In order to address this problem, the following points must be examined:

**Part One: The elements of the crime involving narcotic drugs and psychotropic substances in Algerian legislation**

- Section One: The legal foundation of drug offences and challenges to the principle of criminal legality
- Section Two: The material element of the drug offence and manifestations of multiplicity in criminal activity
- Section Three: The mental element and issues of attributing criminal liability in drug-related matters

**Part Two: The penalty regime established for drug offences in Algerian criminal policy**

- Section One: The principal criminal penalty in drug legislation
- Section Two: Complementary penalties and the system of preventive and precautionary measures
- Section Three: Legal variables affecting the quantum of the penalty and the manner in which it is pronounced

**Part One: The elements of the crime involving narcotic drugs and psychotropic substances in Algerian legislation**

In order to address the scourge of narcotic drugs and psychotropic substances in Algerian society, a set of measures was adopted through Law No. 04-18, as amended by Law No. 25-03, whereby the constituent elements of the drug offence were defined. Since this offence, like all offences under ordinary law, rests upon a legal element (Section One) and a material element (Section Two), it is completed by the interrelation of those elements with the mental element of the drug offence (Section Three).

**Section One: The legal element of the drug offence and the challenges to the principle of criminal legality**

Pursuant to Article 1 of the Penal Code – “no crime, no penalty and no security measure except by law” – and in application of the principle of criminal legality, which holds that a crime may not be created nor a penalty prescribed save by legislation enacted by the competent authority, unlawful conduct presupposes two conditions: a positive condition, namely the existence of a criminal text that confers the character of unlawfulness upon the conduct and determines the sanction merited by the perpetrator; and a negative condition, consisting in the absence of any grounds that would render the conduct permissible, thereby stripping it of that unlawfulness and restoring it to the general rule of permissibility applicable to all things.



Thus, the legal element of the drug offence in Algeria is established through Article 12 of Law No. 04-18 on the prevention of narcotic drugs and psychotropic substances and the suppression of their illicit use and trafficking, which criminalises the act of any person who unlawfully consumes or possesses for personal use narcotic drugs or psychotropic substances.

Article 15 of Law No. 04-18, in turn, establishes the criminalisation of any person who facilitates for others the unlawful use of narcotic substances or psychotropic substances, whether for consideration or gratuitously, by providing premises for this purpose or by any other means. The same applies to owners, managers, directors and operators, in whatever capacity, of a hotel, furnished house, inn, bar, restaurant, club, place of entertainment or any place intended for the public or used by the public, who permit the use of drugs inside such establishments or their annexes or in the aforementioned places, or who place narcotic drugs or psychotropic substances in foodstuffs or beverages without the knowledge of consumers.

As for any person who knowingly issues a fictitious prescription or one granted by favour containing psychotropic substances, or supplies psychotropic substances without a prescription, or is aware of the fictitious or favour-based character of medical prescriptions, or attempts to obtain psychotropic substances for the purpose of sale or obtains them by means of fictitious prescriptions based on what has been presented to him, such person falls within the scope of offenders in drug offences, pursuant to Article 16 of Law No. 04-18.

Furthermore, Law No. 04-18 specified, in its Article 17, the co-perpetrators in drug offences according to their respective activities, stipulating that any person who unlawfully produces, manufactures, possesses, offers, sells, offers for sale, obtains and purchases for the purpose of sale, stores, extracts, prepares, distributes, delivers in any capacity, brokers, ships, transports by way of transit, or conveys narcotic substances or psychotropic substances shall be subject to Law No. 04-18 and liable to punishment.

The new Law No. 25-03 on narcotic drugs and psychotropic substances, in its Article 3 bis, laid down the “National Prevention Strategy” as the legal framework of the new criminal policy.

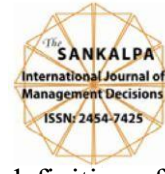
## **Section Two: The material element of the drug offence and the multiplicity of forms of criminal conduct**

The activity of the offender, consisting in the criminal conduct that is the object of punishment, represents the external manifestation of the crime, i.e. what is known as the material element. Hence, no crime exists without a material element, for without its materiality the rights of individuals or the community cannot suffer harm from an assault.

The material element in drug offences comprises two components: first, the narcotic substance and psychotropic substance (Subsection One); and second, the material acts consisting in the physical or legal contact with the drug or psychotropic substance as prescribed by law (Subsection Two), that is, the act or omission by means of which the crime is detected and its corpus completed.

