

Gangs in Residential Complexes: What Confrontation? A Study of Presidential Order No. 20/03

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Abstract:

This research paper sheds light on the topic of neighborhood gangs in Algeria, a dangerous and complex criminal phenomenon that has recently emerged with significant prominence. It has rapidly spread within residential areas, instilling fear, anxiety, and a lack of security among citizens, while creating instability through crimes committed by these gangs. The importance of this study lies in clarifying the legislative preventive and deterrent approach to this

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1. INTRODUCTION

A new type of war is emerging on the global stage, with its consequences manifesting in social violence, crime chaos, drug dealing, and extreme assaults, sometimes leading to murder. These negative behaviors are largely associated with children, unemployed youth, and teenagers. They are the new enemies and perpetrators who commit crimes through organized professional gangs operating in

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streets and neighborhoods, commonly referred to as "neighborhood gangs." These gangs generate multiple levels of violence and create an atmosphere of insecurity in residential areas, in addition to causing fear and terror in society. Moreover, these gangs evolve into dangerous networks with their criminal agendas, often led by a gang leader known as the "gang prince" or "drug kingpin." Their violence escalates from defensive to offensive stages.

These enemies from various neighborhoods represent a new kind of threat to national and international security due to the gravity of crimes they may commit. The impact is not only reflected in the instability of neighborhood residents, but the harsh reality is that neighborhood gangs disrupt the social order and can even bring down governments. A case in point is the teenage gangs in California neighborhoods that flourished in the 1990s, as well as those in Central America, Mexico, and the Caribbean.

Although neighborhood gangs have evolved from primitive, small, and underfunded entities into global organizations, countries continuously strive to counter them. In this context, this phenomenon was not previously known in Algerian society, but it has started to grow, especially in the last decade, where assaults have taken on various forms within residential areas. This phenomenon, if we may say, represents a different kind of power and, at the same time, constitutes a deadly assault.

Most of the assaults and activities of neighborhood gangs in various regions of the national territory involve petty thefts (such as stealing from parked cars) or major thefts (such as snatching handbags), attacks on individuals in neighborhoods and streets, sometimes escalating to armed robbery and murder. This has heightened the sense of insecurity, leading to the adoption of necessary legal measures to confront this growing phenomenon. Every day we hear about incidents involving conflicts and assaults, which are often complex, with their protagonists being extremist and

delinquent youth who challenge law enforcement and confront the imposition of order.

In reality, the phenomenon of the presence and rebellion of neighborhood gangs is not a minor issue. It is no longer just a matter of conflict with the police; it is a complex phenomenon with multiple causes that spreads rapidly and can take root in any geographical area, posing significant dangers. As a result, the need to combat the rebellion of neighborhood gangs in Algeria has arisen following the increasing threat posed by this group.

From this standpoint, this study aims to shed light on the phenomenon of neighborhood gangs as a form of corrupt criminality, focusing on the preventive measures adopted by the Algerian State to address this dangerous phenomenon. This is explored from both the socio-criminal and legal perspectives, with reference to Presidential Order No. 20/03, dated August 30, 2020, concerning the prevention and combat of neighborhood gangs. In this context, the study attempts to clarify the legally authorized Algerian bodies responsible for preventing and combating the violence of neighborhood gangs.

1.1 Study problem:

The study, therefore, addresses the following key issue:

What are the mechanisms adopted by the Algerian legislature to confront neighborhood gangs and prevent the violence and brutality of these criminal cells in residential areas?

