

Algerian Criminal Policy and Criminal Law Rules in the Era of Globalization



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Abstract

This article examines the impact of globalization on criminal policy and criminal law rules in Algeria. This issue is one of the most prominent challenges facing the Algerian criminal landscape today, as globalization carries threats that may hinder the guarantee of respect for fundamental rights and safeguards for individuals, which have long been considered necessary for achieving the principle of just punishment under the rule of law. The study aims to provide an in-depth theoretical analysis of the current state of Algerian criminal policy in accordance with the requirements of criminal law rules. Finally, we present a set of proposals aimed at establishing a rational and integrated criminal policy that can be applied within a democratic criminal system.

Introduction

Globalization is one of the most prominent social phenomena that has been widely debated in recent decades and continues to be a fertile field for collective study in the academic environment. This complexity is due to the diversity of perspectives and levels of analysis, as its effects overlap across various sectors, including legal studies. Furthermore, the continuous development of its mechanisms and structure increases the difficulty of encompassing all its aspects. Despite being one of the most widely used concepts in contemporary social and political discussions in Algeria, globalization remains among the least clear concepts in terms of comprehensive definition and understanding. This ambiguity is exacerbated when used as a political tool or slogan in public discourse, reinforcing the future need to grasp its multiple dimensions. This requires exploring diverse axes including communication technologies, economic contexts, labor market organization, environmental dimensions, and cultural aspects, in addition to the dynamics of civil society and other interconnected facets [1].

Despite the comprehensiveness of globalization and its spread, which makes it difficult to formulate a unified definition, any approach to it, especially from economic and legal angles, must recognize that it essentially represents an expansion of the capitalist economic system that Algeria is increasingly adopting. This process includes the elements of the system and the relationships it relies on, as well as the economic logic that determines its methods of

operation and mechanisms of continuity in the global context, which clearly influences the legal world. Regardless of whether the legal term is subject to evaluation or not, some fundamental characteristics of the phenomenon deserve to be highlighted in the economic, political, and global fields, due to their clear impact on the world of legal relations manifested in the criminal policy of the Algerian state.

Globalization represents the development of global markets, where active entities in the economic field, especially multinational corporations, enjoy a distinguished position and a dynamic role in managing the basic elements of production, including capital, labor, and services, on a broad global scale. This shift relies on the noticeable development in the fields of transport, media, and communication, which enhances the integration of national policies into an interconnected global system. Globalization manifests in three main processes that reveal its essence. The first process is the widespread dissemination of globalization, making it available to all. The second process relates to the impact of international policies on national reality. These processes may result in positive outcomes for some areas of local society, but they may have a negative impact on other societies [2].

The internationalization of companies has long been accompanied by a strategic challenge at the administrative, commercial, legal, and even political levels, represented by the discrepancy between the trends determined by multinational corporations and the local, national, or regional contexts they face. Therefore, the issue of adapting commercial and human resource management strategies for multinational corporations with foreign contexts has received wide attention in the field of international management [3].

Globalization has led to the growth of mutual interdependence between economies, national policies, and international institutions, which has cast its shadow on the state's ability to direct and manage its economic policies with complete independence. As for the political aspect, globalization has contributed significantly to reducing the sovereignty of the national state and the retreat of its traditional sovereignty borders. This is due to two main factors: first, the increasing influence of multinational corporations whose influence transcends national borders. Second, states have become more dependent on and subordinate to supra-national organizations, leading to a reduction of their authority in favor of emerging global governance systems. It is also worth noting the profound impact of modern technology in the field of communication, known as "communication globalization." These technologies have enabled various forms of global exchange executed in many cases instantaneously, enhancing interaction and interconnectedness between various active parties on the international level [4].

From this perspective, some initiatives aimed at legitimizing the modernization of criminal law in a way that aligns with new demands for protection emerging on the international stage are proposed. The judicial authority plays an important role in consolidating the balance of power within the government and enhancing public trust in it. The Universal Declaration of Human Rights (Article 10) and the International Covenant on Civil and Political Rights (Article 14) have guaranteed the right to a trial before a competent, independent, and impartial court, in addition to regional treaties and conventions. Recognizing the central role played by competent, independent, and impartial judicial authorities in protecting human rights and fundamental freedoms, the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted in 1985 the Basic Principles on the Independence of the Judiciary, which were endorsed by the General Assembly [5].

