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The Role of Classification and Care of Prisoners in Social Reintegration: Between Legal Texts and Practical Reality in Algeria

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## Abstract

The Prison Administration and Reintegration of prisoners Law serves as a source of hope for Algerian prisoners and their reintegration. This law aims to facilitate work outside the penal institution, either in open institution or otherwise. The reintegration of prisoners is carried out from a religious and social perspective, alongside vocational training, sports activities, and educational aspects. It is further supported by frequent visits to prisoners until their release. The Algerian state has established an effective penal policy focused on reintegrating prisoners into Algerian society. This policy operates within the penal institution (closed institution) as well. It emphasizes qualifying prisoners by providing a multidisciplinary scientific, social, and health environment. This environment equips them for direct integration into society upon completion of their sentence. Furthermore, Algeria plays a secondary role beyond the release of prisoners, aiding their reintegration into society. This is exemplified by the agreements concluded with various entities, particularly youth employment agencies, the National Agency for Youth Support and Employment, and the Ministry of Vocational Training and Education. These collaborations allow the rehabilitated detainee to integrate into civil society after leaving the penal institution.

**Keywords:** Classification and Care of Prisoners. Type of Penal. Collective Imprisonment System. Gradual System. Solitary Confinement System. Double Imprisonment System. Social Car. Visits.

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## 1. Introduction

The enforcement of imprisonment falls within the framework of combating and confronting crime. This is achieved through the re-education and social integration of prisoners. It involves good treatment, education, and assistance with all modern scientific and humanitarian means. The aim is to rescue them from a worsening of criminal behavior and prevent future offenses, and ultimately, their return to society as reformed individuals after receiving principles of reform and treatment within the prison system.

Given this role, most modern legislations, including Algerian legislation, have adopted the principles of the social defense school. This is explicitly stated in Ordinance No. 02.72 dated 10-02-1972, on the Organization of Prisons and the Re-Education of Prisoners<sup>1</sup>.

Article 1 of this ordinance states that "the execution of penal judgments is a means of social defense, preserving public order and state interests, securing the safety of individuals and their property, and assisting offenders in their re-education and adaptation with the aim of reintegrating them into their family, professional, and social environment".

Since Ordinance 27/02 was no longer able to respond to modern penal treatment, it was repealed by Law 05/04, the Law on the Organization of Prisons and the Social Reintegration of Prisoners<sup>2</sup>. This law emphasizes the adoption of social defense principles to justify the imposition of punishment, stating in its first article that "this law aims to enshrine principles and rules to establish a penal policy based on the idea of social defense, which makes the application of punishment and its deprivation protect society through re-education and the social reintegration of prisoners". To implement a policy for the reform of prisoners and provide the appropriate groundwork for its activation in the field, the Law on the Organization of Prisons and the Social Reintegration of Prisoners established bodies responsible for activating the process of social reintegration, as well as mechanisms and systems for implementing this policy.

Regarding the organization of prisons and the social reintegration of prisoners, the problem we raise in this paper concerns the extent of the success of the policy of social reintegration of prisoners in Algeria, which relies on international principles and conventions for its reference and legitimacy. Has the penal administration, as the administrative body responsible for implementing the policy of social reintegration of prisoners, been able to rehabilitate prisoners socially through the mechanisms and means it adopted?

To answer this question, we have decided to divide this study into two sections. The first section will focus on the classification, while the second section will elaborate on the care of prisoners as a mechanism of reintegration. We will support our presentation with a set of statistical figures achieved by the prison administration in its ongoing efforts to achieve the social reintegration of prisoners since the Law on the Organization of Prisons and the Social Reintegration of Prisoners was issued in 2005.

### **I. Classification of Prisoners:**

The classification of prisoners and their care from a social perspective is a crucial element for the success of the social reintegration process. This is precisely what Algeria aims to achieve through its penal strategy.

The process of classifying prisoners and arranging them within penal institutions is one of the fundamental principles and primary pillars upon which the social integration process is built. It is the initial step upon which this process is founded. Distributing and dividing prisoners into homogeneous and similar categories based on gender, age, sentence length, and criminal history prevents negative interaction among prisoners and guards against the spread of criminal contagion within their circles.

