



RESEARCH ARTICLE 

Reconceptualizing Penal Policy: Mechanisms for the Rehabilitation and Social Reintegration of Offenders through Alternative Sanctions and Human-Centered Criminal Justice Approaches

Boudina Hakim	PhD Student
	Sousse University
	Tunisia
	E-mail: hakim28000@hotmail.fr
Zouaoui Rabeh	Dr.
	Faculty of Law, Mohamed Al-Bashir Al-Ibrahimi University, Bordj Bou Arreridj
	Algeria
	E-mail: rabah.zouaoui@univ-bba.dz
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Abstract

This study critically examines the transformation of contemporary penal policy from a retributive and deterrence-based framework toward a rehabilitative and human-centered approach that prioritizes offender reintegration into society. Traditional custodial sanctions have increasingly demonstrated structural limitations, particularly in their inability to effectively reduce crime rates or prevent recidivism, while simultaneously imposing significant socio-economic burdens on states and exacerbating the marginalization of offenders. In response to these shortcomings, modern criminal justice systems have embraced alternative sanctions as a strategic mechanism for promoting rehabilitation, restoring social balance, and safeguarding human rights. The research adopts a theoretical and analytical methodology grounded in modern criminological thought, with particular emphasis on the social defense movement and the principle of penal individualization. It explores the role of international legal frameworks, especially United Nations recommendations, in shaping a global shift toward the humanization of punishment. The study further analyzes comparative experiences between developed and developing countries, highlighting disparities in implementation, institutional capacity, and legislative effectiveness. The findings reveal that alternative sanctions—such as probation, community service, conditional release, and restorative justice mechanisms—offer more sustainable and socially integrative outcomes than traditional imprisonment. These measures contribute to maintaining offenders' social ties, reducing stigmatization, and enhancing their prospects for productive reintegration. However, the study also identifies persistent challenges in Arab legal systems, including Algeria, where the application of rehabilitative policies remains limited due to insufficient institutional support, weak enforcement mechanisms, and gaps between legislative intent and practical execution. The paper concludes that the success of modern penal reform depends on the establishment of comprehensive legal, social, and institutional frameworks that operationalize rehabilitation as a central pillar of criminal justice. It emphasizes the necessity of strengthening judicial discretion, expanding community-based correctional programs, and fostering collaboration between state institutions and civil society to ensure effective reintegration and long-term crime prevention.

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Introduction:

The world has witnessed fundamental changes affecting the penal field, where the latter has played an important role in changing penal policy from the idea of deterrence to rehabilitation through humanizing punishment and consolidating broader principles of human rights, which aligns with what the United Nations resolutions have called for in confronting crime and the necessity of humanizing punishment and creating some balance between punishment and human rights principles. In this regard, the jurist Mark Ansel argued that combating crime should be by determining a purposeful penal policy based on what the human and social sciences have reached and it requires combining it with criminal law, criminology, and sociology to form finally a unified factor in confronting crime (Al-Aouji, 2017, p. 135) through prevention and working on avoiding recidivism, he also emphasized the necessity of adhering to justice aimed at utility because the latter without utility is considered arbitrariness and harshness, and utility without justice is classified as unbearable punishment (Obeid, 1977, p. 91).

The social defense movement played a prominent role in changing penal policy from the crime itself to the personality of the criminal, exerting great effort to focus on the offender and examine the reasons that led him to commit the crime and the necessity of choosing the best means to avoid these causes. The social defense school also affirmed that committing crime often stems from the same causes that produce any other social behavior, as it starts from studying deviance as a social phenomenon that is subject, in its movement and spread, to the laws of social dynamics (Al-Maamri, 2015, p. 271).

And however varied the reasons leading to committing crime, whether social, psychological, physiological, or hereditary, the penal ideas to limit and eradicate this criminal behavior were different in their objectives, yet they agreed that contemporary methods and patterns in punishment are titles of a new stage in criminal policy, aiming at removing the factors of crime and reforming the offender, considering that society is one of the causes of his crime, and adopting specialized approaches in re-treating and reforming the offender and distancing him from the world of crime (Jaafar, p. 44). The role of criminal law is no longer limited to hurting the criminal, taking revenge on him, and deterring him, but rather to protect society and remove risks from it through the rehabilitation of offenders, which cannot be achieved except by relying on other non-penal corrective means.

From here emerged the idea of alternative punishments, which created a suitable environment for reforming and rehabilitating the offender with the participation of civil society, adopting the method of humanizing punishment (First Section) and working on reformation and reintegration of the convicted person into society (Second Section).

