

Penal prevention from exploiting the characteristics of potential victims of crime in the Algerian Penal Code

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Abstract: Most countries are keen to devote preventive measures and measures to protect society from the dangers of exposure to the criminal phenomenon and to prevent its exacerbation and reduce it as much as possible. This is what the researchers are most concerned about in their studies of the criminal phenomenon in their quest to find solutions to avoid its dangers. Studies in this field have concluded that often the crime cannot occur without the criminals exploiting some of the characteristics of the victims, such as exploiting the victim's profession, young age, age, gender, illness, or the relationship they have with them to commit the crime.

Therefore, the policy of criminalization and punishment is one of the legal means that contribute to the prevention of the criminal phenomenon. Through the Algerian Penal Code, in both parts; The specific objective of the acts that are considered crimes, and the penalties resulting from their commission.

Keywords: Penal preventive; the criminal phenomenon; the characteristics of the victims; the Algerian Penal Code.

ملخص: تحرص معظم الدول على تكريس إجراءات وتدابير وقائية جزائية لحماية المجتمع من أخطار التعرض للظاهرة الإجرامية ومنع تفاقمها والحد منها قدر المستطاع؛ وهذا ما أرق الباحثين في دراساتهم للظاهرة الإجرامية في سعيهم للتوصل إلى حلول لتفادي أخطارها؛ حيث توصلت الدراسات في هذا المجال إلى أنه في كثير من الأحيان لا يمكن للجريمة الوقوع بدون استغلال المجرمين لبعض صفات الضحايا، كاستغلال مهنة الضحية أو صغر أو كبر سن أو جنس الضحية الضحية أو مرضه أو العلاقة التي تربطهم بهم لارتكاب الجريمة. لذلك تعتبر سياسة التجريم والعقاب وسيلة من الوسائل القانونية التي تساهم في الوقاية من الظاهرة الإجرامية؛ من خلال قانون العقوبات الجزائري، بشقيه؛ الموضوعي المحدد للأفعال التي تعتبر جرائم، والجزاءات المترتبة على ارتكابها.

كلمات مفتاحية: وقاية جزائية، الظاهرة الإجرامية، صفات الضحايا، قانون العقوبات الجزائري.

1. INTRODUCTION

Crime statistics show a high proportion of crime victims. The United Nations estimates that in some countries the proportion of crime victims reaches 40% of the population. One of the results achieved by professionals in protecting target groups from the risks of criminal phenomena is the need for the participation of three authorities: the legislative, executive and judicial branches in the prevention task to prevent perpetrators from taking advantage of characteristics of these people that make them more vulnerable to crime ; Crime statistics show a high proportion of crime victims. The United Nations estimates that in some countries the proportion of crime victims reaches 40% of the population. One of the results achieved by professionals in protecting target groups from the risks of criminal phenomena is the need for the participation of three authorities: the legislative, executive and judicial branches in the prevention task to prevent perpetrators from taking advantage of characteristics of these people that make them more vulnerable to crime ;

Preventing crime is one of the goals that various criminal sciences focus on, and it is also the ultimate goal that criminal punishment science strives to achieve by achieving deterrence. This is also the goal pursued by most thinkers and persecution scholars and law professors. ;Among the researchers who accepted this idea and called for its preservation, we mention, for example, what was advocated by "Jeremy Benham" and "Cesare Baccaria" who belonged to the traditional school. They believe that the purpose of punishment should be to deter and prevent crime, otherwise it will lose its effect.¹

Therefore, the conviction and punishment policy is one of the legal means to help prevent crime. According to the two parts of the Penal Code; the specific purpose of the conduct considered a criminal offense and the penalties imposed thereon, the application

¹ أحسن طالب، منع الجريمة، الصفحة 17، دار الطليعة للطباعة والنشر، بيروت، لبنان، (2001).

of which is intended to have a deterrent effect both public and private; procedurally, by safeguarding the right of society to be punished , determining the quality and regional responsibilities of the authorities and institutions dealing with the problem, as well as formulating rules for prosecuting and prosecuting offenders to implement relevant measures to ensure deterrence by imposing penalties and measures against them and protecting the security of society.²

How was the penal prevention of individuals **who are likely to be exposed to the criminal phenomenon because of the characteristics and characteristics that characterize them in the Algerian Penal Code?**

To examine the details of punitive prevention related to the characteristics of potential crime victims in the Algerian Penal Code, we explored the conceptual framework of the subject. We clarified terms such as punitive prevention and potential crime victims, and identified the traits and characteristics that make an individual a potential victim, influencing a criminal's choice of victim. This is discussed in the first section. The second section addresses the penal provisions for preventing the exploitation of potential victims' characteristics in the Algerian Penal Code, as well as the exceptions to these provisions.