Dr. Fawzia Abd Alsataar defines classification as "dividing the convicted into categories that share similar circumstances and then distributing them across penal institutions with the aim of subjecting each category to the appropriate penal treatment for their rehabilitation"<sup>3</sup>.

Adopting the classification of prisoners is one of the most important pillars of penology. It is the individualization of penal treatment, subjecting prisoners who share a set of circumstances and are similar in the degree of danger to a specific and unified system of treatment and measures. Classification emerged as a reaction to counteract the negatives of mixing that prevailed in old prisons, which used to gather all prisoners in one place regardless of their gender, age, severity of their crime, and personality, turning them into fertile grounds for learning and practicing the worst and most vile acts. Prisons became schools for professional criminality and the formation of criminal gangs. The arrangement and guidance of prisoners represent the most important means used by the prison administration in Algeria to achieve the treatment of the convicted and to eliminate the causes and factors of criminality. The task of classifying prisoners has been entrusted to the Sentence Implementation Committee in accordance with Article 24 of the Prison Organization Law.

The criteria for arranging and classifying prisoners can be determined according to what is stated in the Law on the Organization of Prisons and the Social Integration of Prisoners according to three criteria:

- Classification according to categories of prisoners. C
- Classification according to types of penal institutions. C
- Stages of prison phases. St

### 1. Classification According to the Categories of Prisoners:

This classification is based on the separation between accused prisoners, convicted prisoners, and those physically coerced. Regarding the accused prisoners, they are not subjected to any reform programs until a final judicial decision that deprives them of freedom is issued<sup>4</sup>.

A distinction is made between those sentenced to long-term imprisonment and those with short-term sentences, placing those sentenced to death in solitary confinement and those sentenced to life imprisonment in solitary confinement for a period not exceeding 3 years.

Dangerous prisoners are placed in a specially designated wing called the security-enhanced wing as a preventive measure to maintain order and security within the penal institution.

The law on the organization of prisons and social integration of prisoners also stipulates the separation of prisoners based on the age criterion. For this purpose, special wings for juveniles within the penal institution separate juvenile prisoners under the age of 18 from adults.

This separation adheres to the objectives of the reform process by isolating the juvenile from the negative influence of adult behavior and other considerations, including the difference in psychological makeup and mental maturity, which necessitates different treatment, care, and the type of reform programs offered.

Another classification is based on recidivism, which relies on dividing convicted prisoners into two groups: those who have committed a crime for the first time, i.e., those who have been convicted by a judicial ruling and entered prison for the first time, and those who have returned to committing crimes after having been in prison one or more times (habitual criminal category). This separation helps prevent the negative influence of habitual criminals on beginners<sup>5</sup>.

There is also a classification based on gender, which is built on establishing separation between the sexes with the aim of preventing any proximity or mixing between men and women. This is done by creating a special wing for female prisoners in the penal institution, and the reformatory goal of this separation is to avoid the spread of sexual corruption, bad morals, and the occurrence of illicit sexual relations within the penal institution<sup>6</sup>.

Finally, there is a classification based on readiness for reform, which involves separating prisoners who have shown genuine responsiveness to the rehabilitation programs offered by the penal institution and have shown positive signs of reform from those who have not responded to such programs and have shown a negative attitude towards them.

## **2. Classification According to the Type of Penal Institutions:**

This classification divides closed institutions into several types (preventive institutions, correctional institutions, rehabilitation institutions, specialized centers for women, specialized centers for juveniles) that differ in size, the nature of the individuals they house, and the duration of the sentences imposed on them.

Preventive institutions are located within the jurisdiction of each court and are designated to temporarily house prisoners and those definitively sentenced to a deprivation of liberty for a period equal to or less than two years, and those who have two years or less remaining on their sentence, as well as prisoners held for physical coercion<sup>7</sup>, according to the law on the organization of prisons and social reintegration of prisoners.

Correctional institutions are found within the jurisdiction of each judicial council and are designated to temporarily house prisoners and those definitively sentenced to a deprivation of liberty for a period equal to or less than five years, and those who have five years or less remaining on their sentence, as well as physically coerced prisoners.

Rehabilitation institutions are designated for the imprisonment of those definitively sentenced to imprisonment for a period exceeding five years, and for those sentenced to prison, habitual criminals, and dangerous individuals regardless of the sentence imposed on them, including those sentenced to death.