This modernization is viewed through an approach that balances the requirements of security and the protection of public freedoms, while avoiding drifting towards reference choices in the context of emergency discourse, as these choices may lead to the application of totalitarian responses that could violate the principles of justice and freedom. The results of this research focus on the relationship between criminal policy in Algeria, criminal law, and what is known as the "Risk Society," an issue of fundamental importance on the agenda of current criminological studies in Algeria. These trends raise real concerns regarding respect for human rights and fundamental safeguards for individuals, which are traditionally viewed as important determinants for the penal code within the framework of the rule of law [6].

The theoretical analysis presented in this study centers on a fundamental approach based on a set of methodological processes such as synthesis, generalization, and abstraction. Thanks to this methodology, the study was able to review the normative and methodological assumptions adopted based on the results obtained. Based on what the study revealed through in-depth theoretical analysis and looking at the new reforms resulting from the characterization of contemporary criminal policies and criminal laws, a modern theoretical framework highlighting legal issues was prepared. The descriptive and analytical method that can benefit specialized researchers in this field was also adopted.

A. Features of Algerian Criminal Policy and Criminal Law

Globalization shows a wide impact on various social phenomena in Algeria, to the extent that we have begun to speak today of a new social model known as the "Risk Society." For years, criminology has been considered a multidisciplinary specialty, combining sociology, psychology, law, and economics, among others. Studies in this field rely on scientific models, tools, and methods of analysis used in various social and legal science specialties. In contrast, criminal law, as a normative specialty, tends to rely on interpretive and logical methods and deductive reasoning for the purpose of investigation, conviction, or sentencing according to the legal rules in force in the Algerian legal system.

While criminology relies primarily on empirical research methods, criminal law sees the issue of punishment as having a philosophical nature more than an empirical one. At the same time, the current model shows major shifts for the risk society resulting from the possibilities of risks associated with scientific progress. International conventions such as the 2000 Palermo Convention and its supplementary protocols, and regional conventions such as the Organization of African Unity Convention on the Prevention and Combating of Terrorism, enhance judicial and security cooperation with other countries.

In the face of a threat of this magnitude, it is necessary for countries to adopt a comprehensive approach that takes into account all economic, political, cultural, and social aspects. In the face of those who barbarically oppose our way of life, our freedom, and our democracy, we must engage in a decisive battle on multiple fronts, while respecting our values and the rule of law [7].

The Algerian legislator has adopted an integrated approach to combating organized crime, by aligning national legislation with international standards, especially the United Nations

Convention against Transnational Organized Crime, known as the Palermo Convention. This strategy aims to amend substantive and procedural provisions to suit the challenges of this type of crime, in addition to providing law enforcement agencies with expanded powers, developing advanced investigation techniques, and establishing specialized judicial bodies capable of confronting these crimes characterized by their structural complexity and focus on achieving illegal gains.

This new dynamic emerges based on the link between risks and the feeling of insecurity, which pushes people to demand that the state work diligently to provide protection and security. The social model of the risk society is based on a fundamental idea: the pursuit of security and the reduction of insecurity, even if it is at the expense of some traditional principles on which the criminal justice system is based. In this context, prevention has become the main element in addressing the issues of the new society posed by increasing risks [8].

This means that when a crime is committed, harm must be inflicted on the offender as a deterrent. In many judgments issued by Algerian criminal courts, judges have emphasized that the gravity of the crime is the primary factor taken into account when determining the sentence. A just sentence must be imposed that is proportionate to the crime committed [9]. This reflects a penal philosophy that aims, in the first place, to show the condemnation and anger of society as a whole towards violations of fundamental rights [10].

First: Algeria's Policy in Confronting Criminal Risks

The problem previously discussed had a clear impact on modern criminal policy in Algeria, which is known as the optimal approach for dealing with criminal phenomena. The features of this policy emerge, based on the aforementioned preventive approach, in a significant advancement in enhancing criminal protection through the inclusion of new crimes concerned with risk, and the establishment of global legal bases with a general character and undefined contents.

