

The Crime of Online Child Sexual Exploitation in The Algerian Penal Code

جريمة الاستغلال الجنسي للأطفال عبر الانترنت في قانون العقوبات الجزائري

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Abstract:

Children face numerous crimes, with online sexual exploitation being particularly perilous due to the widespread use of technology. Despite the internet's benefits, it provides opportunities for individuals with questionable morals and organized crime to exploit it for nefarious activities. This has spurred international efforts to address the issue and prioritize child protection, recognizing its detrimental effects on children's psychological, physical, moral, and social well-being. Failure to safeguard children from such exploitation hinders societal progress and future economic development. This study aims to identify the online sexual exploitation of children, and what are its provisions in Algerian penal code as well as the law concerning the protection of children.

Keywords: Sexual Exploitation; Child; Internet; Penal Law; Crime.

ملخص:

يتعرض الأطفال للعديد من الجرائم، والاستغلال الجنسي من أخطرها خاصة عبر الانترنت، حيث يعد أحد مفرزات الانتشار الواسع للمعلوماتية والتطور التكنولوجي المذهل. فبالرغم من الإيجابيات التي تقدمها الانترنت، إلا أنها لازالت تشكل فرصة ملائمة لذوي النفوس الضعيفة والمنظمات الإجرامية لتوظيفها في عملياتها المختلفة. الأمر الذي دفع بالمجتمع الدولي إلى طرح هذا الملف على الساحة الدولية والقانونية، وتعزيز اهتمامه بمجال حق الطفل بالحماية من هذه الممارسات لما لها من انعكاسات سلبية على الجانب النفسي والبدني للطفل وكذا الأخلاقي والاجتماعي. الأمر الذي يحرم المجتمع مستقبلا من الاستفادة من هذه الفئة الهامة لتحقيق التنمية الاقتصادية والاجتماعية. تهدف هذه الدراسة إلى التعرف على هذه الجريمة وأحكامها، في كل من قانون العقوبات والقانون المتعلق بحماية الطفل. الكلمات المفتاحية: استغلال جنسي؛ الطفل؛ الانترنت؛ قانون العقوبات؛ جريمة.

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Introduction:

The internet has greatly facilitated the actions of criminals in exploiting children. The phenomenon of sexual exploitation is no longer limited to the classic type of assault involving the distortion of power relationship between the child and the adult. Instead, it has taken a different course linked to tourism, and the establishment of criminal networks that transcend the geographical boundaries of countries. This is done through the exploitation of children in the production of pornographic materials by documenting sexual sessions and recording them in videos, films, or pictures, which then become a tool for blackmailing the children, making it easier to subject them to further exploitation. The database of the International Criminal Police Organization – Interpol, with its collection of images of assaults on children, includes photographic evidence proving that sexual exploitation of more than 20,000 children occurs for the production of child pornography.

Given the grave circumstances, which indicates an increasing exposure of child sexual exploitation, transitioning from individual cases to organized ones, the international community has approached this issue with greater seriousness. The aim is to establish effective measures that protect children and ensure their safety in the cyberspace. Additionally, many countries have intervened by enforcing domestic legislation to criminalize various forms of child exploitation on the internet.

The significance of this study lies in elucidating the conceptual aspects of online sexual exploitation of children, as these are the fundamental underpinnings of any investigation in this field. Through this, we aim to define the concept and manifestations of online sexual exploitation of children, and to understand the international and national efforts dedicated to combating this crime. This is achieved by addressing the following problematic:

- What constitutes the crime of child sexual exploitation?
- What are its provisions in Algerian penal law?

This study employs a descriptive methodology, aiming to ascertain data and define concepts related to online sexual exploitation of children, as well as identify the various manifestations of this crime. Additionally, an analytical approach is utilized to analyze the methodology framework that criminalizes such acts within Algerian criminal law, and to comprehend the legal provisions and penalties set for offenders.

In pursuit of these aims, we adhered to a practical plan that sought to comprehensively explore the subject matter. The study is divided into two sections: the first section delves into the concept and forms of cyber sexual exploitation of children, while the second section focuses on comprehending the positions taken by criminal legislators regarding this crime, as reflected in the stipulations and appropriate punishments designated for its perpetrators. The research results accumulated are compiled and presented in the conclusion.

Section I: Concept of Online Child Sexual Exploitation

To properly understand the concept of online child sexual exploitation, we must begin by defining what we mean by the term "child" in the initial section, and defining sexual exploitation by identifying the various forms of this exploitation online in the subsequent section.

A) Definition of the Child

The child is akin to the bud from which future generations blossom; thus, it is their right and deserving to be protected and surrounded by safety until they are fully equipped to face the world on their own. As the child grows and develops, both physically and mentally, it is important to define "Child" in terms of language, psychology, and sociology, as well as in Islamic law, international law, and Algerian law.

1. Definition of the Child in Language

The word "طفل" (tafil) "child" with "Kasra" under the letter "ط", which means a young or small thing. Thus, the young or small person or animal is called "طفل" "a tafil", a small cloud is a tafil, and the beginning of the night is tafil. The origin of the word "طفل" comes from "طفالة" (tafāla), which means infancy¹.

The word "طفل" in the language has a number of meanings, including "طفل" by "ط" with "Fatha" on it, meaning gentleness. For example, "طفل الرعي بالإبل" means gentleness in herding camels, indicating the gentle handling of camels while herding them. In another sense, "أطفت" means she became a mother, signifying that she has children².