Methodology

This study adopts a qualitative, doctrinal, and comparative research design to examine the transformation of penal policy toward rehabilitative and human-centered approaches. The research is grounded in normative legal analysis and contemporary criminological theory, aiming to explore the effectiveness and applicability of alternative sanctions in modern criminal justice systems.

The methodological framework consists of three complementary approaches:

1. Doctrinal Legal Analysis

The study conducts a systematic examination of legislative texts, international conventions, and policy frameworks governing criminal justice and alternative sanctions. Key documents include United Nations instruments—particularly the *Tokyo Rules*—as well as national legal provisions from selected jurisdictions. This approach enables the identification of normative principles underlying penal reform, including penal individualization, proportionality, and human rights protection.

2. Comparative Analytical Approach

A comparative method is employed to evaluate differences and similarities between developed and developing legal systems, with a particular focus on European models (e.g., France) and Arab jurisdictions (e.g., Algeria). This comparison highlights disparities in:

- institutional capacity,
- legislative implementation,
- judicial discretion, and
- effectiveness of reintegration mechanisms.

The comparative dimension allows for the identification of best practices and structural limitations affecting the success of alternative sanctions.

3. Theoretical and Conceptual Analysis

The research is informed by major criminological frameworks, including the social defense theory, rehabilitative ideal, and desistance theory. These perspectives provide a conceptual foundation for understanding crime as a social phenomenon rather than merely a legal violation. The study integrates insights from interdisciplinary fields—law, sociology, and psychology—to assess how penal systems can better address the root causes of criminal behavior.

Data Sources

The analysis is based on secondary data, including:

- peer-reviewed journal articles,
- academic books,
- international legal instruments, and
- official policy reports (e.g., United Nations publications).

No primary empirical data (e.g., surveys or interviews) were collected, as the study focuses on theoretical and legal evaluation.

Analytical Strategy

The collected materials are analyzed using a thematic and interpretive approach, identifying recurring patterns related to:

- the limitations of custodial punishment,
- the effectiveness of alternative sanctions, and
- the role of institutional frameworks in rehabilitation.

The findings are synthesized to develop a coherent evaluation of penal reform trends and to propose policy-oriented recommendations.

Discussion

The findings of this study confirm a significant paradigm shift in contemporary penal policy, moving from a retributive and deterrence-based framework toward a rehabilitative and human-centered model. This transformation reflects broader developments in international human rights law and criminological thought, emphasizing the necessity of addressing the underlying causes of criminal behavior rather than merely punishing offenders.

One of the central insights emerging from the analysis is the limited effectiveness of custodial sentences in reducing recidivism. Imprisonment, particularly in its traditional form, often contributes to social exclusion, stigmatization, and the reinforcement of criminal identities. These outcomes undermine the long-term objectives of criminal justice systems, which include not only deterrence but also social stability and reintegration.

In contrast, alternative sanctions—such as probation, community service, and restorative justice mechanisms—demonstrate greater potential in achieving sustainable outcomes. These measures allow offenders to maintain social ties, continue economic participation, and avoid the negative psychological effects associated with incarceration. The study supports the argument that such sanctions are more aligned with the principles of human dignity, proportionality, and social inclusion.

However, the effectiveness of these alternatives is highly dependent on institutional capacity and legal infrastructure. The comparative analysis reveals that developed systems, particularly in Europe, have established comprehensive frameworks that integrate judicial discretion, monitoring mechanisms, and post-release support. In these contexts, alternative sanctions function as part of a coordinated rehabilitative ecosystem.

Conversely, in many developing and transitional legal systems, including those examined in this study, the implementation of alternative sanctions remains constrained by:

- insufficient institutional support,
- limited resources,

- weak coordination between agencies, and
- gaps between legislative provisions and practical enforcement.

These challenges highlight the importance of not only adopting progressive legal norms but also ensuring their effective operationalization through administrative, social, and technological mechanisms.

Another critical dimension discussed in this research is the role of civil society and community involvement. The findings indicate that successful reintegration requires a collaborative approach involving governmental institutions, non-governmental organizations, and local communities. This aligns with international standards, particularly those promoted by the United Nations, which advocate for community-based corrections and participatory justice models.

Furthermore, the study underscores the relevance of penal individualization as a cornerstone of modern criminal policy. Tailoring sanctions to the personality, circumstances, and risk profile of the offender enhances both fairness and effectiveness. This individualized approach reflects a shift toward evidence-based and person-centered justice, which is increasingly recognized in global criminal justice discourse.

Despite these advancements, the transition toward a fully rehabilitative model remains incomplete. Structural inequalities, political constraints, and societal attitudes toward punishment continue to influence penal practices. Therefore, achieving meaningful reform requires a holistic strategy that combines legal innovation with institutional strengthening, public awareness, and interdisciplinary research.