Finally, the specialized centers for women and juveniles are designated for women prisoners held temporarily and sentenced to a deprivation of liberty for any duration, and for physically coerced women, while the latter is designated for juveniles under the age of eighteen who are temporarily imprisoned and sentenced to a deprivation of liberty for any duration<sup>8</sup>.

It remains to be noted that the Algerian legislator has also stipulated in Article 109 the existence of open environment institutions that take the form of centers with an agricultural, industrial, craft, service, or public utility character. These are characterized by employing and housing the prisoner on-site, and placement in these institutions requires that the prisoner has served one-third of the sentence if they are a first-time offender and half of the sentence if they have been previously sentenced. Placement is made by a decision issued by Judge of Penal Execution.

## **3. Stages of Imprisonment Development:**

The Algerian legislator has established an incarceration system within the penal institution that the prisoner goes through during their penal life. It takes into account the presentation of the prisoner to a studied reform program that is compatible with their condition and personality,

and it goes through certain stages according to a timeline that evolves with the improvement and reform of the prisoner's condition.

The incarceration system applied in Algerian penal institutions is influenced in this aspect by the latest reform systems addressed by modern penal thought. It is characterized by the existence of two types of systems for prisoners:

### **3.1. Collective Imprisonment System:**

This system is based on collective life and mixing between prisoners day and night. This does not mean that this system does not separate convicted prisoners from accused men, women, juveniles, and adults; rather, the legal classification is respected, and the collective system is applied in preventive institutions and correctional institutions<sup>9</sup>.

### **3.2. Gradual System:**

This system divides the duration of the freedom-depriving punishment into three stages: solitary confinement, followed by double imprisonment, and ending with collective imprisonment. This type of classification is applied to prisoners sentenced to life imprisonment, dangerous prisoners based on a decision issued by the Sentence Implementation Judge as a preventive measure for a limited period, and also to sick or elderly prisoners as a health measure based on the opinion of the institution's doctor<sup>10</sup>.

### **3.3. Solitary Confinement System:**

In this system, the prisoner is isolated from other prisoners both day and night. It is applied to those sentenced to death<sup>11</sup>.

### **3.4. Double Imprisonment System:**

This system is applied to a category of prisoners who are isolated for a specified period and subjected to solitary confinement before being transferred to the collective imprisonment system afterward<sup>12</sup>.

The influx of prisoners sentenced to short-term penalties has created a continuous movement of entry and exit, leading to severe overcrowding and congestion in prisons. This forces the administration to place more than one prisoner in a cell designed for only one or at most three individuals. Reports by the Global Prison Observatory in Algeria indicate that most prisons suffer from severe overcrowding, poor mixing, and outdated buildings, with the number of prisoners in 2008 reaching 52,000, which is close to the number of prisoners in France, despite France having twice the population of Algeria.

In light of this situation, the process of classifying prisoners according to their danger level, age, and education level becomes difficult. This hinders their scientific and objective distribution based on a thorough study of their personalities, ultimately affecting the social rehabilitation process.

Herein lies the failure of penal institutions to perform their reformatory function. This lack of classification leads to a mix of different categories within prisons, facilitating the formation of criminal gangs headed by a leader, typically someone convicted of serious crimes.

Practical experience has proven that these leaders form a power center and become a reference for making crucial decisions hidden from the administration. Revealing secrets or snitching leads to

severe retaliation by the leader, creating an environment of fear and control. These domineering leaders impose submission on other prisoners through intimidation and beatings. They also engage in covert drug use and trafficking, which may even extend to bribing some employees. If we add to all this the issue of sexual abuse imposed on some prisoners, we can clearly understand the extent of the danger posed by overcrowding and mixing in prisons.

In the face of this severe overcrowding suffered by the majority of penal institutions in Algeria and the inability of the administration to classify prisoners in a legal and scientific manner, prisoners have clustered into distinct groups, which can be classified as follows:

- Dominant personalities among the hardened criminals who dominate the course of events in prison. These individuals are generally habitual criminals who know the ins and outs of the prison system.
- The category committed to the regulations with the aim of securing their means of subsistence and life in prison without problems with the administration. Their primary goal is to accelerate their early release.
- The group that uses and sells drugs and alcohol within the penal institution, posing a significant security threat.
- Practitioners of sexual deviance.