The inclusion of the concept of "risk crimes" in Algerian criminal legislation indicates a strategic shift aimed at enhancing prevention of potential harms instead of sufficing with addressing them after they occur. This trend is based on the formulation of legal texts of a general nature and high flexibility, enabling the legislator to confront modern criminal patterns such as cybercrime and terrorism. This approach contributes to enhancing criminal protection for the basic interests of society, especially in light of the increasing challenges posed by contemporary developments and the growing phenomenon of globalization [11].

This trend results in what is known as "Preventive Criminal Law," a term coined by "Hassemer," who believes that this expansion may lead to the weakening of traditional principles of criminal law, such as the principle of "legality" and "innocence," in favor of the logic of security and control, where legal rules are expanded to include the protection of emerging interests even before they are subjected to actual violations. This political trend, which focuses on risk control, presents a new model for criminal law, characterized by its high flexibility and its transformation into a means for implementing criminal policies [12].

However, this pursuit of security and efficiency sometimes comes at the expense of its traditional role in protecting the minimum ethical limits. This modern law aims to be a tool for addressing major social issues, transcending its previous function limited to repressing specific harms and protecting potential victims. This represents a fundamental shift in the philosophy of modern legislation, as the law has witnessed a transition from its traditional role limited to addressing "specific harms" and protecting individuals from direct attacks, to adopting a more comprehensive preventive perspective as a tool for social engineering.

This development reflects an enhancement of the concept of "security" and the achievement of administrative and social efficiency, often at the expense of commitment to the "minimum ethical limits." This trend is likely to lead to an increase in the state's influence in monitoring and organizing the public sphere, transcending traditional limits represented in protecting fundamental individual rights and freedoms. Instead, it seeks to apply a more comprehensive preventive perspective, targeting broad and unclear social problems, which leads to the enhancement of what is known as the "trend towards preventive criminal law."

The difficulty of this type of justification lies in the fact that it centers on a pivotal shift, in confining Algerian criminal law within the logic of retribution and utility, within these two models, so that the "criminal issue" in its entirety becomes a mere diversification on a single subject: combating crime and punishing the guilty. The effects of this "closure" are clearly manifested in the new realistic trend prevailing in each of Europe and North America [13].

These preventive ambitions cannot be achieved through traditional legal and traditional tools that were appropriate for society in the nineteenth and early twentieth centuries [14]. The rules of classical criminal law, designed to deal with traditional crimes at that time, now appear as an obstacle to achieving this new model. For this reason, in criminal policy in Algeria, the basic structures of the law, especially the objective and subjective bases for attribution, are witnessing fundamental shifts that lead to their reinterpretation to align with new requirements [15].

This adaptation raises questions about the extent of respect for the principles and safeguards on which the democratic criminal system is based, as the legal system has become susceptible to being influenced by the political interests of contemporary criminal policy [16]. We notice here a radical shift from the traditional link established by "Von Liszt" between criminal policy and criminal law. Von Liszt's vision of the radical shift from the stagnation of traditional criminal law, which confined criminal policy to protecting society through strict punishment and deterrence, to a flexible approach based on the "humanization of punishment" and the activation of restorative justice [17].

This shift gives priority to reforming the offender, integrating them socially, and redressing the harm to the victim, instead of sufficing with custodial penalties that have proven their failure in facing prison overcrowding and recidivism. The success of this system depends primarily on coordination and integration between the efforts of a diverse group of sectors, including the public and private sectors, the justice sector, and prison administration, in addition to international recognition of the importance of human rights principles and commitment to them. These principles seek to achieve a unified goal represented in clarifying the effectiveness of this mechanism.

Through our analysis, we have reached a conclusion that this system represents one of the most important means of penal treatment. It reflects the efforts made within penal policies to achieve reform, rehabilitation, and reintegration. This is done by encouraging prisoners to commit to good behavior within penal institutions, which qualifies them to benefit from such a system.

Criminal law forms a defensive barrier against the influence of criminal policy. However, in the current context, it appears clearly how this restrictive role of criminal law is gradually retreating in favor of the requirements of criminalization dictated by a criminal policy that does not pay much attention to the principle of necessity and purpose. Criminal law can be considered, according to Hassemer's description, an extension of Von Liszt's vision [18]. This leads to the emergence of fundamental gaps in the traditional model for guaranteeing rights and freedoms.

However, with the diversity of sources, especially on the international level, the principle of legality in criminal law has clearly weakened. In fact, "Beccaria" mentioned in his book "On Crimes and Punishments" that "laws alone are what determine the punishments for crimes," and this authority is confined to the person of the legislator, who represents society as a whole, united by a social contract [20].