First Section: Humanizing Punishment

Traditional criminal thought ignored attention to the personality of the offender and also neglected the factors that led him to commit the crime. However, modern criminal thought remedied this shortcoming and emphasized the necessity of considering the personality of the criminal as well as the circumstances that led to his committing the crime. This led to the emergence of the idea of individualization, whether from a legislative or judicial perspective, where the principle of humanizing punishment was consolidated and made consistent with the principles of human rights. This latter development resulted in positive outcomes summarized in the focus on the personality of the offender through the creation of modern penal systems aimed at rehabilitating the convicted person, reforming him, and reintegrating him into society. It gave punishment a human character, which is the desired goal of modern criminal philosophy. These objectives materialized in the existence of alternative punishments as a vessel encompassing these goals by focusing on the attention to the offender's personality (First Requirement) as well as determining the measures accompanying rehabilitation (Second Requirement).

First Requirement: Attention to the Personality of the Offender

Modern criminal scholars see crime not merely as a legal fact addressed through deterrent punishment, but as a social and human phenomenon, as viewed by the social defense scholars. Punishment, therefore, aims to create a balance for the harm caused by the crime to society. Crime is a symptom of social diseases that must be diagnosed, assessing the danger of the offender, which is considered the compass that should guide criminal policy and finding the appropriate treatment for it (Ansel, 2012, pp. 22-23).

From the perspective of the social defense movement, crime is the maladaptation of the offender to society. Punishment here should play its role as a model for reforming the offender, which is the main goal of modern criminal policy, considering that the causes leading to crime vary from person to person. Sometimes the motive for the crime does not constitute a significant danger to society, hence the likelihood of rehabilitating and reforming the offender is high without placing him behind the walls of the penal institution, which may lead to undesirable consequences.

From here, the necessity of adopting an individualization policy arose, where a set of penal measures is determined by the criminal judge. Punishment should not be uniform for all offenders; rather, personal factors, motives leading to the crime, and all surrounding elements for each offender must be considered (Mar'i, 2005-2006).

The individualization method relies on the best ways to make the punishment suitable for the personality of the offender and the motives leading to his crime, viewing the criminal as a sick person who must be treated and rehabilitated in society.

Some scholars confirm that the general principle in punishment is individualization, as offenders are different. The principle in punishment is individualization, not generalization. Attention must be paid and focus should be on the personality of the offender according to modern criminal policy, which is embodied in adopting the principle of social individualization (First Branch) and penal individualization (Second Branch).

First Branch: Social Individualization

Protecting society from crime is the primary goal toward which the concept of punishment is directed, and this concept has developed through successive historical stages of experimentation and punishment, producing new contemporary perceptions, the most prominent of which is what social defense scholars agreed upon by considering the offender as a social phenomenon.

In this context, criminal policy recognized the responsibility of society for the criminal phenomenon and deviant behavior, a responsibility that imposes the burden of confronting it by adopting appropriate preventive and remedial measures (Al-Kasasbeh, 2015, p. 42).

The new philosophy of punishment no longer aims to inflict pain on the offender, but rather has become a means and method for reforming him and reintegrating him into society. The view of crime is no longer merely an act that requires punishment, but a social phenomenon that requires suitable remedial measures. The role of modern contemporary criminal policy is to link punishment to the personality of the offender and his circumstances, not only to the severity of the crime itself. The main goal has thus become protecting society by preventing crime before it occurs.

Imprisonment is no longer the method that achieves the goals of punishment, hence the necessity for preventive measures to avoid committing crimes. Alternative punishments were established as more effective substitutes for custodial sentences, and remedial programs were developed aiming at reforming and rehabilitating criminals after committing the crime. The desired goal is achieving societal security, reforming delinquent individuals, and closing all paths leading to crime. Therefore, solving the problem of crime by isolating the deviant from society is ineffective; rather, he must be compensated, provided with all essential needs he lacks, and worked on to treat, reform, and rehabilitate him again in society as a productive individual, which leads to providing security and safety for the entire community.

Consequently, the individual has become the focus of attention in modern criminal policy, which concentrates on justice through integrating the offender into society and adapting him to it. This policy no longer relies on mere criminal liability; society's responsibility shifts to protecting this human, improving his living conditions, and ensuring his basic rights for proper integration.

This explains the emergence of alternative punishments instead of custodial sentences of all types, to ensure suitable methods for each person aimed at reforming and rehabilitating him in society. This is credited to the positivist school in criminology, led by Lombroso, which focused on studying the causes related to the offender, whether biological, psychological, or social, to identify the motives of crime and prepare a program to address it at its roots.