To answer this question, we will employ both the descriptive and analytical methods by analyzing the legal provisions set out in Order No. 03-20 related to the combat against neighborhood gangs. Accordingly, the study is divided into two main sections:

1. Strategic preventive measures to confront the danger of neighborhood gangs:

Strategic preventive measures refer to the legal mechanisms implemented by the state to confront threats, imposing measures and

procedures to prevent crime.⁽¹⁾ In reality, the criminality of neighborhood gangs is one of the most dangerous threats to national security. It is linked to youth violence in residential areas, where some youths or an organized group of criminals are referred to as "thieves' gang," "smugglers' gang,"⁽²⁾ or, as Dr. Nasreen Abdel Hamid Nabih describes it, a new type of war with consequences such as social violence, crime chaos, the influx of refugees, drug trafficking, organized crime, and destruction.⁽³⁾

It is important to indicate that neighborhood gang crimes are a global social phenomenon present in all societies, whether developed or developing. Moreover, it is undeniable that this phenomenon is spreading notably in Algeria and is continuously increasing at unprecedented rates. Neighborhoods have become stages for various types of crimes, including murder, kidnapping, the formation of criminal gangs, theft, and the destruction of vehicles, among others.

This serious situation has driven the state authorities to establish a regulatory framework to combat this phenomenon by adopting a preventive strategy, fully aware of the growing danger and proliferation of this criminal phenomenon. This is evidenced by the issuance of Order No. 20-03 concerning the prevention and combat of neighborhood gangs,⁽⁴⁾ which entrusts public institutions and local communities with the responsibility of taking necessary preventive measures against neighborhood gangs.

This includes implementing vigilance mechanisms, early

(1)- Hussein Al-Mohammedi, *The Criminal Danger and Its Confrontation*, Al-Maaref Establishment, Alexandria, Egypt, 2003, p. 419.

(2)- Slim Mazhoud, "The Concept of the Neighborhood Gangs Phenomenon in Algeria," *Factors of Presence and Treatment*, *Haqaeq Journal of Psychological and Social Studies*, Vol. 6, No. 2, 2021, p. 13.

(3)- Nesrine Abdel Hamid Nabil, *Complex Behavior*, Al-Wafa Legal Library, 2nd edition, Alexandria, Egypt, 2012, p. 223.

(4)- Order No. 20-03 dated 30 August 2020, concerning the prevention and combating of neighborhood gangs, *Official Journal of the People's Democratic Republic of Algeria*, No. 51, issued on 31 August 2020.

detection, and ensuring balanced security coverage for neighborhoods while considering preventive requirements in housing projects.⁽¹⁾ The preventive strategy to combat this type of criminality is embodied in the preventive mechanisms represented by the national and provincial committees for the prevention of neighborhood gangs.

1.1 The National Committee for the Prevention of Neighborhood Gangs:

This committee is one of the most significant bodies established by Algerian legislation under Presidential Order No. 20-03. It is tasked with developing a national project for the prevention of neighborhood gangs. Article 8 of the order states: "The National Committee for the Prevention of Neighborhood Gangs, referred to in this text as the 'National Committee,' is placed under the Minister of the Interior."

It is noteworthy that the Algerian legislature has primarily and fundamentally relied on a national committee to carry out the tasks specified in this special law. According to the provisions of this article, this committee is established under the Ministry of the Interior, which plays a crucial role in the field of security.⁽²⁾ The ministry is responsible for managing, evaluating, and coordinating prevention, combat, and control measures to ensure public order. It also contributes to defining national security policy and coordinates matters related to internal security within the country. This is evident from the powers granted to the Minister of the Interior under Executive Decree No. 18-331,⁽³⁾ which include overseeing order and

(1)- Nacer Waqas, "A Review of the Legislation on the Prevention and Combating of Neighborhood Gangs in Algeria," *Journal of Global Politics*, Vol. 5, No. 3, 2021, p. 729.

(2)- Faleh Kamal, "Addressing the Neighborhood Gangs Phenomenon in Algerian Law," A Review of Order 20/03, *Al-Baheth Journal of Academic Studies*, Vol. 8, No. 3, 2021, p. 486.

(3)- See: Article 4 of Decree No. 18-331 dated 22 December 2018, defining the powers of the Minister of Interior, Local Communities, and Urban Planning, *Official =*

security, ensuring the enforcement of laws and regulations, and protecting people and property, among other responsibilities.