2. Conceptual framework for punitive prevention of exploiting the characteristics of potential victims of crime exposure.

Accurately interpreting the criminal phenomenon in a scientific manner helps identify the factors and conditions that lead to its emergence. This enables the implementation of the most

² - Maizer Chankseliani, PUNISHMENT AND OTHER PENAL MEASURES, European Scientific Journal February /Special/ edition vol. 8, No.2 ISSN: 1857 — 7881 (Print) e - ISSN 1857-7431.

appropriate preventive measures, including criminalizing the acts that contribute to it and intensifying penalties to achieve deterrence. Such measures aim to control the phenomenon and minimize its occurrence as much as possible. Crime is considered an inevitable occurrence in society and a potential event in an individual's life, requiring specific reasons and conditions for its emergence. According to Emile Durkheim, no phenomenon arises from a vacuum; when the factors for its appearance are present, it manifests in reality, leaving an impact on society. Social phenomena, according to Durkheim, include all fixed or variable behaviors that can exert external pressure on individuals, characterized by objectivity, generality, obligation, spontaneity, and interdependence.

Studies have revealed that certain characteristics of individuals can exacerbate criminal phenomena. Researchers have found that some people are more susceptible to crime due to traits such as age (young or old), gender, occupation, and illness. To prevent criminals from exploiting these traits, crime prevention experts have adopted deterrent measures to protect vulnerable individuals. Consequently, penal provisions have been established that intensify punishment whenever a crime involves the exploitation of these specific attributes.

2.1 The concept of punitive prevention from exploiting the characteristics of potential victims of crime

According to Canadian researcher Irvin Waller, crime prevention is a modern forensic science that focuses on identifying actions that reduce or mitigate crime rates. Any method, action, or procedure that leads to prevention is considered a protective act. The prevention of crime is based on applying findings from various criminal sciences and relevant laws to establish methods and measures that protect society and minimize the risk of crime. Penal legal protection is an essential part of these procedures. What does penal protection mean linguistically and technically?

The phrase "prevention is better than cure" is well-known and widely used. In Islamic law, "prevention" refers to self-preservation and protection from harm by adhering to commands and avoiding prohibitions. The Quran states, "May God protect them from the evil of that day," meaning God safeguarded them from what they feared. Linguistically, protection and avoiding harm share the same meaning. Legally, however, prevention is embodied through the obligations imposed by various legal rules, where violating these rules results in penalties, thereby achieving deterrence and preventing crime.

Prevention, in linguistic terms, refers to measures that stop something from happening. In Arabic, the word "prevention" denotes protection and maintenance. For instance, to guard something means to protect and shield it from harm, and to guard against harm means to protect oneself and avoid dangers.

In technical terms, criminal legal protection against the criminal phenomenon encompasses all procedures and measures taken before a crime occurs to avoid exposure to its dangers. This responsibility lies with all authorities: legislative, judicial, and executive. The legislative authority's role is to protect society from the dangers of crime by enacting laws that criminalize certain acts and imposing harsher penalties for more significant interests that need protection. The judiciary's role involves enforcing these laws, ensuring offenders are punished, informed of their wrongdoings, and rehabilitated to prevent future crimes.

The executive authority, represented by law enforcement and other concerned bodies, is responsible for implementing preventive measures to ensure citizens' safety and protect their property. This includes responding to emergency calls, intervening early to apprehend perpetrators, and securing citizens in their various activities, whether at work, school, leisure, worship, or other aspects of daily life.

Among the means adopted by states to protect society from

all criminal phenomena, in order to protect public and private rights and to achieve security and stability, are the measures taken in their criminal policies to protect social interests, which are closely linked to the prevailing thought in the group, and the interest of the group may change with the change of circumstances and The prevailing thought has changed, but the most prominent means of protecting these rights always remains the law in general and the penal law in particular, in both its parts; Substantive and procedural and the rules it contains, it is the most effective means in perpetuating the prevention of crime and the most used tool realistically in providing protection for every interest or right in society.