Modern criminal policy legislations thus aim to achieve justice by shifting from the logic of traditional punishment to the logic of reform and rehabilitation. This vision is based on punishment individualization through adopting alternative punishments and corrective measures aimed at reintegrating the offender into society while also achieving a balance between the severity of the criminal act and the level of danger of the offender himself, while maintaining the objectives of general and specific deterrence.

Second Branch: Penal Individualization

Penal individualization means that punishment is varied to fit the condition of each individual, and the basis of this theory is that punishment should be a means to reform the offender. Punishment should not be applied randomly, rather it should be effective in the required way. Generally, it is necessary to match the punishment with the seriousness of the committed crime, the personality of the offender who committed it, and the circumstances that led him to commit the crime (Legal Research, 2020, p. 1).

The need for adopting penal individualization appeared both in legislation and in judgment or execution within modern criminal policy, as a result of the development of other sciences related to criminal thought, especially those interested in studying the personality of the offender at all stages of his trial, and assessing the danger of the criminal acts he committed, alongside following new concepts in using alternative punishments aimed at deterrence, reform, and rehabilitation (Al-Hafzi, 2015, p. 95).

This individualization is reflected in alternative punishments by allowing convicts under custodial sentences to replace them with these alternative punishments, which preserve and protect human dignity and keep the person away from the harms of prison walls. This is done by reforming him and reintegrating him into society, keeping him connected to his family, social, and professional environment. It also restores balance between the legal positions affected by the criminal act. Therefore, the judge, given by the legislator the power to replace custodial sentences with alternative punishments, assigns different punishments to this group of offenders from one to another, according to their personalities and the crimes they committed (Al-Hafzi, 2015, p. 95).

The judiciary applies penal individualization within the limits set by the legislator, intending to judge the suitable punishment for the crime by type and degree, or the appropriate measure, depending on the offender's condition, in light of what is revealed from the study of his personality, living conditions, and the reasons that led him to commit the crime, which is considered when taking the suitable alternative punishment.

Most criminal legislations have introduced original alternative punishments aiming to give the judge discretionary power, allowing him to achieve judicial individualization in a way that suits the requirements for rehabilitating each offender according to his personality, without violating considerations of deterrence or principles of justice (Al-Kasasbeh, 2015, p. 343).

The United Nations also established a guiding framework for penal individualization, reinforcing principles of international cooperation in combating crime through holding international conferences concerned with criminal reform and justice, with at least one conference every five years. The Geneva Conference of 1955 was the first for crime prevention and treatment of offenders, producing recommendations emphasizing that punishment should fit both the severity of the act committed and the personality of the offender. Subsequent international conferences recommended moving further away from custodial sentences and adopting alternative punishments that preserve human rights. This was illustrated in the London Conference of 1960, which advised states to replace short-term custodial sentences with alternative measures such as suspended execution, judicial probation, fines, conditional liberty, and placement in open institutions, providing judges with suitable solutions for each offender according to his condition and circumstances (Al-Ghammam, 2019).

Hence, the effectiveness of international conventions and conferences in combating crime has been very important in establishing criminal justice, promoting and approving alternative punishments, and calling for their broad application. The recommendations from these conventions emphasized adopting the principle of penal individualization in sentencing, which is a power given to the criminal judge, allowing him discretionary authority to choose the appropriate measures and alternative punishments for each individual.

Second Requirement: Determining the Appropriate Rehabilitative Measures

Although penal individualization allows the judge to define a set of options through which the suitable alternative punishment is chosen, this task becomes difficult when it comes to achieving the aims of punishment, which are reform and reintegration. The judiciary therefore extends its role in the execution of punishment through the judge responsible for implementing sentences, in order to rehabilitate the offender, according to what modern criminal policy requires. Hence, the role of the criminal judge in determining appropriate measures and alternatives (first branch) complements the role of the implementing judge in applying these rulings (second branch).

First Branch: Measures of the Criminal Judge

Modern criminal legislation grants the judge discretionary power in applying punishments he sees appropriate for the purpose of reform and rehabilitation. The role of the criminal judge is no longer limited to issuing judicial rulings; rather, it extends so that the judge becomes an active participant in combating crime and rehabilitating offenders, because achieving the goals of punishment is not only about confronting the causes of deviance by applying the law through conviction or acquittal, but requires studying the offender's personality in all its aspects and verifying the role of volition in committing crimes (Al-Saifi, 1985, p. 76).

For example, French law number 896 of 2014, dated 14 August 2014, concerning penal individualization and achieving greater effectiveness of criminal penalties, stipulates that the court delays issuing the sentence in order to fully assess the offender's condition and personality. In this phase, the judge automatically avoids harsh rulings and issues new logical punishments to be applied in an open environment. This judicial approach has been applied since October 2014 to all crimes punishable by five years or less (Al-Kasasbeh, 2015, p. 339).