### **Subsection One: The narcotic substance**

A drug offence is established when the act concerns a narcotic substance, whether that substance be narcotic plants or medical preparations, in accordance with Article 2 of Law No. 04-18. Article 2 (as



amended and supplemented) by Law No. 25-03 also serves as the reference for the definition of narcotic substances, in that it introduced the element of “synthetic narcotics” the object of the offence under the new amendment.

Example of a narcotic substance:

- Natural narcotics: such as Indian hemp, opium, coca.
- Narcotics of natural derivation: substances extracted from plants, such as morphine, cocaine, codeine.
- Chemically synthesised narcotics: a group of substances manufactured in laboratories from chemical compounds, such as hallucinogenic drugs (dimethyltryptamine), depressants (narcotic analgesics, heroin, hypnotics and sedatives, Largactil, volatile solvents, glue and benzene).

### **Subsection Two: The material acts**

The forms and manifestations of the material acts in drug offences are numerous. They may take the form of cultivation, production, consumption, sale, manufacture, importation or disposal, etc., provided that the act concerns plants or narcotic substances whose use and handling are prohibited and that it is committed with criminal intent. Among the forms of such material acts are the following:

- 1- **Dealing in narcotics:** Dealing in narcotics is prohibited in whatever form it takes, whether for consideration or gratuitous, whether the consideration be a sum of money, an object, or a mere benefit, and whether the dealing is carried out by an unauthorised person or by an authorised person (here the pharmacist is intended) if it falls outside the scope of the licence granted to him by the Ministry of Health. The common form of dealing in narcotics is the sale provided for in Article 17 of Law No. 04-18.
- 2- **Manufacture:** The manufacture of narcotics means their production. Law No. 04-18, in Article 17, expressly criminalised the illicit manufacture of narcotic plants, yet the Algerian legislator did not attach a schedule listing the names of narcotic plants, in order to keep the field open for the detection of drugs and for bringing their perpetrators to justice without difficulty. Where a dispute arises concerning a drug, the plant that is the subject of the dispute is submitted to the scientific centre for expert examination to determine whether or not it is a narcotic.

With regard to medicinal substances such as Cortan, Valium, Cardinal, Diazépam, and Tranxène, these differ entirely from narcotic plants, for they are manufactured with precision and in specific quantities, they are used to treat particular illnesses, they are available through legal channels and in pharmacies, and they are listed in the schedules of the Ministry of Health. The addict seeks to obtain them and to deviate from their genuine use by resorting to injection and an aesthetisation with them as a substitute for narcotic plants.

- 3- **Brokerage in narcotics:** Brokerage is the intermediation or mediation between the two parties to a transaction, whether by introducing them to one another, reconciling their points of view, bringing them closer on the proposed price, or on the terms of the deal in general, whether the brokerage is carried out for a fee or gratuitously, pursuant to Article 17 of Law No. 04-18.
- 4- **Importation and exportation:** According to Article 19 of Law No. 04-18, the importation of narcotics means bringing them into Algerian territory by whatever means, whether by land, sea



or air, while exportation means taking narcotics out of the territory of the Republic by whatever means. Any person who performs an executive act in connection with this operation, and any person who participates therein by transporting the goods, or on whose behalf or for whose interest the transport is carried out, or who instigates it, shall be considered a perpetrator of the act of importation or exportation, even if the act of transport or participation therein was not performed by him personally.

- 5- **Trafficking in narcotics:** Trafficking in narcotics is one form of dealing therein, and it is only established where the person, on his own account, carries on multiple commercial operations with the intention of making a regular occupation thereof. A single operation, or even several separate operations at intermittent intervals with no connection between them, is not sufficient to establish trafficking; what is further required is that the offender has systematically devoted his activity to this pursuit and earns his livelihood from it.
- 6- **Possession of narcotics:** Where manual control is exercised over the narcotic substance by way of ownership and exclusive authority, there is an act of possession of narcotics. A person is considered to be in possession even if the physical holder of the drug is another person acting on his behalf; it suffices that his authority extends over the substance, even if it is not in his material possession.

In the field of narcotics, possession takes the following forms: incomplete possession, in which the person controls the object on behalf of another while acknowledging the latter's ownership; full possession, which combines actual control with an intention to appropriate; and transient physical control, which consists in fleeting material handling under the direct supervision of the owner without the exercise of any independent legal powers.