2.2 The concept of crime victims and the effect of age and gender on some people becoming potential victims of crime

The term "victims of crime" refers to individuals who have suffered physical, moral, or financial harm as a result of a crime. The word "victim" is thus associated with the damage and loss a person experiences in their body, reputation, or finances due to criminal activity. This term can also be broadly applied to include all types of harm, such as victims of war, terrorism, accidents, and other contexts indicating harm from various causes.

While the word "victim" is familiar to most people, its linguistic meaning differs significantly from its technical definition. The technical definition can be divided into three categories: a narrow definition, a broad definition, and a hybrid approach that seeks to reconcile the two while addressing criticisms of each. We will explore these definitions in the following sections.

Jurists and law professors have different views on defining the concept of crime victims. These views fall into three main categories: a narrow approach, a broad approach, and a reconciliatory approach that combines elements of both. We will discuss these perspectives in the order mentioned.

- The approach that adopts the narrow concept of crime victims:

The victim in this view is “the person who is intended to harm him by committing the crime, even if the harm did not affect him or the harm extends to other persons.” Adopting the element of criminal intent in their definition of the victim, and in fact the intended victim is not the intended act Only the perpetrator, but rather every person in whom the criminal result was achieved, as in cases of mistaken identity for the victim. Another group went to the definition of the victim as the person who was harmed by the crime, excluding the attempt to commit crimes, for example, and this definition is criticized for not including the victims who suffered harm from the crime, as is the case with the children and husband of the dead man³.

- The trend adopting the expanded concept of crime victims:

The proponents of this trend adopted the element of damage as a criterion in defining the victim, as most dictionaries dealt with defining the victim as “every person who has suffered severe material harm, which is often fatal”, thus giving a broad and inaccurate concept of the victim⁴.

Among the jurists and law professors who adopted this approach was Professor Mendelsohn, where he defined the victim in a comprehensive definition by saying that the victim is “every person, whether an individual or a group, who has been subjected to different pains caused by various factors, including what is material and psychological, including what is economic, political, social or Natural, such as the case of natural disasters.” As for Professor “R. Cario”, he defined the victim as “every person,

³ - داليا قدرى أحمد عبد العزيز، دور الضحية في الظاهرة الإجرامية وحقوقه في التشريع الجنائي المقارن، دار الجامعة الجديدة، الإسكندرية، (2013)، ص81

⁴ - داليا قدرى أحمد عبد العزيز، دور الضحية في الظاهرة الإجرامية وحقوقه في التشريع الجنائي المقارن، مرجع سابق، ص82.

whether an individual or a group, who has been subjected to harm, including harm that affects physical or intellectual integrity, or gross violation of basic rights, and this is on the basis of positive and negative actions that affect the generally accepted rules." internationally in the field of human rights⁵.

In fact, it is not required for every person who suffers damage from the crime to be the victim in it. In the murder crime, for example, the victim is the dead person whose life was lost, while the claim for compensation for the damage arising from the crime is established for the heirs of the dead person who have the status of the injured without the status of the victim⁶.

-The most correct approach in defining crime victims: the victim is "the natural or legal person who has been affected as a result of the crime and whose right or legally protected interest has been violated." Looking at this definition, we find that this approach avoids making mistakes that each of the two previous approaches made⁷.

The importance of studying the protection of victims from crime appears in identifying the factors of human becoming a victim of crime, which by defining them reflect positively on the preventive aspect of society, which is devoted through the measures taken to protect society, which lead to the reduction and prevention of the criminal phenomenon, so what are the factors that affect the A person becoming a victim of crime?

Bad luck is rarely the reason for an individual becoming a victim of a crime. The occurrence of a crime occurs due to the combination of several factors that the perpetrator benefits from to

⁵ - سماتي الطيب. حماية حقوق الضحية أثناء الدعوى الجزائية في التشريع الجزائري، رسالة ماجستير، جامعة بسكرة، الجزائر، (2007/2006).