2. Definition of Childhood in Psychology and Sociology

Psychologists divide the childhood phase into the preceding birth, known as the prenatal stage, which begins with the existence of the fetus in the mother's womb and ends with the onset of another stage, namely puberty. Puberty for males starts with the first ejaculation accompanied by the emergence of sexuality and secondary sexual characteristics, while for females, it starts with the first menstruation and the appearance of secondary sexual characteristics³. Puberty for males starts with the first ejaculation accompanied by the emergence of sexuality and secondary sexual characteristics, while for females, it starts with the first menstruation and the appearance of secondary sexual characteristics.

In sociology, the child is regarded as young from birth until they attain social and psychological maturity. acquiring the elements of personality and self-formation upon reaching the age of maturity, without relying on a minimum or maximum age for childhood⁴. Hence, childhood in sociology refers to the early period of human life during which the individual relies entirely on their parents⁵.

3. Definition of a Child in Islamic Law, International Law and Algerian Law

3.1. Definition of a Child in Islamic Law

- The term "child" is mentioned in the Quran, as well as its meaning in other words such as "infant," "boy," "youth," and "son."
- ✓ The term "طفل" (child): It is mentioned in the verse of Surah An-Nur (59): [And when the **children** among you reach puberty, let them ask permission [at all times] as those before them have done. Thus does Allah make clear to you His verses; and Allah is Knowing and Wise.] Allah also states in Surah Ghafir: [It is He who created you from dust, then from a sperm-drop, then from a clinging clot; then He brings you out as a **child**; then [He develops you] that you reach your [time of] maturity, then [further] that you become elders. And among you is he who is taken in death before [that], so that you reach a specified term; and perhaps you will use reason.] (verse 67)
- ✓ The term "صبي" (boy): It is mentioned in the verse of Surah Maryam: [[Allah] said, "O John, take the Scripture with determination." And We gave him judgement [while yet] a **boy**." (verse 12) and in verse 29: [So she pointed to him. They said, "How can we speak to one who is in the cradle a **child**?]
- ✓ The term "غلام" (youth): It is mentioned in the verse of Surah Yusuf: [And there came a company of travelers; then they sent their water drawer, and he let down his bucket. He said, "Good news! Here is a **boy** (youth)." And they concealed him, [taking him] as merchandise; and Allah was knowing of what they did.] (verse 19). The word "boy" is also mentioned in Surah Al-Kahf: [So they set out, until when they met a boy, al-Khidh r killed him. [Moses] said, "Have you killed a pure soul for other than [having killed] a soul? You have certainly done a deplorable thing.] (verse 74)

- ✓ The term "فتى" (youth): it is mentioned in Surah Yusuf: [And women in the city said, "The wife of al-'Azeez is seeking to seduce her slave **boy (youth)**;" (Verse 30). Also, as in Surah Al-Kahf: [We relate to you 'O Prophet' their story in truth. They were **youths** who truly believed in their Lord, and We increased them in guidance.] (Verse 13)
- ✓ The term "ولد" (son): Allah says in Surah Al-Baqarah: [Mothers may breastfeed their **children** (sons) two complete years for whoever wishes to complete the nursing [period].] (verse 233), also as in Surah An-Nisa: [Allah commands you for your **children's** (inheritance): to the male, a portion equal to that of two females;] (verse 11)
- ✓ In the Arabic language, it is stated in Lisan al-Arab that "ولد" is used to refer to both singular and plural forms, as well as to both males and females, with its plural form being "أولاد". Additionally, the term "مولود" is used for a child in close proximity to the time of their birth, but it is not used for an older child who is further removed from their birth⁶.
- In the Prophetic tradition, we find additional terms beyond those mentioned in the Quran. The term "صغير" (young) is used to mean a child, as narrated by Aisha (may Allah be pleased with her) from the Prophet Muhammad (peace be upon him) who said: [The Pen has been lifted from three: from the sleeper until he awakens, from the child until he reaches puberty and from the insane person until he comes to his senses.]⁷ As for the term "حدث", it has recently become widespread in Arabic legislation and legal research when studying the legal provisions concerning minors.
- In Islamic jurisprudence, it is generally accepted that the term "طفل" (child) to refer to a newborn who has been completely separated from their mother. This definition does not extend to the embryonic stage, meaning that childhood begins at birth and ends at puberty⁸. The onset of this stage can be indicated by either physical markers or age. In the Islamic Sharia, puberty marks the end of childhood, as stated in Surah An-Nur: [And when your children reach the age of puberty, let them seek permission 'to come in', as their seniors do. This is how Allah makes His revelations clear to you, for Allah is All-Knowing, All-Wise.] (59)

While jurists agree on defining a specific age as the end of childhood, they differ over the standard age. The majority rely on the age of fifteen years based on a Hadith (narration) from Abdullah ibn Omar, may Allah be pleased with them, who reported: [I was presented to the Messenger of Allah (may Allah's peace and blessings be upon him) on the Day of Badr. I was thirteen years old, and so he did not grant me permission (to join the fight). And I was presented to him on the Day of Uhud. I was fourteen years old, and so he did not grant me permission (to join the fight). Then, I was presented to him on the Day of Al-Khandaq, and I was fifteen years old, and he granted me permission.]⁹

Atfaiyash Qutb, the most prominent scholar in contemporary Islamic Maghreb, claimed: [A person attains adulthood when they reach fifteen years of age, for example, on the first night of that year according to adherents of this belief, but the age limit cannot transcend the completion of fifteen.]¹⁰ Meanwhile, both *al-hanafi* and the Maliki School of thought followers favored the age limit of eighteen years as the age of criminal majority¹¹.