- 7- **Facilitation:** Enabling another person to use a drug, with or without financial consideration, and without right, is designated as facilitation, which requires the offender to overcome the obstacles that stand in the way of the person wishing to use the drug. Facilitation of use is often accomplished through a positive act on the part of the accused, for example where a physician issues a medical prescription to a particular person and thereby enables him to obtain the drug unlawfully and actually to use it.

Facilitation takes two forms: facilitation of consumption without consideration, such as making premises available for this purpose, or facilitation of consumption for consideration, whereby trafficking in narcotics in exchange for payment is intended.

Article 16 ter of Law No. 25-03 amending Law No. 04-18 criminalised any person who incites, employs or uses a minor, a person with special needs, or a person undergoing treatment for addiction, in any activity connected with the transport, possession, handling by sale and offering for sale, disposal, or use in any unlawful form of narcotic substances and psychotropic substances.

Likewise, Article 21 bis of the same legal amendment No. 25-03 criminalised any person who, by any means and with knowledge of the illicit origin, facilitates the false justification of the source of funds or proceeds belonging to the perpetrator of one of the offences provided for in this law, or who renders assistance in an operation of investment, concealment or conversion of such funds and proceeds. The



same penalty shall be imposed on any person who intentionally participates in concealing the illicit origin of the funds referred to in this article.

- 8- **Consumption:** Consumption is the act of introducing the narcotic substance into the body by any means whatsoever in order to obtain its narcotic effect, whether by smoking, inhalation, injection, etc., i.e. the methods used for consuming drugs. The legislator deliberately refrained from enumerating them exhaustively so that the statutory text would encompass all newly devised methods.

Article 26 bis of Law No. 25-03 further criminalised a new material act, namely the “refusal to undergo medical or biological examinations” for the detection of drugs, and established it as a standalone offence. Article 5 nonies of the same 2025 legislative amendment made the provision of a “negative certificate of drug use” a material requirement in recruitment competitions (both in the public and private sectors).

### **Section Three: The mental element and criminal liability in drug offences**

The establishment of the material element, which describes the acts that the law deems to constitute a crime, together with the legal element, which is the legal basis criminalising the act committed, cannot result in the crime being constituted without the presence of the mental element. This requires the prohibited act to proceed from a criminal will, which in drug offences is confined to the knowledge of the holder or possessor that what he possesses constitutes a narcotic substance. This brings us to the point that the mental element here consists of two components: knowledge and will.

#### **Subsection One: Knowledge**

In drug offences, the criminal intent centres on knowledge of the material facts, whereas knowledge of the legal texts governing them is presumed by law, and a plea of ignorance thereof shall under no circumstances be accepted.

- 1- **Knowledge of the facts:** Criminal intent is established where the offender knows the object of the right that has been violated, thereby completing the elements of the crime, provided that the consumer of drugs possesses knowledge that the substance he uses or possesses is a narcotic substance.
- 2- **Knowledge of the law on narcotics:** The presumption of knowledge of the law on narcotic drugs and psychotropic substances does not admit proof to the contrary, unlike knowledge of the true nature of the narcotic substance. If the accused is shown to have known that the substance in his possession or at his disposal is one of the legally prohibited narcotic substances, and his will was directed towards the commission of the punishable material act, then he must be deterred by the imposition of the penalty, regardless of the motive for the punishable act, whether trafficking or consumption.

#### **Subsection Two: Will**

The intent to traffic in narcotic substances is established as soon as the will of the principal offender is directed towards making a profession of dealing in narcotic substances and regarding it as a regular activity, whether he has actually undertaken such activity or has not yet begun, so long as his intention was to make this pursuit a habitual occupation for him.



Will is deemed to exist where it is free and conscious, i.e. where criminal intent is present. Will is negated where the offender is compelled to commit the crime under the influence of narcotics, owing to the absence of freedom of choice.

Article 26 bis of Law No. 25-03 represents a fundamental shift in Algerian criminal punishment policy, whereby the legislator moved from treating the “state of influence” as a mitigating circumstance that might call for leniency or the absence of intent, to making it an express statutory aggravating circumstance.