This approach has been confirmed in many types of alternative punishments, especially those widely applied, such as suspended execution, community service, and compensatory fines. For instance, the criminal judge issues the sentence to the offender while simultaneously ordering it not to be executed for a certain period during which the offender is tested. If he offends again or commits new crimes in this period, the suspended punishment is executed alongside the sentence for the new crimes. If the period ends without reoffending, the offender is fully exempted from execution as if the sentence had been carried out (Lemqaddem, 2015, p. 123).

Another punishment with wide application is community service. In this punishment, the family ties of the offender are preserved to avoid disrupting the social situation that may result if a custodial sentence were applied. It allows the offender to remain among his family members, preventing family disintegration and avoiding the negative psychological effects that imprisonment causes (Al-Kasasbeh, 2015, p. 340).

Therefore, the positive role of alternative punishments is clear, especially regarding reforming and rehabilitating the offender and reintegrating him into society. These punishments also allow the offender to remain in his natural social environment, practicing his daily life normally, while the state saves the social and economic burdens caused by imprisonment.

Achieving the effectiveness of alternative punishments requires creating a comprehensive legal system that considers the personality of the offender and the circumstances that led him to commit the crime. A file is prepared including all aspects of his personality before issuing the judgment. In case of conviction, a specialized judge called the implementing judge is required. This system was initially established in most European countries and now exists in some Arab countries, aiming at effective social

Second Branch: Measures of the Implementing Judge

The existence of the implementing judge institution is considered a complement to the judicial protection of the offender after the issuance of judgments that convict him. It is regarded as one of the main pillars of modern criminal policy based on human rights principles. This stage is sensitive in the litigation process, aiming on one hand to reinforce guarantees for achieving the objectives of punishment, and on the other hand to preserve the dignity of the offender and work on reforming him and reintegrating him into society effectively, through the judge following the process of judicial individualization during the execution of the punishment.

The system of punishment execution emerged in France in 1958 under the French Code of Criminal Procedure, based on the idea that executing punishment should be judicial rather than an administrative procedure, to avoid arbitrary use of authority by an unqualified administrative body. Algeria also adopted the implementing judge system in the Law on Organization of Prisons and Social Reintegration of Prisoners according to Law 05-04 of 2005. This authority is tasked with monitoring the conditions of punishment execution and granting or determining alternative measures to imprisonment, such as conditional release, electronic monitoring, community service, or even transfer to another correctional facility. It also makes decisions on exceptional release for family or health reasons, approves rehabilitation and training programs, prepares reports on the inmate's behavior, and coordinates between judges and prison administration (Al-Taher, 2009, p. 5).

Modern legislation in adopting alternative punishments has ensured their applicability according to the offender's environment. It is inconceivable to apply a punishment that does not align with the community's customs and traditions. Moreover, the environment should include all factors that elevate the offender to better behavioral levels, preventing him from thinking of returning to crime, and facilitating his rehabilitation and reintegration into society. Additionally, it allows the offender to experience a different environment than the one he lives in and meet people he could not otherwise encounter, potentially changing his thinking for the better (LANIER, p. 75).

These alternatives also avoid the negative consequences of custodial punishments, especially mixing the offender with other criminals inside prison and the possibility of learning new criminal skills (Bou Seri, 2016).

Second Section: Rehabilitation and Reintegration

The idea of rehabilitation and reintegration was reached only after the concept of punishment evolved. In this regard, Grama Tica calls for abolishing punishment and replacing it with social action and the notion of social security measures. He believes that rehabilitation is a right of the individual and a duty of the state, which must fulfill it, considering that the individual is a victim in society due to the social circumstances that led him to commit the crime (Battar, Social Defense Movement).

The slogan "protection not punishment" was also launched in international conference forums and in most developed countries, supporting the idea of rehabilitation and reform in modern criminal thought. This is in compliance with United Nations resolutions demanding limiting the use of custodial punishments and adopting alternative punishments instead (Soutenir et non punir, 2018).

The task of reforming and reintegrating the convicted person into society through alternative punishments, so that he becomes a productive member of society, requires the joint efforts of multiple parties, primarily the judicial system through the institution of the implementing judge (first requirement), and also civil society with all its institutions (second requirement).

First Requirement: The Role of the Judiciary in the Reintegration Process

The Social Defense Movement has played a significant role in developing criminal thought, as it worked on humanizing punishment. This was manifested in the idea of rehabilitating and socially reintegrating the offender. It relied on new concepts concerning rehabilitation, individualization of punishment, and the study of the offender's personality, emphasizing

the necessity of the judge's intervention in the execution of punishment to rehabilitate offenders and reintegrate them into society.