It cannot be denied that the nature of criminal law in the third millennium has witnessed a radical shift, as it has become manifested less as a tool for enhancing and protecting freedom, to gradually become a dynamic system aimed at managing social problems proactively.

1. Criminalization Policy Towards Legislative Inflation

The Algerian Constitution enshrines the executive authority for criminal law, which means its constitutional legitimacy. Therefore, it is not permissible for it to violate the principle of legality of crimes and punishments. However, if this is not a violation, it is considered a new aspect [21]. Although the roots of the excessive focus on criminal law cannot be attributed exclusively to the phenomenon of globalization, it cannot be denied that this new social, economic, and political framework, characterized by a new neoliberal character, has witnessed a noticeable and unprecedented expansion of criminal penalties to include areas that were previously far from the reach of the Algerian legislator's criminal intervention.

In addition to the limited crimes committed by marginalized groups, which have received continuous attention from Algerian criminal law for a long time, a new trend has emerged with increasing interest in criminalizing harmful behaviors emanating from powerful groups. We can speak of intentionality, containing interconnected and diverse concepts, such as the moral element - criminal intent (*mens rea*) - distinguished from the material element (*actus reus*) - or even the will. The term moral element appeared relatively late, near the end of the nineteenth century [22].

2. Symbolism of Partial Amendments to the Penal Code

The introductory thesis assumes that the diverse and varied reforms related to Algerian criminal law, especially those related to typical structures for legal persons in the special part

of the penal code, in addition to the emergence of special criminal legislation repeatedly, represent clear manifestations of the symbolism, exploitation, and expansion that criminal law suffers from in the current era. And not only in Algeria.

In facing the major challenges sweeping Algerian society in light of globalization, such as issues of citizen security and organized crime as two prominent examples, it is clear that public authorities constantly resort to criminal law through a series of legislative reforms to embody political choices in the Algerian criminal policy as a means for controlling modern crimes. This approach leads to the performance of a political function; where those choices are legitimized and the awareness of citizens is directed towards them in a way that reflects moral dimensions linked to the state and the law [23].

Such legislation is used to convince citizens that politicians are working on solving social security problems, despite the lack of practical effectiveness in facing those increasing problems. When trying to understand the phenomenon of penal expansion from a critical perspective, it becomes necessary to grasp the distinction posed in the intellectual debate in precision amendments to criminal law, which allow the law to emphasize cultural values and highlight expected standards, so that political goals are subject to the material and cultural goal of enhancing those amendments.

It can be said that in such cases, we are not talking about a real expansion of the criminal system, but rather an institutional turning a blind eye that leads to undermining the judicial system instead of strengthening it. Such a situation leads to the transformation of the law itself into an actual partner in enhancing criminal behavior through proving criminal behavior without the existence of a practical will or a real will to implement justice effectively.

We highlight some of the benefits that this political approach linked to criminal law, which strips it of its legal character, can bring. This specific use of criminal law seems to contribute to providing a positive and vital image of the legislator and public authorities in general, while at the same time hiding the absence of other more effective solutions in the social field.

The emergence of specialized criminal laws concerned with organizing specific aspects of economic and social crimes outside the traditional framework of criminal law stands out as one of the manifestations of the gradual expansion witnessed by this field of legislation. This is what we observe through modern judicial organization of some kind [24].

Based on the principle of substantive specialization for regulation, especially what relates to non-criminal regulations, organic laws in many cases organize both criminal and administrative crimes together. This integration leads to the creation of a kind of flexibility or overlap between the material and procedural principles and safeguards that must govern the criminal system, resulting in ambiguity in the differentiation between the roles of jurisdiction for each of criminal law and administrative law.

The reality that is ignored is that despite the technical specificities that characterize the field of economic crimes, this does not justify in any way the use of methods adopted in administrative law to analyze these crimes, which is what we observe in public procurement disputes. While both criminal and administrative law overlap when dealing with the same

social facts, criminal law remains unique with its analytical system and its special vision and independent perspective that distinguishes it from other legal fields.

Excessive use of special criminal legislation does not only lead to opening the way to avoid the strict requirements stipulated in basic legislation, but also leads to a noticeable decrease in the level of legal certainty. This is often accompanied by a significant deterioration in the technical quality of the content of criminal legislation, reflecting aspects of deficiency and challenges in its appropriate employment [25].