## **Part Two: The penalty regime established for drug offences in Algerian criminal policy**

Through Law No. 04-18 on the prevention of narcotic drugs and psychotropic substances and the suppression of their illicit use and trafficking, and the amending Law No. 25-03, the Algerian legislator regulated the types of penalties to be imposed on any person whose conviction is established for a drug offence. These were divided into principal penalties (Section One) and complementary penalties (Section Two).

### **Section One: Principal penalties for the drug offence**

The penalties applicable to offences involving narcotic drugs and psychotropic substances are classified into correctional penalties (consisting of imprisonment and a fine, in varying amounts according to the type of act) and aggravated criminal penalties in their various forms, up to life imprisonment.

1. Penalty for the principal offender: imprisonment from ten to twenty years, with a fine ranging from 5,000,000 to 50,000,000 Algerian Dinars, for those who unlawfully manufacture, prepare, transform, import, transport, offer for trade in any form, or export narcotics.

A penalty of imprisonment from five (5) to fifteen (15) years, with a fine ranging from 500,000 to 1,000,000 DZD, shall be imposed on persons who facilitate for others, whether for consideration or gratuitously, the obtaining of narcotics. The penalty shall be imprisonment from four (4) to twenty (20) years where the facilitation of obtaining such substances involves minors.

2. Penalty for consumption: Any person who unlawfully uses any of the substances or plants classified as narcotics shall be punished by imprisonment from two months to two years and a fine ranging from 5,000 to 50,000 DZD, or by either penalty.

The majority of legal scholars incline towards not punishing the drug addict and treating him as a patient; accordingly, he should be placed in a therapeutic institution for the purpose of treatment, rather than being treated as a criminal whose proper place is prison.

3 – Penalty for recidivism: Where the accused repeats the commission of the aforementioned offences after having been previously convicted for any offence, the penalties pursuant to Articles 12 to 17 of Law No. 04-18 shall be doubled.

4 – Penalty for attempt: Any attempt to commit one of the infractions suppressed by the provisions of Article 17 of Law No. 04-18 shall be punished by the same penalty as the principal offender.

5 – Penalty for the instigator: The Algerian legislator, in Article 22 of Law No. 04-18, punished any person who, by any means, instigates the commission of the misdemeanours provided for and penalised



in Articles 12 to 17 of this law with the penalties prescribed for the crime or crimes committed, even if such instigation produces no result.

6 – Voluntary recourse to treatment as an exempting excuse from punishment: Public prosecution shall not be initiated against persons who have used narcotic drugs unlawfully where it is established that they have undergone detoxification treatment or have been under medical supervision since the occurrence of the acts attributed to them. Likewise, public prosecution shall not be initiated against persons who have complied with the medical treatment prescribed for them and have completed it.

By this provision, the Algerian legislator has sought to encourage addicts to turn to treatment institutions, to show them leniency and to treat them for this affliction, acting upon the recommendations of the United Nations and adopting the approach followed in developed countries.

In the 2025 amendment, the Algerian legislator moved towards the highest degree of deterrence. The penalty was increased from life imprisonment to capital punishment where crimes involving hard or synthetic narcotic drugs are committed, through the newly introduced Article 21 bis of Law No. 25-03. Furthermore, Article 5 decies was introduced to establish a balance between the radical suppression of traffickers and the precautionary protection of the educational environment. This is a preventive, therapeutic measure of a compulsory nature directed at schoolchildren and students, requiring them to undergo mandatory therapeutic measures as soon as the positive results of their laboratory analyses are confirmed.

## **Section Two: Complementary penalties and precautionary measures**

Pursuant to Article 29 of Law No. 04-18, the Algerian legislator permitted the imposition of deprivation of civil rights for a period ranging from five to ten years where the offences provided for in Articles 12 to 17 of this law are committed. The legislator left the trial judge with discretionary authority to apply or not to apply complementary penalties according to the type of crime and the seriousness of the facts before him; they are therefore optional.

It emerges from these provisions, taken together, that the complementary penalties are: prohibition from practicing a profession, prohibition from residence, withdrawal of the passport, withdrawal of the driving licence, and confiscation of property.

We shall examine each of these penalties as follows:

**1 – Prohibition from practicing a profession:** Any collusion on the part of persons who, by virtue of their functions, come into contact with narcotic drugs exposes them to suspension from the performance of their work for a period not exceeding five years at most. This is the case for physicians when prescribing certain narcotic medications, and for pharmacists when selling narcotic medicinal substances to those who request them.