3.2. Definition of the Child in International Law

In the Convention on the Rights of the Child, issued on 20/11/1989 by the United Nations General Assembly, Article 1 states: "For the purposes of this Convention, a child means every human being under the age of eighteen, unless under the law applicable to the child, they attain the age of majority before that"¹².

This definition is identical to that stated in the African Charter on the Rights and Welfare of the Child, which entered into force on 29/11/1999, where a child is defined as any individual under the age of eighteen. In the same context, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in its first article, stipulates

that the State parties shall take all necessary procedures practically to ensure that persons under the age of eighteen do not directly participate in hostilities and are not compulsorily recruited into their armed forces¹³.

Close to this definition of a child is the definition provided in the Covenant on the Rights of the Child in Islam adopted by the thirty-second session of the Islamic Conference of Foreign Ministers held in Sanaa from 28 to 30/06/2005, which states that the child is "every human being who has not crossed the age of attaining maturity according to the applied law¹⁴."

3.3. The Definition of a Child in Algerian Law

Law No. 15-12 concerning the protection of the child, dated July 15, 2015, was enacted to organize and regulate the provisions and procedures pertaining to child-related cases in a systematic and consistent manner, eliminating any errors or inconsistencies that were present in previous iterations while maintaining the underlying principles and regulations that govern this important judicial branch. This law included general provisions in its first chapter, consisting of ten articles aimed at defining the rules and mechanisms for child protection, and specifying the concept of the most important terms used therein. Among these terms is the term "child," which Article 2 of this law clarified by stating: "Child: Every person who has not reached the age of eighteen (18) years complete, and the term 'adolescent' carries the same meaning."

Thus, the child is considered to be the adolescent, the minor, as well as the boy and the girl.¹⁵ This definition aligns with what was stated in Article 1 of the Convention on the Rights of the Child in 1989, as mentioned earlier.

B) Definition of Online Sexual Exploitation

Despite the benefits that the internet provides in modern life, it remains one of the most dangerous means that can be used to commit cybercrimes. One of the most significant crimes is the sexual exploitation of children, corrupting their morals, and involving them in suspicious relationships that may end up making them perpetrators or victims of sexual crimes in various forms of exploitation crimes.

The sexual exploitation of children has evolved and diversified with time, and its forms have become more complex. This necessitates defining the concept of sexual exploitation in general in the first section, then addressing online sexual exploitation in the second section.

1. Definition of Sexual Exploitation of Children

Sexual exploitation generally refers to any exploitation of a position of weakness or authority or trust in order to achieve sexual purposes. Such exploitation may include financial, social, or political benefits obtained through the sexual exploitation of another person¹⁶.

The sexual exploitation of children refers to the engagement in sexual activity between a child and an adult for the purpose of satisfying the sexual desires of the adult, using force and control over the child or imposing sexual acts and suggestions by one or more individuals regarding a specific act. It is also established when an adult engages in any act that fulfills their sexual needs through the child, either through words or actions, regardless of whether the child is aware or unaware and consents or does not consent to the act¹⁷. It should be noted that the victim must be a child under the age of 18, and the perpetrator must be at least five years older. The perpetrator is typically someone who has a close kinship with the child and exploits them through affection or intimidation¹⁸.

It is also noteworthy in this type of sexual exploitation that it is carried out in order to satisfy sexual desire in all its forms, characterized by sexual arousal, even if it does not reach the level of full sexual intercourse. This crime serves as another means for the perpetrator to satisfy their sexual desire, whether it is for themselves, others, or a specific or unspecified group of individuals. These individuals can be categorized into two types: those who are sexually

attracted to children, meaning individuals who have a sexual desire for underage children who have not yet reached the age of maturity, and the second type is the opportunist, who, depending on the circumstances, may not necessarily prefer to engage in sexual activity with children but would seize the opportunity if available¹⁹.

2. Definition of Online Child Sexual Exploitation

Online child sexual exploitation refers to the use of the internet, which has introduced a new understanding of traditional child pornography. It primarily involves the exploitation of children in the production of pornographic materials, which are then traded for financial profit, taking advantage of the internet's rapid dissemination capabilities in the sex industry.

The internet is defined as a vast computer network, one of the largest computer networks on the planet. The term "internet" is derived from the English phrase "Interconnection network," indicating that it is a network that connects a group of interconnected computers, facilitating the exchange of information between them²⁰. The internet contains an extensive database that allows users to access various types of information, ranging from encyclopedias to databases, with astonishing and instantaneous connection speeds.

The relationship with the internet appears to have a stronger effectiveness and influence on children compared to adults. This is attributed to the child's limited cognitive abilities and their unique vulnerability in comprehending new concepts, as well as their diminishing fear of using computers or mobile phones. All of these factors make them an easy target for sexual exploitation. Pornography is widely recognized as a grave violation of morals and societal values. It comprises any material that contains explicit sexual content, beginning with revealing images of nudity and culminating in films depicting full sexual relations between same-sex or different-sex individuals, whether they are children or adults, with the purpose of gratifying and arousing sexual desires²¹.

This means that the perpetrator, either by themselves or through others, engages in the creation of written, drawn, photographic, cinematographic, video, or explicit sexual content, as well as engaging in explicit sexual conversations and communications, using any modern technology provided by the internet and email. This includes both real and fake productions. The widespread availability of such content on the internet has greatly contributed to the alarming increase in this crime, making it difficult to measure the extent of child pornography. It is estimated that there are approximately 14 million websites dedicated to this type of explicit material, with some containing up to one million pornographic images of children²².

A specific definition of this type of sexual exploitation of children is outlined in the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, in subparagraph (c) of Article 2. It states that "Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes²³."