3. Challenges of Protecting the Origins of Criminal Legal Rules and the Principle of Harm

With the spread of globalization, we have witnessed an increasing trend towards enhancing criminal protection for legal rights that transcend the scope of the individual to include collective and common rights stipulated in the international bill of human rights and human rights. These rights are often characterized by an unclear and imprecise character, as they lack, in the majority of cases, a direct link to an individual interest.

This reality highlights the crisis faced by the principle of protecting legal rights, as it seems to be gradually deviating from its original function as a factor limiting the scope of criminalization, and acquiring a new role that contributes to justifying the expansion of criminal intervention. In conjunction with the rising importance of legal rights of a non-individual nature, an increasing reliance on legislative methods classified as "abstract risk crimes" is observed. These crimes are often based on the mere violation of the legal rule without actual consideration of the principle of harm, which leads to reducing the real weight of this principle.

The boundaries separating crimes with a criminal dimension and those of a purely administrative nature are becoming increasingly ambiguous. Furthermore, these legislations cause great challenges to the right of defense, while facilitating the expansion of the scope of public prosecution activity in favor of the state [26].

4. Modifying the Scope of Sanction and the Principle of Legality in Algerian Criminal Law

The legislative approach based on the formulation of criminal rules lacking clear content is often relied upon, leading to a retreat of the concept of injustice with the shift of behavioral standards towards regulatory fields within public administration. As a result, administrative bodies are granted direct powers related to determining what is considered to have a criminal nature, although this power is considered, legally and constitutionally, to be the exclusive jurisdiction of the legislator.

5. Importance of the Deterrent Function of Algerian Criminal Law

In the context of modern criminal law, which centers on prevention and control of emerging risks, new challenges have emerged, where traditional categories of dogmatic concepts seem

unable to provide sufficient solutions for them. Although the classical formulation of these rules often hinders the effectiveness of contemporary criminal policy, new interpretations have been proposed that have led to disturbances in traditional structures and principles for attributing criminal responsibility.

This is especially evident in issues of understanding the causal relationship, determining the nature of intent or negligence, and the distinction between participation and contribution, as well as determining the boundaries between consumption and incomplete attempts to achieve the crime. The shifts witnessed by criminal law today cast dark shadows on the general scene, reflecting a worrying deviation from the basic principles of the rule of law, and may open the door to authoritarian practices.

B. Basic Principles for Developing Algerian Criminal Law

The basic principles for developing Algerian criminal law aim to enhance justice and achieve a balance between society's right to security and the rights of individuals. These principles must take into account social, economic, and technological transformations to ensure that the law is keeping pace with the requirements of the era and a guarantor for the protection of fundamental rights. This is done through updating legal rules and texts to be clearer and more precise, in addition to reviewing punishments to be proportionate to the gravity of crimes towards re-rehabilitation instead of just punishment. The principles should also include encouraging crime prevention through community awareness and providing support systems for individuals at risk.

There is no doubt that we live in a society different from what it was previously, sometimes called the risk society or the society of risk. This model differs radically from the classical modern model that focused primarily on protecting individual interests. This society is distinguished from the industrial society in the nineteenth century, which was based on values of social solidarity and collective interests. We are now in the era of neoliberal globalization with all its special characteristics and complexities [27].

The escalation of risks and the lack of collective security, which is often amplified through the influence of public opinion, cause the emergence of intensive demands for criminalizing the criminal act, especially with the increase in crimes. These demands are based on the necessity of protecting the self from threats often measured by statistical standards only.

In facing this pressure, Algerian public authorities respond by legislating the largest possible number of crimes with the aim of protecting society from assumed risks, which leads to the emergence of an exaggerated criminal law in which efficiency and effectiveness override fundamental rights and safeguards. In light of this reality, the traditional model of criminal law faces a deep crisis of features.

The prominent feature of this shift in penal policy is the new discourse based on excessive emphasis on efficiency without clear controls, a serious threat to the system that was based on a set of safeguards. These safeguards supported the classical system of criminal law and formed the basis of the political principles governing it. This shift expresses the embodiment

of what is known as "Enemy Criminal Law," which is a dangerous situation that essentially threatens the idea of the rule of law itself.