Another point worth mentioning is that the Ministry of the Interior oversees local communities, making it better equipped than other bodies to implement the objectives of the order.⁽¹⁾ Furthermore, it possesses the most critical tools to contain and reduce this phenomenon, thanks to its security apparatus (the police) and the preventive measures, control, and monitoring activities conducted within residential areas⁽²⁾.

The importance of the National Committee's role is further highlighted by its distinctive composition, which includes representatives from ministries, public administrations, public institutions, and security services, as well as civil society organizations and experts in criminology, sociology, and psychology.⁽³⁾ By involving various stakeholders, institutions, and associations in the fight against the phenomenon of neighborhood gangs, it is undoubtedly expected to have a significant impact on effective prevention and reduction of this scourge.⁽⁴⁾

As for the committee's responsibilities, based on Article 8 of Order No. 20-03, it is primarily tasked with several important duties, as follows:

– Developing the national strategy for the prevention of neighborhood gangs, presenting it to the government, and overseeing

Journal of the People's Democratic Republic of Algeria, No. 77, issued on 23 December 2018.

(1)- Faleh Kamal, *op. cit.*, p. 486.

(2)- Hussein Al-Mohammedi, *op. cit.*, p. 340.

(3)- Article 9 of Order No. 20-03, *op. cit.*

(4)- Decree No. 21-123 dated 29 March 2021, defining the composition of the National Provincial Committee for the Prevention of Neighborhood Gangs, *Official Journal of the People's Democratic Republic of Algeria*, No. 25, issued on 14 April 2021.

its implementation by relevant public authorities, civil society, and the private sector.

- Collecting and centralizing data, and defining standards and methods for preventing neighborhood gangs.

- Proposing measures, providing opinions or recommendations, and even suggesting and presenting legal and administrative tools for preventing neighborhood gangs, along with any suggestions deemed necessary to ensure effective prevention and improvement.

- Monitoring and evaluating the activities of the provincial committees for the prevention of neighborhood gangs and coordinating their actions.

Given the nature of neighborhood gang crimes and their composition of groups with broad criminal descriptions, involving various types of individuals and criminal groups such as troublemakers, street gangs, teenagers, and reckless youth⁽¹⁾ whose activities often extend beyond their own neighborhoods into other areas—neighborhood gangs have become dangerous and offensive organizations, if we may use the term. The violence they generate takes on various frightening and terrifying forms.⁽²⁾ In our view, this is a complex problem, and it has become necessary for one of the members of the National Committee to be an expert with deep knowledge in the field of criminology and its relationship with society. Such an expert would be capable of diagnosing the various patterns of violence in neighborhoods, particularly as researchers in the field of criminology assert that "street gangs can corrupt society and even bring down governments."⁽³⁾

(1)- Hamza Lazazga, "Criminal Behavior of Neighborhood Gangs in Algeria: A Criminological and Psychological Approach," *Journal of Studies in the Psychology of Deviance*, Vol. 06, No. 02, 2021, p. 40.

(2)- Nesrine Abdel Hamid Nabil, *op. cit.*, p. 225.

(3)- Nesrine Abdel Hamid Nabil, *op. cit.*, p. 225.

1.2 The Provincial Committee for the Prevention of Neighborhood Gangs:

The Algerian legislature intervened, under Presidential Order No. 20-03 and based on Article 11, to introduce another mechanism aimed at preventing deviant behavior within neighborhoods, namely the provincial committee for the prevention of neighborhood gangs. The determination of which provinces will establish these committees was left to regulations.⁽¹⁾ In other words, these committees will not be automatically established in all provinces but rather selectively in some provinces, likely based on the prevalence of this criminal phenomenon in certain areas, particularly in larger cities.⁽²⁾ These cities often have large residential neighborhoods notorious for violent movements and daily conflicts, which frequently result in injuries and even fatalities. In this context, field studies point to the spread of battles in residential areas, where various weapons are used, and casualties are common⁽³⁾.