Furthermore, the trafficking and sale of children for the purpose of financial gain resulting from their sexual exploitation is also considered a crime. This is affirmed by the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography in Article 2, Paragraph (a). The term "sale of children" encompasses any act or transaction in which a child is transferred from one person or group to another in exchange for compensation or any other form of benefit. It also includes the involvement of children in forced labor as well as their recruitment for such purposes.

C) Images of Online Sexual Exploitation

Various fundamental images of sexual exploitation can generally be classified into three categories: Physical sexual contact with them that guarantees sexual harassment in all its forms, such as a child being coerced into engaging in or being exposed to sexually related acts in front of

an adult, or engaging in sexual fondling and exposing their genital organs, and making the child touch the adult's genital organ. This also includes kissing the child's erogenous zones for sexual purposes and rape, and this form of image occurs in reality without the need for internet means.

Studies have shown that more than 75% of the perpetrators in such cases are individuals who have a close relationship with the child, such as the father, brother, uncle, or known individuals to the victim. Additionally, employees in educational institutions, charities, and care facilities, as well as neighbors and strangers, are involved in some other cases²⁴.

Concerning the images we will examine in this study; they are the ones where the perpetrator utilizes the internet to attain their desired outcomes. There are two main types of images: the distribution and display of obscene images online, as well as the incitement of children to engage in sexual activities, which will be elaborated upon in the initial section. The second image refers to the sexual exploitation for commercial gain, namely cyber prostitution.

1. **Promotion and Display of Indecent Images Online and Incitement of Children to Sex**

This image falls under the category of child sexual exploitation, as specified in the Optional Protocol to the Convention on the Rights of the Child concerning the Sale of Children, Child Prostitution, and Child Pornography. It includes the production of explicit materials depicting actual or simulated sexual acts involving children, as well as the depiction of their sexual organs, primarily intended to fulfill sexual desires.

These images or videos in which children are involved either individually or collectively, are uploaded onto computer disks to be placed on multiple websites on the internet for dissemination, with the aim of reaching the largest number of viewers, including children who are easily manipulated on such platforms, driven by a desire for discovery or fueled by curiosity, or under the influence of seduction by the promoters of this trade who create opportunities to engage them through invitations that encourage them to indulge in deviant behavior and engage in sexual activities, conveyed through messages that carry an invitation to practice immorality or imply enjoyable moments engaging in sexual acts, followed by the preparation for offering support and scheduling through the messaging system. This could lead to fake encounters with other individuals for engaging in specific sexual acts²⁵.

In doing so, the minor becomes the target of exploitation, whether it is for their own benefit, for financial gain, or both. Whether this act is committed by creating and producing such content, or by re-recording, transferring, reposting, and promoting it.

2. **Commercial Sexual Exploitation of Children**

In this scenario, the sexual exploitation of children takes on a more serious form known as 'child pornography,' leading to prostitution. It has become a significant presence in the growing global pornography market, described by the Director-General of UNESCO in 1998 as a "crime against humanity." This type of exploitation is defined as "any material depicting children in explicit sexual poses or encouraging their sexual exploitation." Moreover, this form of child sexual exploitation encompasses two types depending on who financially benefits from it.

- The first image primarily relies on the exploitation of children in the production of pornographic materials for the purpose of trading them by the individuals who create and exploit such content. This means that any actions conducted by the perpetrator, whether it involves cinematography, photography, drawings, capturing images, videos, writings, speeches, or explicit conversations with sexual content, wherein children are involved in any way, engaging in sexual acts with another child or an adult, regardless of the manner of engagement, or implying such engagement, or encouraging sexual activities.

Whether the production is genuine or fake²⁶, all financial gains derived from it are attributed to the perpetrator. In addition, trafficking children for the purpose of exploiting them in pornographic materials is considered a form of sexual exploitation of children for

financial gain. This is clearly stated in the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, particularly in Article 2(a), as mentioned earlier in the definition of online sexual exploitation of children.

- The second image involves the commercial sexual exploitation of children, where the child receives financial compensation for engaging in sexual acts and practices. This includes child prostitution and child sex tourism, which is defined by the Optional Protocol to the Convention on the Rights of the Child as the commercial exploitation of children by individuals who travel from their countries to other countries, typically less developed, with the intention of engaging in sexual activities with children²⁷.

The aforementioned issue was discussed during the 2001 World Congress against Commercial Sexual Exploitation of Children, which was signed by 125 countries. During the Congress, the following definition was adopted for this act: "Sexual harassment of boys and girls, attempting to induce them to engage in sexual activities as a result of financial or non-financial compensation either for themselves or a third party, treating the child as both a sexual and commercial object."

The exploitation of children in prostitution is considered among the most notable forms of commercial sexual exploitation of children. This phenomenon has been increasing in recent years and continues to grow despite being internationally outlawed. Children are being used as both sexual and economic commodities to the extent that it is currently recognized as a part of the economic life in approximately 30 countries, especially in Asia and Latin America. Furthermore, prostitution has become a growing phenomenon and organized activity in South Africa²⁸.

Besides this type of prostitution, there is also sexual tourism, which has recently become a widely condemned international crime. It exploits millions of children, including more than two million children between the ages of five and six. This crime is known as "organized tourism with the primary purpose of facilitating sexual relationships for economic purposes²⁹." It requires a quick and drastic international intervention to address its serious violations of the innocence and rights of children, who have become nothing more than a means of profit for others.

Section II: The Legislative Approach on Child Sexual Exploitation

Like many countries, Algeria has ratified several international agreements to combat crimes against children and violations of their rights, committing to protecting children from all forms of exploitation, including sexual exploitation.