⁶ - عادل الفقي، حقوق المجني عليه في القانون الوضعي مقارنة بالشريعة الإسلامية، دكتوراه، (1984)، ص21

⁷ - داليا قدرى أحمد عبد العزيز، مرجع سابق، ص. 86-95

achieve his goals. Where the internal factors associated with the person of the victim, such as his age, gender, health condition, and the lack of development in his mind, have a role in the occurrence of the crime, and due to the importance of the internal factors that help the person become a victim of the crime, we address each of the internal factors in a separate element as follows:

✓ **The effect of age on the individual becoming a victim of crime:** The age stage that a person passes through, whether young or old, is affected by what he may suffer from crimes committed against him if the conditions are available for that, as the young and the elderly are considered an easy target for the criminal.

- **Young people (children):** This age group is often exposed to crimes due to immaturity, incomplete health, and their inability to resist. The child has no contact with the outside world except with his family in the pre-school stage, and with his peers in the school stage. However, inexperience. And his total dependence on his family makes him an ideal victim of easy influence and control, by relatives or strangers, and therefore the child can become a victim of various types of crime; In his mother's womb, he may be killed by the mother by aborting herself for fear of disgrace or fear of impoverishment, or he may be killed out of pity for his suffering from illness or disability.

And he may be exposed to neglect that endangers his life or death on the part of his mother or those who take care of him, and he may also fall victim to the crime of kidnapping to demand a ransom from his relatives, especially if his family enjoys wealth, and despite the fact that the child is in his first years of life, it is impossible to link him to others Hatred and grudges, but it is an ideal target for revenge against his family and relatives by killing him and using him as a means to abuse and take revenge on them. The child may be exposed to the crime of kidnapping from women who have been deprived of the blessing of childbearing to satisfy their maternal instinct, or for fear of divorce or remarrying them. for procreation.

And children may be subjected to kidnapping, especially in poor societies, to sell their organs, and they may be subjected to rape crimes by homosexuals, and they may be lured with money by criminals, so they teach them the scourge of begging, or the crime of theft or drug trafficking, taking advantage of the poor economic conditions they face in the family, Or the head of the family evades his responsibilities or abuses intoxicants or drugs⁸.

-The elderly: The middle age and old age stage is also characterized by weakness, as the body's functions begin to deteriorate, and the elderly live a crisis of alienation from society as a result of adherence to personal performance without regard to the change of time, and thus live the difficulty of compatibility with the changes of life, so the elderly prefer to seek the help of relatives or neighbors And workers in various fields to fulfill his needs, which gives way to deviants among them to attack his money. As a person tends, when he reaches old age, to cling to life, he seeks to keep what he was able to collect of money in his home, which exposes him to falling victim to theft crimes, and this may go beyond that to murder if he resists the thief or fears that the criminal will discover his matter.⁹

✓ **The effect of gender on a person becoming a victim of crime:** Victimology research concluded that women are more exposed to the risks of crime than men. Murders of women within the family are high compared to males, as the results of Egyptian criminal statistics indicate that the percentage of crimes committed against males is 33.7 percent, while the percentage of crimes committed against women is 66.3 percent¹⁰.

The researchers attributed the increase in the percentage of female victims to the physiological factor that distinguishes the female by virtue of her constitution compared to the male. Others

⁸ - محمد عمرو العروسي، الوضع القانوني للضحية في الفقه الجنائي الإسلامي، رسالة ماجستير، الإسكندرية، (2006)، ص43.

⁹ - داليا قدري أحمد عبد العزيز، مرجع سابق، ص 197

¹⁰ - محمد عمرو العروسي، الوضع القانوني للضحية في الفقه الجنائي الإسلامي، ص42.

attributed this to the prevailing social conditions that impose a lower status on women than men. Where some specialists believe that the most important factors contributing to a woman becoming a victim of crime is the practice of discrimination against her because of her gender, the society's view of women as inferior to her compared to men, the indifference of guardians in the event of an assault, and the woman's feeling in herself that if she reports the crime that occurred to her, she will be stigmatized Because of her exposure to disapproval of the family and society.

3. Penal provisions for the prevention of potential victims of crime in the Algerian Penal Code and the exceptions thereto.

Offenders often exploit some of the characteristics that distinguish some groups of society, which make them easy targets to commit their crimes, as some of the characteristics that characterize them and the relationship between them provide a suitable environment for them to exploit to easily commit their crimes. They were not able to carry out their crimes, and this is what led the Algerian legislator to take double measures to protect them from the dangers of exposure to crime.