**2 – Prohibition from residence:** This is the prohibition of the convicted person from being present in certain places. Its duration may not exceed five years in misdemeanour cases and ten years in felony cases. The effects of this prohibition from residence and its duration shall not commence until the day on which the convicted person is released after the prohibition from residence order has been notified to him. A person subject to prohibition from residence shall be punished by imprisonment from three months to three years if he violates one of the measures of prohibition from residence or evades it.



**3 – Withdrawal of the passport and driving licence:** Paragraph 4 of Article 29 addresses these cases, stating: “... the mandatory imposition of the withdrawal of the passport and the withdrawal of the driving licence for a maximum duration of five (5) years ...”. This paragraph concerns two categories:

**The first category:** The offender cannot escape punishment regardless of the country in which he has settled and ultimately finds himself. The drug offence is a crime without a homeland, meaning it is global in nature; it is criminalised in all comparable legal systems. Thus, individuals who transport narcotics from one country to another, or who import them into countries outside Algeria, or who carry them across one customs zone to another – known as importers of narcotics – must, upon conviction in drug cases, have the passport by which the person travelled withdrawn by the sentencing judge.

**The second category:** This specifically concerns persons who use their own vehicle or truck, or a vehicle belonging to a third party, to transport narcotic substances. Upon their conviction for drug offences, the trial judge is required mandatorily to withdraw the driving licence of the person convicted of transporting narcotics for a period of five (5) years.

**4 – Confiscation:** Articles 29, 32, 33 and 34 of Law No. 04-18 provide as follows: “... the judicial authorities must mandatorily order the confiscation of the seized substances and plants ...”.

- The necessity of confiscating furniture, installations, utensils, equipment, movable and immovable property, and other means used in the manufacture or transport of substances or plants, with due regard for the rights of third parties.
- Confiscation of the monetary funds used in the commission of the offences provided for in Article 15 bis 1 of the Penal Code. Furthermore, the confiscation of narcotic drugs is always mandatory, whether a conviction or acquittal is pronounced, or where the criminal proceedings are extinguished by the death of the accused. However, if such means are owned by another person acting in good faith and who has no connection with the crime, then there is no ground for ordering confiscation, in application of the rule of the personal nature of penalties, the purport of which is that the penalty shall only be imposed upon the person whose liability for the commission of the crime has been established.

**5 – Closure:** Article 29 of Law No. 04-18 stipulates that “the investigating judge or the judicial authority delivering the judgment may, where proceedings are instituted for the commission of the offences provided for in Articles 12 to 17 above, order the closure of any place intended for the public, or in which its operator committed those offences or colluded with another to commit them, for a period not exceeding ten (10) years, whether it be a hotel, furnished house, lodging or eating establishment, drinks outlet, restaurant, club, place of entertainment, or an annex of any of the foregoing, and such closure may be renewed in accordance with the forms prescribed in the preceding paragraph.”

- For the imposition of closure, the legislator does not require the premises to be owned by the accused; rather, the text is couched in general terms as follows: “... in which its operator committed those offences or colluded with another to commit them ...”, meaning that the penalty of closure may affect any person, of whatever nature, whose involvement in drug cases is established.



In 2025, Algeria adopted an extraordinarily stringent criminal policy. It introduced the penalty of stripping naturalised foreigners of Algerian nationality as a legal consequence of conviction, through Article 24 bis of Law No. 25-03. It also reinforced the regime of expulsion and prohibition from residence under Article 24, in addition to tightening judicial oversight of precautionary measures by compelling the treating physician to report periodically on the course of treatment under Article 10 bis 1 of the same legislative amendment, in order to ensure rigour and effectiveness in the fight against such crimes.

### **Section Three: Circumstances affecting the penalty and its judicial assessment**

Precautionary measures are defined as a set of procedures designed to confront the criminal dangerousness latent in the person of the offender so as to avert his danger from society. Law No. 04-18 also addressed and clarified them through Articles 06 to 11, classifying them into three types: non-prosecution, compulsory detoxification treatment, and exemption from punishment.

Article 06 of the same Law stipulates that public prosecution shall not be exercised against persons who have complied with the medical treatment prescribed to them for detoxification and have followed it through to completion. Nor may persons who have used narcotic drugs or psychotropic substances unlawfully be prosecuted if it is established that they have undergone detoxification treatment or have been under medical supervision since the occurrence of the acts attributed to them.