In adapting its national legal framework to protect children's rights with the international and regional legal systems it has joined, Algeria has enacted new laws and amended or repealed existing ones. Law No. 15-12 concerning the Protection of the Child was issued, which established a national body for the protection and promotion of childhood, chaired by a national commissioner for child protection and operating under the auspices of the Prime Minister.

Furthermore, the constitutional amendment of 2016 (Article 72 thereof) provided constitutional protection for children, from which stems criminal protection under numerous provisions in the Penal Code. These provisions criminalize any act that jeopardizes the safety, security, and health of children, imposing harsh penalties on anyone who dares to harm minors.

As the Penal Law stands as the cornerstone for criminal protection for all persons, whether they are minors or adults, this section delves into the provisions that the legislator has codified to combat sexual exploitation of children. The second section examines the provisions of the Child Protection Law that relate to this issue.

A) Child Sexual Exploitation Crimes Online in the Penal Law:

Upon our review of the amended and supplementary Penal Law, it is clear that the penal legislator has prioritized the criminalization of any conduct that undermines public morals and private life sanctity, and that spreads immorality in society among both adults and minors. Additionally, the legislator has advocated for more significant care and support for minors who fall prey to cyber sexual exploitation of children. Several texts in the second chapter, titled "Crimes and Offenses against Family and Public Morals,". Some of these texts criminalize immoral conduct generally, violating sexual privacy and harming both genders' welfare, regardless of age. Specific paragraphs have been introduced within other texts to address the protection of minors and apply harsher punishments. Furthermore, criminal protection against sexual exploitation does not limit itself to a particular method but extends to any sexual exploitation committed by any means and form.

Among the texts that include general protection for adults and minors are articles 333 [bis], and 347. A familiarization with their provisions will be the first step. On the other hand, texts that focus on the protection of minors, such as Article 333 [bis 1], and Article 342, entail their specific provisions and will be the second step.

1. Provisions of the Crime of Child Sexual Exploitation According to Articles 333 Bis and 347

To understand the provisions of these two crimes, it is necessary for us to understand both the material and moral elements of each, as well as the punishment imposed on the perpetrator. However, before that, it is essential to examine the content of the legal text of each crime in order to relate it to the research topic, which is child sexual exploitation.

- The legislator in Article 333 bis stipulates³⁰: "Anyone who creates, possesses, imports, seeks to import for trade, distributes, rents, publishes, exhibits, displays to the public, sells, initiates sales, distributes, or initiates distribution of any printed, written or drawn material, advertisement, photograph, photographic negatives, or plates that are indecent shall be punished with imprisonment for two months to two years and a fine of 20,000 to 100,000 Algerian Dinars."

Article 347, paragraph 1, states: "Anyone who publicly incites persons of any gender to commit indecent acts by means of gestures, words, writings, or any other means shall be punished with imprisonment for six months to two years and a fine of 20,000 to 100,000 Algerian Dinars³¹."

After reading the text of these laws, it's obvious that the legislator didn't mention the phrase "sexual exploitation" or the term "over Internet (Cyberspace)." Nonetheless, it's possible to deduce that the phrase "any indecent material" refers to any sort of sexual conduct or sexual organs as they are distinguished by their high sensitivity and privacy. As for the "Internet," it comes under the category of "any other means" that includes all the outlets of communication, advertising, and dissemination. It's no secret that in modern times, the Internet has become one of the commonly used means of electronic crime that aids and spreads various criminal activities.

- The material element of the offense stipulated in Article 333 bis of the Penal Code requires the commission of the following behaviors:
 - ✓ Manufacturing, possessing, importing, or seeking to import anything that could fall within the acts of indecency, seduction, sexual arousal, or moral corruption, for the purpose of:
 - Trading and distribution, leasing, affixing, or setting up an exhibition,
 - Displaying it or initiating its display to the public,
 - Selling it or initiating sales,
 - Distributing it or initiating distribution.

Publicity is a requirement for both presentation and attempting to present, without the need for the other actions. It is also mandatory that the creation, possession, and importation be intended for trading, distribution, renting, publishing, or exhibiting. Thus, the crime is not committed if the creation, possession, or importation is for personal use³².

What is evident in this offense is that although the term "sexual exploitation" is not specifically used by the legislator, the remaining and concluding statement in the text indicates that the behaviors in question are intended to establish a suitable atmosphere for committing acts that violate modesty. It is undoubtedly true that one of the most significant of these acts is sexual exploitation, regardless of its form or method, such as printed materials, edited materials, drawings, advertisements, pictures, oil paintings, photographs, the original source of these images, or a template for them, or anything that aims to violate modesty. It should be noted that all means that the legislator has mentioned can be easily provided, with much skill and the use of a modern and developed tool such as the internet and without any substantial effort or time, which is currently happening.

In terms of the physical element of the offense defined in Article 347 of the Penal Code, the perpetrator must engage in certain behaviors to establish its material aspect, as follows:

- Seduction or enticement, as referred to in Islamic jurisprudence³³, is the overt invitation to immorality, indecent acts, and sexual exploitation, regardless of the means used to achieve it, whether by means of expression, speech, writing, or others, that makes it manifest and facilitates it over internet, deemed as the most active vehicle to achieve public awareness in our time.
- As to the mental element of the offense specified in Article 333 bis, it entails the public criminal intent, which requires the presence of the elements of knowledge and will. It is mandatory that the specific criminal intent is available in cases of creating, possessing, and importing that must be aimed at trade or distribution for leasing, pasting, exhibiting, or presenting, and attempting to present it to the public. These particularly require special intent. In all cases, the perpetrator's conscious and deliberate misconduct is presumed in all the acts that are mentioned in the statement³⁴. The criminal intent required for the specific offense mentioned in Article 347 necessitates that the acts of enticement be communicated via clear signals, spoken words, or written statements with the intention of prompting immoral behavior.
- The penalty prescribed by Article 333 bis for perpetrators of the offense is imprisonment for a period ranging from two months to two years, along with a fine ranging from 20,000 DZD to 100,000 DZD. Additionally, the judge may impose an optional complementary penalty pertaining to misdemeanors, considering the offense a misdemeanor, for a duration not exceeding five years.