Reintegration increases the opportunities for the convicted person to return to society and contribute effectively to social and economic life. Most countries around the world have adopted these ideas and established several judicial institutions tasked with monitoring and accompanying the convicted person after the completion of the alternative punishment, aiming at reform and reintegration through judicial accompaniment (first branch) and follow-up of the rehabilitation process after serving the sentence, what is known as subsequent care (second branch).

First Branch: Reintegration Through Judicial Accompaniment

Correctional institutions are tasked with implementing the punishments determined by the criminal judge for the offender, relying on discretionary authority to set the appropriate punishment for the offender's personality, which aims to achieve the objectives of punishment: reform, rehabilitation, and reintegration.

These correctional institutions exist in closed, semi-open, and open facilities provided by the state for applying custodial and alternative punishments. The implementing judge supervises the direct execution of alternative punishments, determining the best reformatory methods during the task. He is also supported by judicial bodies established for this purpose, alongside social parties that contribute to accompanying offenders under alternative punishments to rehabilitate them and reintegrate them into society.

The executive system of punishment varies from country to country. In France, for example, accompaniment is arranged by an entity called the Prison Integration and Monitoring Service, established in 1999. It integrates monitoring committees, assistance for released prisoners, and social education services. France has approximately 100 such units caring for around 65,000 inmates and 125,000 offenders under alternative punishments such as community service for public interest and suspended prison sentences (Article sur le site).

Algeria also adopted judicial accompaniment as a modern mechanism to facilitate the offender's transition from within the prison walls to smooth reintegration into society. This task is performed by the implementing judge, who monitors the offender's situation during alternative measures and after release, providing material, social, and legal support, relying on centers responsible for the integration process. The purpose of judicial accompaniment is to remove obstacles that may confront the released persons, enable them to access work easily, and facilitate all means ensuring a decent life to prevent reoffending (Badr Eddine, 2014, pp. 188-189).

"The process of social rehabilitation is considered one of the most important stages in penal policy. It follows directly after classifying the offenders and directing them to correctional institutions suitable for their conditions, whose capacities meet the reform programs prescribed for them. The social rehabilitation process for inmates includes education and training in addition to work" (Lkhmissi, 2012, p. 193).

These methods are effective means for rehabilitating and reintegrating inmates and gradually eliminating recidivism. The Algerian legislator adopted education and training as a method of social rehabilitation in Order 72/02, Articles 100 to 109, and assigned the preparation of these educational programs, ending with final exams, to the disciplinary and ranking committee within the institution.

To consolidate the idea of education within correctional institutions, the legislator stipulated the possibility of establishing private educational facilities within the correctional institutions, supervised by contracted teachers for this purpose under the supervision of the Ministry of National Education and Vocational Training (Order 72/02).

The Algerian legislator has worked on developing this system through a series of reforms that were adopted.

Second Branch: Reintegration Through Subsequent Care

Certainly, releasing the convicted person after completing the custodial sentence does not necessarily mean that he has overcome deviant behavior, even with judicial accompaniment during the punishment period. Therefore, scholars specialized in penal science emphasized the necessity of continuing the treatment of released persons through various new solutions. From here emerged the idea of subsequent care, which has been adopted by most legislations around the world, and its importance and complementary role in the rehabilitation process of the offender were affirmed by international conferences. Subsequent care aims to accompany and support the released person, helping him stabilize, reintegrate, and adapt anew in society. The Marrakech Conference on Alternative Punishments recommended the necessity of subsequent care through setting dedicated programs for this purpose to achieve integration (Regional Conference Recommendations, 2014).

The subsequent care process includes social and psychological aspects of the released persons, which are very important factors contributing to stability and adaptation to the new reality. This is particularly critical given that released individuals often face initial difficulties, such as being without work, financial resources, or sometimes family or housing, resulting in feelings of psychological and social isolation (Executive Individualization of Punishments, 2019).

The Algerian legislator adopted the method of subsequent care to implement criminal penalties in Articles 112 and following of Law 05-04, concerning the organization of prisons and the social reintegration of inmates. It stipulated the establishment of external units affiliated with the prison administration responsible for social reintegration programs outlined by the joint ministerial committee coordinating rehabilitation and reintegration activities of inmates, as well as monitoring individuals under obligations and conditions resulting from their participation in various activities (Lkhmissi, 2012, p. 215).

The Algerian legislator limited subsequent care to assisting with transportation and return to the family home, provided as support to the inmate upon release. He also stipulated the necessity of establishing institutions where the released persons could contribute labor in exchange for a monthly wage; however, these institutions have not been established since 2005. Hence, we can say that penal policy in Algeria has relied not only on the monitoring and guidance phase but also on subsequent social care to execute the punishment. Perhaps the reason is that the former is linked to the latter; if guidance is not proper, there will be no successful rehabilitation, and the absence of real treatment renders subsequent care ineffective.