The investigating judge or the juvenile judge may order persons accused of committing the misdemeanour provided for in Article 12 of Law No. 04-18 to undergo detoxification treatment, accompanied by all medical supervision and appropriate rehabilitation measures suited to their condition, where it is established by a specialised medical expert examination that their state of health requires medical treatment. The order requiring such treatment shall remain in effect – where necessary after the conclusion of the investigation, and until the competent judicial authority decides otherwise.

The competent judicial authority may compel the persons referred to in Article 07 of Law No. 04-18 to undergo detoxification treatment, either by confirming the order provided for in that same Article or by extending its effects. The decisions of the competent judicial authority shall be enforced notwithstanding any opposition or appeal. Where the provisions of the first paragraph of Article 07 above and the first paragraph of this Article are applied, the competent judicial authority may exempt the person from the penalties provided for in Article 12 of this Law.

As for Article 09 of Law No. 04-18, the penalties provided for in Article 12 of this Law shall be applied to persons who refuse to comply with the order to undergo detoxification treatment, without prejudice to the reapplication of Article 07 above, where necessary.

The treating physician shall periodically inform the judicial authority of the progress and results of the treatment. The conditions for the conduct of the said treatment shall be determined by a joint order of the Minister of the Interior and Local Authorities, the Minister of Justice, Keeper of the Seals, and the Minister responsible for Health. The detoxification treatment provided for in the preceding articles shall be carried out either within a specialised institution or externally under medical supervision.

The competent judicial authority shall order the accused to undergo medical supervision or to submit to detoxification treatment, in execution of Articles 07 to 11 of Law No. 04-18.



Law No. 25-03, through Article 26 bis (paragraph 2), mandated the necessity of applying the maximum penalty to offences committed under the influence of narcotic drugs. Here, the legislator transformed the ‘state of influence’ from a presumption of diminished awareness into an express, substantive aggravating circumstance that compels the judge to impose the maximum deterrent penalty, thereby precluding the invocation of intoxication as a mitigating excuse for criminal liability.

### **Conclusion**

The Algerian legislator has articulated the formulation of the laws relating to combatting the scourge of drugs, progressing incrementally from the measures provided for in Law No. 04-18 through to the latest update embodied by Law No. 25-03, issued on 1 July 2025. These legislative instruments are predicated upon a twofold approach encompassing both the protection of society from narcotic drugs and psychotropic substances, and the suppression of their illicit use and trafficking, with the aim of keeping pace with the continuous developments and emerging trends in this field.

The Algerian legislator has devoted particular attention to criminalising acts of trafficking in and use of narcotic drugs and psychotropic substances, clearly specifying the legal penalties attaching thereto. Deterrent penalties have been prescribed, commensurate with the magnitude of the grave dangers threatening the fabric of society in all its segments, not least because these crimes target the most precious human blessing, which is the mind.

Notwithstanding all these efforts, a number of points must be borne in mind in order to achieve more precise outcomes:

- Striving to strike a balance between punitive and preventive measures so as to contribute to reducing the demand for drugs.
- The necessity that the procedures followed upon the detection of an offence be correct and fall within the limits prescribed by law, in a manner that ensures equilibrium between the right of the State to punish and the private interest in protecting personal liberties and all human rights.
- The necessity of subjecting the Algerian medical profession to strict regulation, from the issuing of the medical prescription through to provision of the medicines by the pharmacy and up to the actual monitoring of the contents of the prescription, in addition to the factor of the licensing status of these medicines with pharmacies.
- Eliminating the forgery of prescriptions by expediting the process of digital linkage between physicians, pharmacists, and health directorates.
- Adopting a comprehensive national strategy for the prevention of narcotic drugs and psychotropic substances, and supporting and developing the operational capacities of the counter-narcotics agencies.
- The necessity of expanding the study and regulation of the modern technical means used for trafficking in drugs, which enable individuals to obtain drugs while remaining in their homes.
- The necessity of establishing treatment centres and clinics separate from psychiatric hospitals for the treatment of addicts, and reinforcing effective legal means to achieve international cooperation in the criminal field, particularly in the area of preventing active criminal enterprises engaged in the illicit trafficking of narcotic drugs and psychotropic substances by land, sea and air.



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