Article 13 of the same order specifies the composition of this committee, which includes representatives from public administrations and institutions, security services, civil society, local producers, and specialists in criminology, psychology, and sociology.⁽⁴⁾

The spread of neighborhood mafia groups in most provinces of the country is an undeniable reality, particularly in newly developed residential areas. This situation has forced some families to abandon their homes due to the lack of security and the frequent armed group conflicts.⁽⁵⁾

(1)- See: Article 11 of Order No. 20-03, *op. cit.*.

(2)- Faleh Kamal, *op. cit.*, p. 488.

(3)- Article "Street Fights: Skirmishes with Battle Outcomes," *El-Mouaid El-Yaoumi*, National Daily News, published on 07-11-2016, accessed on the website elmaouid.dz on 20 April 2022 at 22:00.

(4)- See: Article 9 of Order No. 20-03, *op. cit.*.

(5)- See: Article "Algeria's Fight Against Neighborhood Gangs: The Complex Battle," *Rai Al-Youm*, accessed on the website raialyoum.com on 19 April 2022 at 23:00.

Returning to the same order, Article 12 outlines the responsibilities of the committee, which are suitable for addressing deviant behavior and curbing harmful acts occurring within neighborhoods. Its primary role is to implement the national strategy for the prevention of neighborhood gangs at the local level, monitor early gang activities, and report them to the relevant authorities.

As per the same article, the committee is tasked with several key functions, such as studying and analyzing the activities of neighborhood gangs at the provincial level, as well as the circumstances surrounding them, in order to adopt a local plan to prevent the phenomenon of neighborhood gangs. The committee may also request data and statistics related to the phenomenon from the relevant provincial authorities. Additionally, it monitors early activities of neighborhood gangs and informs the appropriate authorities, while also proposing necessary measures. The committee also plays a role in preventing the crimes outlined in the order by reporting to the competent judicial authorities any actions that may likely constitute a criminal movement.⁽¹⁾

2. Fundamentals of deterrence and punishment in addressing the phenomenon of neighborhood gangs:

It is neither an exaggeration nor an error to state that the criminality stemming from neighborhood gangs poses a significant threat to society, social life, and its potential collapse. The law's ultimate goal is to achieve social and security stability through methods embodied in legal mechanisms and deterrent measures to prevent various forms of criminality.⁽²⁾

When discussing deterrent measures to address the phenomenon of neighborhood gangs, they are evident through the follow-up

(1)- See: Text of Article 12 of Order No. 20-03, which includes the ten powers entrusted to the provincial committee.

(2)- Hussein Al-Mohammed, *op. cit.*, p. 379.

procedures and penalties for gang-related crimes, as stipulated in Chapter Four of Order No. 20/03, titled "Procedural Rules." Additionally, Chapter Five of the same order outlines penal provisions. Examining all the procedural rules and aspects included in this order, we observe that the policy adopted by the legislature is characterized by an increase in procedures and a tightening of penalties.⁽¹⁾

2.1 Procedural Follow-up Specific to Crimes Committed by Neighborhood Gangs:

Upon examining the provisions of Order No. 20-03, we observe that the legislature has established specific procedures for the prosecution of crimes committed by neighborhood gangs. These crimes are considered acts that threaten societal interests in terms of stability, security, and balance due to collective assaults and repeated violence using threats and weapons.⁽²⁾ The procedural specificity becomes evident through the following:

2.1.1 Initiating the Lawsuit and Establishing Civil Party Status:

Since these crimes affect public security and order, the public prosecutor initiates public proceedings automatically, even if no complaint has been filed by any party. Additionally, the order provides for the possibility of national groups active in the field of human rights, as well as neighborhood associations, to file a complaint before the judicial authorities and establish themselves as a civil party in the crimes specified under this order.⁽³⁾

2.1.2 Adoption of Special Investigation Techniques to Detect Serious Crimes:

These techniques include "undercover operations," "audio

(1)- Barakat Riad, Mseika Mohamed El-Saghir, *Mechanisms for the Prevention and Combating of Neighborhood Gangs*, *Journal of Legal and Social Sciences*, Ziane Achour University of Djelfa, Algeria, Vol. 6, No. 2, June 2021, p. 44.

(2)- Hussein Al-Mohammedi, *op. cit.*, p. 76.