3.1 penal prevention of exploitation of attributes; Gender, medical condition, age, and occupation

The Algerian legislator raised the degree of prevention by tightening the penalty to deter the perpetrators from exploiting some of the characteristics that characterize some individuals, making them potential victims of crime, such as the victim's health condition, gender, age, and profession, and considered it a right of rights to protect them from the dangers of exposure to crime.

- Penal prevention from exploiting the gender and medical condition of the victim:

Some of the characteristics attached to the personality of individuals help them to be targeted more than others for exposure to crime, so how did the legislator face the criminal risk of people

who take advantage of their gender or medical condition to attack them?

“Bentham” called for the need to intensify the punishment if the perpetrator was male and the victim was female, because the characteristic of femininity and the weak ability to defend oneself in the face of male criminals is sufficient in itself to intensify the punishment for the perpetrator, so most legislation enshrined this principle in its internal laws such as the Penal Code The Spanish, who stipulated in its tenth article that the femininity of the victim is considered a general aggravating circumstance, and obliges the judge to rule on the maximum penalty when it seems to him that the crime involved meanness on the part of the male perpetrator against the female victim¹¹

This led the Algerian legislator to consider exploiting the vulnerability of the victim as a factor in aggravating punishment, especially in matters relating to the protection of victims of family neglect. Where the Algerian legislator focused on protecting the family, a criminal left the family by deliberately abandoning the husband from his wife for a period exceeding two months, knowing that she was pregnant for a non-serious reason, and this is what we see in Article 330/2 of the Algerian Penal Code. The protection of gender privacy is also highlighted in the Algerian Penal Code in several articles. Among which we mention, for example, but not limited to; Article 341 bis related to sexual harassment, and Article 266 related to the crime of physical violence, which includes the prevention of wounding and intentional beating of the wife.

As for the prevention of the crime of sexual assault, the Algerian legislator considered in Article 333 bis 3 that every assault committed by stealth, violence, coercion or threat related to a sexual crime against women, the perpetrator shall be punished by imprisonment from 03 years and a fine of 100,000 DZ, or 500,000

¹¹ - داليا قدري أحمد عبد العزيز ، مرجع سابق ، ص 303-30

DZ if this act does not constitute a more serious crime. The penalty increases from two to five years if the perpetrator is a relative, or the victim is a minor who has not completed 16 years of age, is sick, weak, disabled, or physically or mentally incapacitated, or if the woman is pregnant.

The Algerian legislator considered the perpetrator's exploitation of the state of illness to assault the victim as an aggravating factor, as this crime indicates the criminal gravity of the perpetrators who exploit this capacity. Where the care of these groups has been devoted through public health laws, laws protecting victims of war and terrorism, laws protecting people at risk, and other preventive laws for these groups, and this is what Article 350 bis dealt with, which states: If the theft is committed with the use of violence Or the threat, or if its commission is facilitated by the weakness of the victim resulting from her age, illness, handicap, or physical or mental disability.... Whether these circumstances are apparent or known to the perpetrator, the penalty shall be imprisonment from two (2) to ten (10) years, and a fine of 200,000 DZD to 1,000,000 DZD

- Penal protection against the exploitation of age and profession:

There is no doubt that the young or old age of the victim implies a state of weakness, as the young person lacks the necessary experience and caution to avoid becoming a victim of the crime, and the elderly person becomes an easy target for the perpetrator, due to his weakness and his health condition, which begins to deteriorate as he progresses. Age, so they are appropriate targets for being chosen to carry out the crime, and profession is also considered a factor in which individuals are likely to be exposed to crime, so the Algerian legislator approved the tightening of the penalty to protect these groups of offenders because of the criminal danger they entail, to deter them from

assaulting those in need. To care and respect¹².

The Algerian legislator singled out several provisions for preventing the exploitation of the adjective of a young age in the Algerian Penal Code. Article 314 stipulates that: “Whoever leaves a child or incapacitated person unable to protect himself because of his physical or mental condition, or exposes him to danger in a place devoid of people, or forces others to do so, shall be punished for this mere act by imprisonment from one to three years. If Abandonment or exposure to danger resulted in illness or total disability for a period exceeding twenty days, and the term of imprisonment shall be from two to five years.

If abandonment or exposure to danger leads to death, then the penalty is imprisonment from ten to twenty years. Article 315, of the Algerian Penal Code. It should also be noted that the legislator has protected children, in the laws related to Law No. 12-15 of July 15, 2015 related to child protection.