Enemy Criminal Law refers to a shift in penal policy towards treating certain groups of individuals as "enemies" of the state instead of "citizens" who have legal rights, leading to a reduction of procedural safeguards and the expansion of the scope of precautionary measures. This approach fundamentally contradicts the principle of the "rule of law," which assumes equality of all before the law and the protection of individual rights and freedoms against arbitrariness, making it a real danger threatening the foundations of the democratic justice system.

It also undermines the basic requirements that support democratic legitimacy and leads to an irrational inflation of the legal system as a result of the phenomenon of globalization. In the face of the decisions of international organizations, states find themselves forced, or they submit to them, and allow their legal systems to drift away from controls and unjustified expansion. Despite the extreme complexity that characterizes the current situation, it remains necessary to recognize that the characteristics of this new criminal law cannot be considered inevitable or legitimate from the perspective of legal or political values. Therefore, the search for a reform solution becomes an inescapable matter.

The necessity of updating classical criminal law emerges as a basic condition for facing the requirements of modern society, as it transcends the defense of the importance of the model being a mere non-applicable fantasy. However, drifting towards a discourse that exaggerates the idea of efficiency, which seeks to use criminal law as a tool for transforming structures or for managing major conflicts in an inappropriate way, should be avoided. Instead, the role of criminal law should be confined to protecting fundamental rights, and using other strategies outside the framework of criminal justice to address broader structural challenges [28].

Many experts agree that the traditional system of criminal justice, despite its deep roots in a specific historical period, is no longer sufficient to face contemporary forms of crime resulting from the increasing complexity of the global economy. This system was essentially designed to deal with classical societies, but it faces serious challenges in controlling behaviors that threaten the rights of individuals and groups in a globalized world that does not always adhere to legal principles. However, this opinion should not be interpreted as a call for more repression or irrational expansion in criminal interventions.

Modifying and updating the Algerian criminal system must be done in a way that respects the established principles of the rule of law, far from the solutions adopted based only on security tools. Only through this studied modernization can a real development of the legal system be achieved. Here lies the necessity of subjecting the phenomenon of globalization to democratic control that reformulates its rules in a way that prevents negative effects, while maintaining a discourse that respects safeguards and discusses human and societal values. The solution is to avoid extremism between the excessive expansion in penal laws and the unjustified contraction towards groups that need protection.

What is required is to direct the state's policy towards adopting a more balanced approach, supporting the reasonable expansion of criminal law towards areas that truly deserve

protection by the legal system, and always in line with the basic principles that control the use of penal authority.

Reconsidering the establishment of the Algerian criminal system to develop it in a way that meets the requirements of the modern era with full commitment to legal safeguards requires promoting recourse to non-penal regulatory choices as primary means for resolving social conflicts. Criminal law should primarily enshrine its exceptional role only. Giving real importance to the nature of this system as a complementary and final tool for use only when extreme necessity arises will lead to reducing its size, making it more effective in the end.

Achieving these goals requires enhancing the role of other oversight bodies to ensure the seriousness of criminal intervention and its effectiveness, while addressing structural problems that affect other aspects of the legal system. From it, the appropriate selective approach becomes necessary, while being keen on respecting the principle of minimum intervention, which is increasingly being transcended today.

Evaluating the legitimacy of penal intervention should not rely only on its impact on a specific field of social life, but must also be based on the extent of its respect for the principles of individual responsibility. In addition to improving the legislative technique used, the interpretation process adopted by those responsible for law enforcement must be based on specific goals between criminal texts and others.

Conclusion

What kind of criminal law adapts to our era - the law we need to face the phenomena resulting from contemporary globalization? It must be a criminal law that adapts to the new features of the criminal phenomenon: from violence, organized economic crime, and international terrorism. It is important not to overlook the fact that the criteria of effectiveness that can and must be met by this branch of the legal system can only be achieved in the context of a democratic model, provided that fundamental rights for the individual and the group are maintained.

The solution lies, as we summarized it, in facing "new" problems through modern criminal law that takes into account the impact of globalization and thus international criminal law in all its dimensions, without neglecting the "old" limits of classical criminal law, because the opposite assumes the demise of a democratic criminal law, and thus, the emergence of a totalitarian criminal law that seems to have regained its momentum and reformulated its theory anew [29].

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