Smugglers of weapons and harmful tools used in acts of rebellion and disobedience, jeopardizing the safety and security of the prison.

## II. Social and Health Care for Prisoners:

The comprehensive care of prisoners, encompassing psychological, health, and educational aspects, has become a fundamental right. It is also a focal point for non-governmental human rights organizations during their inspection visits to Algerian prisons.

Ensuring prisoners receive proper care and the necessary conditions for their stay in penal institutions, including health care, is essential not only for upholding human dignity a central principle of the modern penal system, but also for providing the suitable psychological, moral, and health conditions that enable prisoners to engage with the reform programs implemented by the penal administration<sup>13</sup>.

It is noteworthy that the Algerian penal administration has shown increased dedication to improving detention conditions and prisoner care. This shift comes particularly after the deficiencies and issues highlighted by non-governmental human rights organizations in their recent inspections of Algerian prisons. Prominent among these organizations are the International Committee of the Red Cross and Amnesty International, which have expressed significant concerns regarding the overcrowding and the outdated and inadequate infrastructure of many prison facilities.

### 1. Social Care:

The sudden disconnection of a prisoner from their social and family environment, and their placement in a closed setting that differs significantly from the free world, creates a challenging psychological and social situation for the prisoner. This adjustment difficulty is often termed

"prison shock" <sup>14</sup>, As such, reformatory efforts should aim to minimize the disparities between the two environments or communities as much as possible.

For this purpose, the prison administration prioritizes the provision of social care in prisons as a crucial means to facilitate the rehabilitation and social reintegration of prisoners. It endeavors to preserve the connection between the prisoner and their family and social circles by offering social and humanitarian services within the prison. Social care is directed towards two main objectives:

**Firstly:** To understand the issues faced by the convicted individual and to endeavor to resolve them, enabling the prisoner to engage with rehabilitation programs with a sense of tranquility.

**Secondly:** This role is fulfilled by the psychologist and the social worker, who operate under the director's authority. They compile all pertinent information regarding the prisoner's family, professional, and social environment<sup>15</sup> to utilize it in finding suitable solutions that aid the prisoner's reformatory journey. In this context, two significant elements that enhance the social care of prisoners are noteworthy: visitations and correspondence.

### 1.1. Visits:

The legislator was keen to maintain the prisoner's connection with the outside community by allowing them to receive visitors, especially family members. The new Prison Regulation Law supports the rights of prisoners and humanizes penal treatment by expanding the list of people who are allowed to visit to include fourth-degree relatives on both the paternal and maternal sides, and third-degree relatives by marriage. The law also allows certain individuals, humanitarian and charitable organizations, and religious leaders to visit prisoners if it is determined that their visit would be beneficial for their reintegration <sup>16</sup>.

In addition, prisoners are allowed to make phone calls to their families in the event of a transfer, illness, or separation using remote communication methods<sup>17</sup>.

Prisoners are also allowed to be visited by their guardian, the trustee of their assets, their lawyer, or any public official if the reasons for the visit are legitimate<sup>18</sup>.

The visit permit for the persons mentioned in Article 66, which concerns prisoners who have been sentenced definitively, is issued by the director of the institution. The permit for the persons mentioned in Article 67, which concerns prisoners who have been sentenced to appeal, is issued by the judge of the enforcement of sentences. The permit for the communication visit for a prisoner who is in pre-trial detention is issued by the competent judge, and by the public prosecutor's office for prisoners who are appealing or cassation.

Visits are subject to a number of control measures that the prison administration is keen to apply, including monitoring the conversation between the prisoner and the visitor and preventing the delivery of objects during the visit. The visit may also be terminated at anytime if the content of the conversation is disruptive to the order and security of the institution.

It is worth noting that the Algerian legislator, despite expanding the list of persons and organizations authorized to visit prisoners and the possibility of remote communication, has neglected to include siblings in the list of authorized persons, despite the close family ties between the prisoner and their siblings compared to fourth-degree relatives by marriage.