This is the same penalty stipulated by the legislator for the offense outlined in Article 347, which is also a misdemeanor. Furthermore, attempting to commit the offense incurs the same penalty as the completed offense, as stated in paragraph 2 of this article.

2. Provisions of the Crime of Sexual Exploitation according to Articles 333 Bis 1 and 342

In contrast to preceding articles, the criminal protection under both articles 333 bis 1, and 342 were specifically designed for minors in response to sexual exploitation. The legislator explicitly expressed this by using the term "minor" to denote an individual under the age of 18, as well as using the terms "sex," "immorality," and "corruption of morals" to describe the criminal acts. The phrase "by any means" was also used, including internet-based mediums. We will explore the physical element of both offenses after reviewing the legal articles.

- Article 333 bis 1 reads³⁵: "Whoever photographs a minor, who has not attained eighteen years of age, engaging in sexual activity, it matters not if it is real, or the minor's genitalia for sexual purposes primarily. Additionally, anyone who produces, distributes, publishes,

promotes, imports, exports, displays, sells, or is in possession of pornographic material linked to minors will be sentenced to a term of imprisonment for no less than five years and no more than ten years, alongside a fine ranging from 500,000 to 1,000,000 DZD. Upon conviction, the judicial authority will order the confiscation of any instruments and unlawfully obtained money, while considering the rights of the third-party acting in good faith."

Article 342 states³⁶: "Anyone who incites a minor who has not reached the age of eighteen to commit indecency, immorality, encourages or facilitates it, even if it is done indirectly, shall be punished with imprisonment ranging from five to ten years and a fine ranging from 20,000 DZD to 100,000 DZD. Any attempt to commit the offense specified in this article shall be punished with the penalties prescribed for the completed crime.

- The physical element, according to Article 333 bis 1, includes photographing a minor under the age of 18 engaging in explicit real or simulated sexual activities or photographing their genital organs for primarily sexual purposes. The specified kind of sexual exploitation falls under the purview of the Optional Protocol to the Convention on the Rights of the Child regarding the Sale of Children, Child Prostitution, and Child Pornography, which defines this type of exploitation. It states that "the exploitation of children in pornography refers to capturing, through any means, any child engaging in real or simulated explicit sexual activities or any depiction of the child's sexual organs, primarily to satisfy sexual desires"³⁷. From this, we can infer that the key element for this crime to take place is that the victim must be a underaged (Under 18 years old).

The legislator did not stipulate a specific method of recording, which allows for a broad range of using any old or modern device to capture images or videos, as facilitated by modern technology in its various forms. In addition to this behavior, the legislator deems the production, distribution, publication, promotion, import, export, display, sale, or possession of pornographic materials involving minors as a crime.

It is worth noting that the legislator considers it sufficient to engage in any of these actions, such as capturing sexual activities involving children, regardless of whether the content is explicitly explicit or simply involves recording their genitalia. This alone is enough to constitute a crime, as long as it is done primarily for sexual purposes. The same applies to the mere possession of pornographic materials relating to this vulnerable group within society, as possession alone is also sufficient to constitute a crime.

The crime is also committed by anyone who produces, distributes, publishes, promotes, imports, exports, displays, or sells these sexual activities involving children. Such actions clearly demonstrate the malicious intent of the perpetrator, as they exploit the sexual activity of the child and profit from it through production, distribution for promotion, or sale for financial gain. This is the essence of the sexual exploitation of a child and represents one of its most heinous forms. It is worth noting that the legislator does not punish attempts to commit these acts in this provision.

Regarding Article 342, the physical element of this crime, known as the crime of inciting minors to commit immorality and prostitution, is the most abhorrent among all acts criminalized within the framework of the sexual exploitation of children. The physical element of this crime is met when a minor under the age of eighteen is incited to engage in immorality or moral corruption, encouraged to do so, or facilitated in doing so even if in a superficial manner. The first precondition for the establishment of this crime is that the victim of these acts must be underaged (under 18), similar to the previous offense.

As for the act of incitement, it can take any form that leads the child to engage in sexual deviance, whether through seduction and enticement or through pressure, intimidation, or blackmail, by establishing relationships or organizing meetings involving sexual conduct that the child participates in or witnesses... Additionally, the perpetrator commits the crime by

engaging in activities that corrupt the morals and deviate the child, using computer and internet means to disseminate, transmit, or display these sexually explicit activities³⁸. The aim of the perpetrator in this crime is to gratify the desires of others and not to satisfy their own personal desires. Attempted commission of this crime is also punishable, as stated in paragraph 2 of Article 342.