As for the protection of elderly persons, the Algerian legislator singled out the protection of this group by Law No. 10-12, by criminalizing and punishing everything that would prejudice their material and moral rights. Among the aspects of protection provided by the Algerian legislator in the Penal Code, we mention, for example; that the perpetrator of the murder against his origins does not benefit from alibis; Whereas, Article 282 of the SPC stipulates that there is absolutely no excuse for whoever kills his father, mother, or one of his ascendants, making the penalty for the crime of murder the death penalty. As for the manifestations of protecting assets from the crimes of beating and intentional wounding, the principle is that the crime is a violation if the act of violence does not result in any illness or disability for a period not exceeding 15 days. He has special protection, according to Article 442, the first paragraph, the penalty is imprisonment from 10 days

¹² - محمد أبو العلا، مرجع سابق، ص 59

to two months, and a fine of 8,000 to 16,000 dinars, or one of these two penalties. As an exception, it is a misdemeanor if the victim is one of the parents or one of the legal assets, then the penalty is imprisonment from 5 to 10 years, according to Article 267, the first paragraph. If a premeditated element is present, the penalty shall be the maximum limit of temporary imprisonment.¹³

Certain professions inherently carry a higher risk of exposure to crime, such as public officials, cashiers, judges, and others. Recognizing this, the Algerian legislator has provided necessary protections for individuals in these professions, aligning with most modern criminal legislation. The legislator has designated these protections as aggravating circumstances for the punishment of offenders.

Under the first section, titled "Insulting and Assaulting an Employee," in Chapter Five of the Algerian Penal Code, which addresses felonies and misdemeanors committed against the public order, Article 144 states that anyone who insults a judge, employee, commander, public officer, or member of the public force through words, gestures, threats, or by sending or delivering non-public writings or drawings during or on the occasion of their duties, shall be punished with imprisonment from two months to two years and a fine ranging from 1,000 to 500,000 DA. If the insult is directed at a judge or a sworn member during a court session or judicial council meeting, the penalty increases to imprisonment from one to two years. Additionally, the court may order the publication and posting of the judgment at the convicted person's expense, provided these expenses do not exceed the maximum fine specified..¹⁴

¹³ Report of the committee against Torture, Forty —eighth session (7 May-1 June 2012).

¹⁴ - Job and tender opportunities, About British Council Algeria,
<https://www.britishcouncil.dz/en/about/job-and-tender-opportunities>

3.2 Penal prevention from abuse of the relationship between the perpetrators and the victims

The Algerian legislator relied on the family and social relationship that binds the perpetrator to the victim in order to intensify the punishment imposed on the perpetrator, because it is this relationship that the perpetrator occupied because of the trust of the victim. The abuse by exploiting this relationship becomes a violation of the law of social moral values that were supposed to be respected, so the penalties for these crimes have been tightened to protect society from its dangers. A person often falls victim to crime because of the relationship based on trust, which allows the perpetrator to carry out his crime easily. This type of social relationship is determined by two ideas; The first: That the relationship between the perpetrator and the victim be authoritarian, as if the perpetrator is the one who takes care of the victim's upbringing.

As for the second: it is that the relationship that binds the perpetrator to the victim is one of subordination and trust, such as if the perpetrator works for the victim or for those who have authority over him, so he exploits this trust to attack him¹⁵, so the legislator tightened the penalty for all those who have a relationship with the victim from among the employees or those who have Authority over them in the event that this bond is exploited to assault them, in this type of criminal act, which often occurs within the family.

Some legislation considers the family relationship as an aggravating circumstance for punishment, especially in crimes of self-assault, such as murders that occur within the family, which are committed against the victim of the offender's origin or descendants due to the privacy involved in this type of crime, such as the Lebanese Penal Code (Article 549/3), and the Syrian Penal Code (Article 535/3), which imposes the maximum penalty on the

¹⁵ - داليا قدري، أحمد عبد العزيز، مرجع سابق، ص 312-316.

offender in the crime of murder that occurs among the ascendants, which is the death penalty. However, the position of the legislation on this crime is not unified. From the legislation unless it is stipulated as a stand-alone crime to make it unique with its own punishment, they suffice with the punishment prescribed for the crime by whoever, and from the legislation that followed this direction, We mention, for example, the Danish, Dutch and German legislation; And it is the same approach approved by the Algerian legislator by imposing the maximum penalties for the crime of assaulting oneself by killing, whatever the capacity of the perpetrator, whether he is one of the origins, relatives, employees, or strangers, considering the crime of murder in itself a factor of aggravation, whatever the capacity of the killer, so the crime of murder is considered alone sufficient to receive the maximum penalty, which is the death penalty; It is the same penalty approved by the Algerian legislator in Article 261 of the Algerian Penal Code; Where it stipulates: “Whoever commits the crime of murder, killing assets, or poisoning shall be punished with death.