Therefore, it is necessary to establish specialized external institutions, similar to those in developed countries, to accompany the inmate immediately upon release, guide him in finding work suitable for his abilities, and gradually integrate him into society. At the beginning, these institutions should provide even minimal material support, or if necessary, financial assistance in the form of loans to facilitate integration. The Algerian legislator also stipulated providing social and financial support to indigent released persons, as well as creating public institutions to utilize their labor. However, external units, social and financial support, and employment institutions have been linked to regulations that determine their activities and working methods (Executive Decree No. 25-431, 2005).

Nevertheless, the Algerian legislator did not give sufficient importance to subsequent care and did not take its significance seriously in reintegrating released persons if linked to external institutions that have not been established to this day. It has been limited to temporary financial assistance for the released person. Therefore, we conclude that subsequent care for released persons is almost nonexistent in practice, which can be attributed to the absence of a proper rehabilitative concept within correctional institutions.

However, there are new efforts regarding the strict implementation of alternative punishments since the appointment of the new Minister of Justice, Lotfi Bougmaâ, on 18 November 2024 by the President of the Republic, Abdelmadjid Tebboune. He aims for the actual implementation of alternative punishments and also to focus on the released persons and their care after completing reintegration programs. This is observed in the systematic intensification of planning for training and education in general, as well as efforts to remove all obstacles faced by the released persons and mobilize all material and human resources to achieve this.

Second Requirement: The Role of Civil Society in the Reintegration Process

Civil society is considered one of the fundamental pillars in the reintegration process, based on the support and auxiliary services it provides to the efforts of the modern state. The intervention of civil society, in all its forms, including associations, organizations, and parties, has manifested across various fields and had an important and effective impact on rehabilitation and reintegration. This occurs through assisting beneficiaries of this process, which consequently serves the interest of both the individual and society. The most notable contributions are reflected in financial, psychological, and health aspects, as well as in the material and moral interventions provided by associations to the families of released persons.

Involving civil society in the rehabilitation of convicts and their reintegration into society falls within two main tasks: the first is the role of civil society in reform and rehabilitation (First Branch), and the second is the role of beneficiary institutions (Second Branch).

First Branch: The Role of Society in the Reform and Rehabilitation Process

The United Nations Minimum Standard Rules for Non-Custodial Measures (Tokyo Rules) 1990 encouraged replacing custodial punishments with alternative sanctions, especially for minor crimes. Within this framework, there are legal provisions urging the involvement of civil society in implementing these punishments. For instance, Rule 3/2 of the Tokyo Rules stipulates that “local community participation in the implementation of non-custodial measures should be encouraged as a means to enhance the role of society in the administration of criminal justice” (UNODC, 2015).

Additionally, Rule 1/7 states that “non-custodial measures should be implemented in consultation with the local community and social organizations wherever possible” (UNODC, 2015).

Engaging civil society has taken multiple forms, including involving associations and organizations, whether governmental or non-governmental, which have taken on the supervision of convicts through implementing community service programs. They have also contributed to the rehabilitation process by providing programs that qualify convicts psychologically and socially, such as education, addiction treatment, and vocational training.

Local authorities, represented by social centers and municipalities, have contributed to creating environments in which alternative sanctions are applied, such as schools, hospitals, and public parks, as well as participating in monitoring convicts during probation. Volunteers and individuals have also been involved, especially in mediation between parties, which usually occurs in family disputes or crimes committed by juveniles.

Referring to Article 50 bis of the Algerian Penal Code, particularly regarding community service, we find that the Ministry of Justice shares the reintegration process with other institutions, such as the Algerian Red Crescent (Algerian Penal Code, Article 50 bis).

Second Branch: The Role of Institutions Hosting the Reform and Rehabilitation Process

The process of reforming and rehabilitating convicts sentenced to alternative punishments is undertaken by many institutions involved in the reform process, whether these institutions are public or private, in order to fully benefit from the rehabilitation process. These institutions play an important role in the life of the convict by providing a sense of being in their natural environment, giving them opportunities for training, and providing them with the necessary means for a decent living (United Nations Thirteenth Congress, 2015).

Among the most successful countries in this regard is France, which has established a comprehensive legal framework detailing the implementation of the rehabilitation process in all its aspects. It specifies the tasks of each entity assigned to implement the reform process and supervision, which is carried out under the umbrella of the Ministry of Justice for executing these rehabilitative programs offered to convicts, in cooperation with the Office of Reform and Integration for adults, and the Regional Office of Education in open environments for juveniles. Coordination is ensured with the institutions authorized for the rehabilitation process, making the state responsible for any harm that may occur during the execution of the rehabilitation process, as stipulated in Article 131-24 of the French Penal Code (Accueillir une personne en travail d'intérêt général).