- In regards to the mental element, the crime listed in Article 333 bis 1 requires the presence of general criminal intent in all the criminal activities stated within it. This intent is established through the perpetrator's knowledge that they are dealing with a minor, and intentionally carrying out all of the criminal activities mentioned in this clause to corrupt their morals. In terms of the mental element of the crime of inducing a minor to commit debauchery, the perpetrator must be aware that they are facilitating the corruption of a minor's morals and that they are seeking to satisfy the desires of others through their actions³⁹.
- Article 333 bis 1 imposes a punishment of imprisonment for 5-10 years and a fine of 500,000-1,000,000 Algerian dinars for committing the criminal acts specified in the law. The court may also seize the means used to commit the crime, as well as any funds obtained illegally, while taking into account the rights of innocent third parties. With regards to Article 342, it is punishable by imprisonment for 5-10 years and a fine of 20,000-100,000 Algerian dinars for committing criminal acts. The court may deprive the perpetrator of one or more of his national, civil, and family rights specified in Article 9 bis 1 of the Penal Code, and impose a prohibition on his place of residence for at least one year up to a maximum of 5 years, according to Article 349 of the Penal Code.

B) Cybercrimes of Child Sexual Exploitation According to Child Protection Laws

Algeria has been keen to embody the principles of the Convention on the Rights of the Child and the subsequent regional agreements and protocols. It has solidified these principles by enacting Law 15-12 concerning the protection of children, which includes numerous provisions aimed at safeguarding children and preserving their best interests. This is to ensure a healthy, safe, and secure upbringing, paving the way for building the leaders of tomorrow.

Despite the legal provisions in the Penal Code designed to protect children's morals and provide them with protective measures against any form of moral deviation or perversion, the legislator has gone further in establishing stronger protections in Law 15-12 by adding provisions related to the protection of children against sexual exploitation. Some of the most important of these provisions are contained in Article 140, Article 141, and Article 143 of the law.

1. Provisions of the Crime of Child Sexual Exploitation According to Article 140 of Law 15-12

Article 140 stipulates: "Anyone who obtains or attempts to obtain access to a child's private life by disseminating or broadcasting texts and/or images through any means that may harm the child shall be punished by imprisonment for a period ranging from one year to three years, and a fine ranging from 150,000 DZD to 300,000 DZD."

What is noteworthy in this text is that the legislator has established a foundational principle that forms the basis for protecting a child's private life in the same way it does for an adult, with no differentiation made between them. This right is considered one of the most fundamental rights that are closely associated with personality and have been protected by Islam, international conventions, and constitutions of countries. This is especially true in an age where modern technology is abundant, allowing for privacy infringements that violate an individual's sanctity. Consequently, the legislator has criminalized, through this text, any transmission or broadcast of texts or images that pertain to a child's private life and have the potential to cause harm to them, using any means. This is better understood through awareness of the elements of this offense.

- The physical element of this crime necessitates the perpetrator to perform the following acts: publicizing or broadcasting texts or images related to a child's private life in a way that may harm them. As pointed out by the legislator, this offense undermines the child's privacy and personal life. Given this, the legislator has forbidden the publication of any images, irrespective of whether they are solar or cinematic, that the perpetrator could abuse by manipulating them with contemporary technologies and programs available on the computer and the internet. This is especially applicable to any sexually explicit images.

Likewise, similar restrictions apply to texts, which refer to the child's writings, whether they are paper-based or electronic. Their content, whether normal or sexually based, could be exploited and misused in indecent ways that harm the child. Whether or not exploitation takes place, an attempt to infringe on a child's private life is considered a criminal offense in the circle of criminality. This fact is affirmed by the legislator in Article 140, which mandates that attempted crimes be punished.

- Article 140 specifies that the intent of the perpetrator is paramount for the commission of the crime. It is required that the perpetrator has knowledge that the materials disseminated, be they images or writing, belong to a child under the age of 18.
- The punishment for this offense ranges from one to three years of imprisonment and fines amounting to 150,000 DZD to 300,000 DZD.

2. Provisions of the Crime of Child Sexual Exploitation According to Articles 141 and 143 of Law 15-12

Building upon the previous provision which establishes criminal protection for the child's private life in general, Articles 141 and 143 embody this protection in specific and more precise points. Here, the focus is on criminalizing the exploitation of the child in matters contrary to public morals and order, as well as the trafficking and sexual exploitation of children in pornographic materials. This will be evident through understanding the provisions outlined in these two articles respectively.

Article 141 states: "Without prejudice to harsher penalties, imprisonment of one to three years and a fine of 150,000 DZD to 300,000 DZD awaits anyone using communication channels, in any way, to exploit a child in matters that contravene public morality and order." Article 143 states: "Punishment shall be imposed for other crimes committed against the child, especially **sexual exploitation**, trafficking, engaging in prostitution, involvement in pornographic activities, trafficking, soliciting, or exposing the child to solicitation, and child abduction, in accordance with the current legislation, particularly the Penal Code."

What sets Text 143 apart from others is the explicit use of the term "sexual exploitation of children". It is notable that this text is designed to reinforce and support the child's protection and orders punishment for all crimes that undermine and compromise the child's safety, with a particular focus on preserving their moral dignity from any actions that corrupt them, leading them into a pit of immorality, this can then lead to sexual exploitation or trafficking. Subsequently, the other crimes mentioned in the Penal Code include minors begging, which is addressed in Article 195 bis 1, minors being kidnapped, which Article 293 bis 1, the first paragraph specifies, and Article 326 et seq. With regards to using them for prostitution, pornography, and trafficking, the written law addresses this under Article 303 bis 4 et seq. Furthermore, leaving children in harm's way is addressed in Article 314 et seq.

Given that Article 143 lacks specific criminal provisions for any individual crime and its corresponding punishment, but rather focuses on bolstering child protection and the deterrent effect of punishment for prior offenses, we will now elaborate on the criminal provisions outlined in Article 141.