It is also worth noting the absence of a system of private visits in Algerian legislation, which would allow prisoners to meet with their wives in a private setting. This system, which is now

being advocated by some reformist ideas and has been implemented in some prisons in other countries, has many positive aspects in terms of achieving psychological and family stability and reducing the widespread sexual deviance in the prison environment, as it avoids family breakdown resulting from the deprivation of the husband who is outside the penal institution in a state of freedom from the marital relationship.

It would have been better if the issuance of all communication permits for prisoners, regardless of their legal status, had been within the jurisdiction of the director of the institution in order to avoid the inconvenience of the visitor having to obtain the communication permit from several places. The permit for a prisoner in pre-trial detention is issued by the courts, and after the prisoner's trial, it becomes the responsibility of the prison administration, and so on. This, in my opinion, is a form of administrative bureaucracy and is far from the principle of bringing justice closer to the citizen, which is advocated by the Ministry of Justice<sup>19,20</sup>.

### 1.2. Correspondence:

The Law on the Organization of Prisons and the Social Reintegration of Prisoners gives prisoners the right to correspond with their family members or any other person, as correspondence is one of the most important means of maintaining the relationship between them and the community. Although the Prison Regulation Law does not specify the number of letters allowed to prisoners, it does subject this correspondence to censorship by the administration of the institution, which prohibits correspondence that could undermine the reform system or the security of the institution.

The process of reviewing the prisoner's letters also helps to reveal some of the personal, family, and social problems that the prisoner is suffering from, and the prison administration uses this information to reform their personality and reintegrate them socially. It also allows them to review topics related to the ongoing judicial investigation, which are then forwarded to the competent judge. However, correspondence from the prisoner to their lawyer or from the lawyer to the prisoner is not subject to censorship and is not opened for any reason whatsoever, unless it is not clear from the envelope that it is sent to or from a lawyer. The same rule applies to correspondence addressed to the judicial authorities and the supervisory administrations<sup>21</sup>.

### 2. Health Care:

Health care plays a vital role in the penal environment, as it is impossible to conceive a rehabilitation program for prisoners without maintaining their health and protecting them from diseases and epidemics. The principle of respecting the dignity of prisoners would be meaningless without providing the necessary health and humane conditions for a respectable stay in the penal institution, starting with the suitability of the place to ensuring hygiene, health conditions, and a balanced diet.

Health care contributes to preserving the physical, mental, and psychological balance of prisoners, as this guarantees their acceptance of the rehabilitation program and their ability to work, engage in training and education, and face ordinary life matters after release from prison.

The Algerian legislator has ensured this care, as Article 57 of the Prison Organization Law states, "The right to health care is guaranteed for all categories of prisoners, and the prisoner benefits



from medical services in the penal institution's clinic and, when necessary, in any other hospital institution"<sup>22</sup>.

### Conclusion:

The conclusion of the study lies in the findings, conclusions, and modest suggestions deemed necessary for reforming the prisoner rehabilitation system in Algeria, It also highlights the role of the penal administration in implementing and managing this system.

In this study, I endeavored to explore the key mechanisms adopted by the Algerian legislature for the social reintegration of prisoners. I delved into the adoption of the prisoner classification process and the prison systems to facilitate the reintegration process. Moreover, I noted that the classification outlined in the Prison Organization Law for various types of penal institutions in Algeria failed to account for the need for specialized health facilities to address issues like drug and alcohol addiction and others.

Additionally, I highlighted the challenges associated with implementing such measures, including the absence of modern penal infrastructure meeting international standards and the persistent issue of prison overcrowding, which remains a major impediment to effective reintegration efforts.

Regarding education and Vocational training, I emphasized their critical role in achieving social reintegration for prisoners. I elaborated on the organization of educational programs within prison institutions, showcasing how education spans from basic literacy to university-level education, supporting my argument with field statistics.

I also focused on the importance of vocational training in re-education and reintegration of prisoners through their employment, harnessing their energies and discovering their talents. In terms of organizing vocational training, I discussed and analyzed the agreements that the Ministry of Justice has concluded in this regard with the relevant sectors, headed by the Ministry of Vocational Training.

As for the issue of social and health care for prisoners, I explained its role in the reintegration process as one of the most important pillars of the modern penal system. It has become an integral part of the human rights of prisoners to reside in dignified conditions that meet necessary humanitarian standards.