(3)- See: Article 17 of Order No. 20-03, *op. cit.*.

recordings," "interception of communications," and "photograph capture," as outlined in Law No. 06/22, which amends the Code of Criminal Procedure. Given that crimes committed by neighborhood gangs fall under the category of dangerous and harmful offenses, and since they affect public security and order as per Article 17 of Order No. 20-03, judicial police, under the supervision of the judiciary, are authorized to investigate these crimes, track down the criminals, and identify the youth who gather to incite disorder and plan criminal activities.

2.1.3 Combining Sentences Imposed under This Order with Any Other Imprisonment Sentence:

This provision allows for the imposition of additional sentences in conjunction with any other custodial penalties.

2.2 The Specificity of Penalties Imposed for Crimes Committed by Neighborhood Gangs:

The specificity of the penalties is clearly demonstrated through the sanctions generally imposed on acts committed by neighborhood gangs. To clarify, Article 21 stipulates the following punishments:

- Any person who abuses, organizes, joins, or participates in any form in a neighborhood gang, with knowledge of such involvement, and anyone who recruits one or more persons, shall be punished with imprisonment ranging from three (3) to ten (10) years and a fine ranging from 300,000 DZD to 1,000,000 DZD. The penalty is further increased for anyone who leads a gang, with imprisonment ranging from 10 to 20 years and a fine between 1,000,000 and 2,000,000 DZD. The minimum penalty is raised to 15 years if the crime is committed under any of the following circumstances:
 - Recruiting a child or any other person,
 - Breaking into a private residence,
 - Carrying or using firearms or other weapons such as explosives,

- Committing the crime under the influence of drugs or psychotropic substances,

- Acting as part of a group of more than 12 people.⁽¹⁾

- Any person who incites others to commit such acts shall be subject to the same penalty (15 years), which can extend to life imprisonment if murders occur during violent activities in neighborhoods.
- Any individual who promotes the use of weapons in "neighborhood gang wars" shall also be punished.
- Any person who knowingly encourages or finances neighborhood gangs, as well as anyone aware of an attempt to commit a crime specified in this order, is also subject to punishment.

It is evident that the legislature has enacted clear deterrent provisions to address the danger posed by neighborhood gang crimes, particularly acts of assault or assistance in such acts within residential areas. The scope of punishment is broadened to include anyone who establishes or organizes gangs or engages in any action that clearly signifies gang affiliation or any behavior that constitutes hostile actions or activities.

3. CONCLUSION:

The criminal activities of neighborhood gangs have multiple social, economic, and political dimensions that have contributed to their existence and spread throughout society. The legislature has done well in updating preventive mechanisms at both the national and local levels, in coordination with the relevant authorities, to effectively confront and combat the phenomenon of neighborhood gangs. It is important to note, however, that despite the existence of preventive and deterrent policies aimed at eliminating this criminal phenomenon, the reality of this

(1)- See: Article 29 of Order No. 20-03, *op. cit.*.

behavior in its various forms and the rising number of individuals belonging to these gangs, particularly in major cities, cannot be ignored.

Recommendations:

– There is a need to provide adequate security coverage to monitor residential neighborhoods, especially new developments in major cities.

– The criminality associated with neighborhood gangs is complex and requires more than just legal mechanisms or a legal arsenal. It necessitates an understanding of the criminal phenomenon's movements and its analysis.

– It is essential to address the phenomenon of gang-related crimes in residential areas by focusing on preventive measures, including researching and addressing the social and economic factors that drive individuals to commit crimes. Neighborhood gang youth are willing to kill, destroy, and even die to achieve their personal beliefs or financial goals, a harsh reality that must be confronted.

It is crucial to find a connection between youth and the authorities, addressing the needs of those suffering from social problems and marginalization in order to establish social and economic justice and achieve stability. In our view, curbing violence and the development of criminal agendas cannot solely be achieved through penalties and fines. It is necessary to rethink strategies for resolving conflicts with gangs, particularly by addressing the root causes and consequences of criminality.

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