The French Ministry of Justice has also involved economic and social institutions in this experience, reflecting the law of March 23, 2019, concerning reform for justice 2018-2022. Its implementation was regulated by the decree on December 26, 2019, and a decree dated January 20, 2020, listed the relevant internal and external administrative bodies involved in this experiment. This initiative clearly reflects the social orientation of alternative punishment in relation to rehabilitation mechanisms and the support of convicts, as these socially and solidaristically oriented institutions have the ability to train these offenders and integrate them gradually into the economic cycle (Hafedh, 2022, p. 122).

Conclusion

Scholars in the field of criminal law in the modern era have been able to present the complete theoretical environment for legislators to encourage the judiciary to adopt alternative punishments, which aim to reform the convicts and transform the idea of deterrence and revenge from the offender to the idea of reformation and benefiting from him, giving a human dimension to punishment. In this way, the protection of society and its interests is achieved while also rehabilitating and reforming the offender to become a productive individual in society.

Various approaches and mechanisms have been adopted to implement these principles, and they have been incorporated into the legislation of many countries in accordance with the United Nations charters, conferences, and the Covenant on Civil and Political Rights, responding to human rights and providing all guarantees for the convict that preserve his dignity as a human being. Most criminal legislations have adopted the system of alternative punishments at varying rates, achieving positive results in many countries, particularly regarding the reduction of recidivism and the decrease in financial burdens allocated for prison expenses.

Algeria has also followed this path, introducing alternative punishments into its legal system in response to contemporary international trends toward humanizing punishment. This adoption is embodied in the inclusion of the public interest service as an alternative to custodial sentences in Article 5 bis 1 of Law No. 0109, ratified on 25 February 2009. Alongside this punishment, Algeria also adopted the system of electronic monitoring, daily fines, conditional release with suspended execution, and other rehabilitative measures.

At the end of this research, a set of recommendations and proposals is presented to enhance the effectiveness of prisoner rehabilitation. These recommendations are summarized into two main elements:

A - Establishing a Supportive Environment for Alternative Punishments

- Efforts should be made to highlight the positives of alternative punishments within society and to prepare an appropriate environment for their implementation. This includes preparing public opinion through media campaigns on the necessity of accepting this type of punishment, involving media of all kinds intensively, and organizing seminars and conferences to promote the benefits of adopting alternative punishments and the importance of reforming and reintegrating the offender into society.
- Studying the experiences of advanced countries that have adopted alternative punishments in their penal systems and achieved positive results.
- Encouraging judges to issue alternative punishments due to the inefficiency of custodial punishments in eliminating crime and recidivism.
- Creating a framework that facilitates coordination between all institutions involved in the process of rehabilitating and reintegrating convicts, and adopting an advanced information system to simplify inter-institutional interactions.
- Establishing agreements between the Ministry of Justice and the institutions receiving convicts, specifying the tasks assigned to each institution in the reform process and defining responsibilities with precision.

B - Organizing the Legislative and Executive Framework

To properly benefit from alternative punishments for the purposes of reform and societal reintegration, they must be supported by a strong legal and procedural framework to achieve the goals of implementing countries. Therefore, it is necessary to:

- Clearly define the role of the enforcement judge (juge d'application des peines).
- Grant more powers to the enforcement judge so he can adopt measures he deems suitable for the reintegration of convicts.
- Provide comprehensive training for enforcement judges in the field of rehabilitation and reintegration into society, in accordance with modern criminal policies.
- Rely on an advanced information system to facilitate the work of the involved institutions and simplify execution procedures.
- Activate and give greater importance to post-release supervision (follow-up care), as it represents the final stage of effective reintegration; neglecting it undermines all prior efforts.

Ethical Considerations

This study is based on theoretical analysis and a review of legal, criminological, and policy-related literature. It does not involve human participants, personal data collection, or experimental procedures requiring institutional ethical approval. Nevertheless, the research adheres strictly to international standards of academic integrity and research ethics, including honesty, transparency, and proper citation of all referenced sources.

The authors confirm that the study complies with the ethical principles outlined by the Committee on Publication Ethics and respects internationally recognized human rights norms in the discussion of penal systems and offender treatment. All efforts have been made to ensure objectivity, avoid bias, and present findings responsibly without misrepresentation.

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Conflict of Interest

The authors declare that there are no conflicts of interest regarding the publication of this paper. The research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

The authors further confirm that the manuscript is original, has not been published previously, and is not under consideration for publication elsewhere.

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