In this context, I explained how social care has become a fundamental element in the reintegration process by maintaining the prisoner's relationship with their family and community. This is achieved through the prison administration's efforts to strengthen factors that support this connection and reduce factors that weaken it.

Regarding healthcare, I addressed the organization and management of treatment, hygiene, care, and nutrition in Algerian penal institutions to provide suitable health conditions. This strengthens their role in achieving humane living conditions within the prison environment and positively impacts the process of social reintegration for prisoners.

In this area, the most critical observations are the lack of medical staff, especially in southern institutions, and the inadequacy of most prisons' infrastructure. Many facilities are outdated and lack the architectural design necessary to provide proper health conditions. I also addressed reintegration systems, explaining their role in the social reintegration of prisoners.

Based on my findings and observations, I believe that the policy of re-education and social reintegration of prisoners in Algeria and the success of the penal administration in achieving this remains, in my opinion, futile as long as the social conditions that contribute to deviance persist, such as unemployment, poverty, housing crisis, drugs, and others. What is the use of reforming prisoners and the penal administration if life outside pushes them towards deviance more than integration? In this case, we are trying to create a sound penal administration in an unhealthy society, which is not possible.

The process of reintegration should involve all components of society, including families, educational, social, economic, cultural, and political state bodies, in addition to non-governmental social and humanitarian organizations.

It is also necessary to involve all citizens by guiding and educating them to help prisoners instead of marginalizing and alienating them.

In light of the above, it is clear that it is necessary to truly open prisons to scientific research and studies by specialists in penology, criminology, sociology, psychology, medicine, and others. This is to study the prison environment in Algeria in all its dimensions and components, and to present the most important scientific solutions to the phenomenon of crime and constructive proposals for reforming prisons, the personality of prisoners, and preserving their human dignity. The results of these studies should be the raw material that the Ministry of Justice relies on in building the orientations of its penal policy, instead of relying solely on the laws of other societies that have proven to be unsuccessful due to environmental, social, and cultural differences.

Furthermore, opening prisons to media investigations, especially television, would greatly assist in the social integration process of prisoners and change public perception of prisons.

Public awareness of prison activities will develop an understanding of the humanitarian and social function they serve, leading to greater involvement and cooperation from governmental and non-governmental social entities in providing assistance to prisoners. Additionally, media coverage helps reduce the gap and distance between free society and the prison community, which positively impacts the process of prisoner integration into society after their release.

In the same context, I see the need to revise some of the legal texts in the Prison Organization Law, including those related to visits, by including intimate visits (conjugal visits) due to their importance in the reintegration of prisoners and expanding the list of those authorized to visit under Article 66 of the Prison Organization and Reintegration Law to include siblings, sponsoring father, sponsoring mother, and sponsored son.

In the classification of prisoners, it is necessary to include a provision whereby prisoners (intersex) and prisoners working in sensitive sectors in the state or belonging to the security forces are isolated. The aim is to avoid sexual crimes and diseases within the penal institution for the former, protect state agents who are prisoners, preserve the institution's security for the latter, and to keep pace with the requirements of the social reintegration process of prisoners. It is more advisable to focus on the architectural engineering of prisons as the vessel that houses social rehabilitation activities. In this regard, attention must be paid to architectural real estate engineering to provide basic structures, especially for rehabilitation facilities such as sports facilities, educational and training halls, workshops, factories, libraries, classrooms, etc. These prisons should be small, accommodating 300 to 500 prisoners, so that supervisors can apply appropriate individual treatment for each of them based on their personal circumstances and

qualifications, and to avoid building centralized prisons that exceed this capacity, as they do not align with modern punitive policy.

It is also necessary to minimize imprisonment penalties as much as possible and substitute them with alternative, less costly, more deterrent penalties that are closer to justice in specific crimes<sup>23</sup>.

Based on the experiences of other nations, it has become necessary to improve the employment situation of employees by providing necessary incentives, housing, basic services, and health and psychological care to make their performance positive, constructive, and alleviate many of the tensions caused by job pressures and frustrations. Employees are a cornerstone of the integration process, and they bear enormous responsibilities, as the saying goes: "the rotten egg is among the effects of the dead bird".

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