The Algerian legislator included the offenders who have a relationship with the perpetrator, under penalty of aggravating circumstances; Because this relationship is supposed to distance itself from any suspicion of this kind, because of the importance of family ties from a religious and moral point of view.

Therefore, the Algerian legislator imposed a deterrent punishment on the offender who committed incest, as it stipulated in Article 337 of the Algerian Penal Code. that “if the offender is of the ancestors of the person against whom the immoral act or indecent assault occurred, or was from a category of those who have authority over him or was of his teachers or those who serve him for a fee, or he was a paid servant of the above-mentioned persons, or he was an employee or a clergyman, or if the offender, regardless of his capacity, sought help from one or more persons in committing the felony, then the penalty shall be temporary imprisonment from ten to twenty years, indicating the nature of the

crime Incest in Article 337 bis.¹⁶

The Algerian legislator relied on the relationship between the perpetrator and the victim in the field of toughening the penalty for money assault crimes, especially the theft crime; As Article 353 of the Algerian Penal Code. stipulates, “Whoever commits theft shall be punished with temporary imprisonment from (10) ten to (20) twenty years, and a fine from 1,000,000 DZD to 2,000,000 DZD. More than that, among which, if the perpetrator was a servant or a paid employee, even if the theft occurred against those who did not employ him, but it occurred whether in the house of his employer or in the house in which he was accompanying him; or if the thief was a worker or a worker under training in the house of his employer, his factory, or his store., or if he ordinarily works in the dwelling in which the theft was committed.”

4. CONCLUSION

Studying the motives behind criminal behavior stands as a crucial aspect of crime research, aiming to unveil the root causes of criminal acts to implement necessary precautions, measures, and preventive strategies. This study delves into the findings of prior research in this domain to discern the environmental conditions in which individuals with predispositions to criminality are nurtured, thereby rendering them susceptible to becoming victims of crime.

Research in criminology and victimology has established that criminal behavior stems from various factors and circumstances in an individual's upbringing. These may include addiction, illness, mental impairment, or certain demographic traits like youth or advanced age, as well as exploitation based on gender or genetics transmitted from mother to fetus. Moreover, detrimental habits and emotional states contribute to shaping the victim's personality. The

¹⁶ -Ayah-Omran Randall, Perpetuating the Traditional Honour Crimes: The Machinery of the Criminal Justice System and Its Approach toward Honour and Passion Models in the West Bank

presence of one or more of these factors can render any individual vulnerable to victimization if conducive conditions for crime commission are present.

Insights from such studies have empowered specialists in crime prevention to identify requisite procedures and preventive measures for safeguarding these vulnerable segments of society. They advocate for treating these individuals as social cases necessitating care, protection, and support within the community to minimize the occurrence of criminal activity. Consequently, legal scholars have underscored the importance of penal prevention against the exploitation of potential victims' traits, alongside other measures, to effectively combat the criminal phenomenon. This principle has been codified in the Algerian Penal Code and modern criminal legislation, where penalties are rigorously enforced to deter perpetrators from capitalizing on characteristics such as age, gender, medical condition, or occupation to target victims.

Deterrence assumes a pivotal role in confronting criminal threats, aiming to shield individuals from victimization and uphold societal security and stability. However, there are exceptions where certain offenses, such as crimes involving financial disputes within family assets or cases of adultery within marital relationships, do not pose a societal threat. In such instances, legal proceedings are contingent upon a complaint lodged by the affected party, typically the victim of theft or the aggrieved spouse. This approach aims to preserve family and societal stability and mitigate harm to other community members. Consequently, the execution of penalties and criminal prosecutions may be suspended, with victims retaining the authority to enforce punishment as they see fit.

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