What can be inferred from the text of Article 141 is that the legislator intentionally employed the terms "exploitation" and "via communication means" to both align with international

conventions and protocols, and to more explicitly combat the alarming rise in the phenomenon of exploiting modern communication means to distribute pornographic materials aimed at luring children into immoral acts. This leads to their being sexually exploited with the aid of modern technology, with the internet being the most common means of communication and connection among individuals of our times.

The material element of the crime stipulated in Article 141 is the act of exploiting a child, with exploitation being any situation where a person abuses their authority or the trust of the other party to obtain a relationship or service, in this case, a sexual one. Such exploitation is classified under the umbrella term of "acts contrary to public morals and the general public order," which includes all immoral deeds and corruption of ethics. However, sexual exploitation, especially when taking place through the internet, is by far the most serious and dangerous type of exploitation. In any case, the legislator never defined a specific means of communication, stating "whatever its nature might be." As it is clear from the text, the victim in question being the subject of exploitation. Therefore, the victim must be under 18 but not yet have reached the age of majority.

The mental element of this crime is derived from the general criminal intent, which requires knowledge from the perpetrator regarding the unlawful behavior happening. The perpetrator must have known that they were exploiting an underaged victim who is under 18 and had the intention to do so.

The punishment for this crime is imprisonment for a period between one to three years along with a fine, which ranges between 150,000 DZD to 300,000 DZD. Attempting to commit this crime is not penalized since the text doesn't indicate it.

Conclusion

This study highlights that the internet, despite its numerous advantages, also harbors disadvantages. It has provided criminals and perpetrators of vice with an accessible platform to target children and exploit their innocence by luring them for personal gain or prostitution in exchange for financial compensation. This alarming issue has garnered the attention of regional and international humanitarian organizations, as well as national legislatures, particularly in light of the widespread prevalence of this phenomenon. Consequently, legislative measures have been enacted to criminalize and penalize such acts, safeguarding both children and society. The Algerian legal system, in particular, has dedicated a specific law to children, addressing this heinous crime in the Child Protection Law, particularly Article 141, which prohibits the exploitation of children through communication means, regardless of their form, in matters contrary to public morals and public order, the following results and recommendations have been reached:

A) Results:

1. The concept of sexual exploitation of children is no longer confined to the material aspect, encompassing physical contact of a sexual nature or traditional forms of sexual harassment towards the child. Additionally, this behavior has expanded with the contribution of technological advancements and the widespread use of modern social media platforms among all segments of society, resulting in new forms and trends that have made the child a target for both material and moral sexual exploitation, as well as a means to satisfy sexual desires. This has transformed the child into a material and moral object for sexual exploitation, as well as a tool for profit and sexual trafficking, whether the child benefits from it or is merely used as a source of profit by others.
2. The previously mentioned issues have led to an escalation in the number of children who are subjected to sexual exploitation, and the spread of this problem across the international stage, particularly with the misapplication of modern communication

methods. Furthermore, the effectiveness of a child's association with the internet, because of its special characteristics in electronic gaming, puts them at greater risk of being exploited in many ways. Consequent to these factors, the international community has passed many resolutions aimed at preserving the safety of children.

3. One of the major forms of online sexual exploitation of children includes the promotion and exhibition of explicit images, along with the incitement of children to engage in sexual activities over internet. This is precisely the situation mentioned in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography. The second form involves the sexual exploitation of children for purposes, with the profits benefiting the perpetrator. Additionally, the child may be involved in these financial gains, commonly known as child prostitution and child sex tourism.
4. The legislator has addressed sexual exploitation in a comprehensive manner, regardless of the victim being a minor or an adult, male or female. As a result, any behavior that offends or undermines modesty has been criminalized under Article 333 bis of the Criminal Code, which stipulates that possession, manufacture, importation, distribution, attempt to distribute, rental, affixation, public display, sale, or attempted sale of any publication, oil paintings, photographs, original photograph, or its mold, that violate modesty is punishable. As for Article 347, the legislator has criminalized through it any act committed by the perpetrator to seduce individuals of both genders with the intent of inciting them to immorality, whether through gestures, words, writings, or by any other means, and even the mere attempt to do so is punishable.
5. The criminal legislator has specifically addressed children with provisions dedicated to protecting them from any form of sexual exploitation by any means, intending to corrupt their morals and induce them to immorality. This is evident in Articles 333 bis 1 and 342 of the Penal Code.
6. The legislator did not settle for what is mentioned in the Penal Code. Following the issuance of Law 15-12 related to protecting children, the legislator established the necessary protection for children from any form of harm. They established all the necessary regulations and procedures that ensure the proper treatment of this vulnerable group and provide them with a protective shield against all forms of moral deviation and sexual exploitation, whether over Internet or otherwise. This is evident in Articles 140, 141, and 143 which reinforce child protection and punish anyone who attempts to violate on their privacy or corrupt their morals or exploit them for personal gain.
7. The most significant role remains with society, starting from the family, the cradle of childhood, its safe haven, and its vigilant guide. It holds the greatest influence on their awareness, guides their behaviors, and serves as a protective fortress against all evils.

B) Recommendations:

1. Detailing Article 141: It is preferable for Article 141 to be more precise in addressing the issue of sexual exploitation through means of communication, in order to keep pace with the various forms of this exploitation that have diversified in reality, particularly on the Internet. This necessitates the following.
2. It is necessary to define each behavior that should be criminalized separately, and to increase the severity of the penalties for the perpetrators according to the heinousness of the crime and the vulnerability of the victim.
3. Enhancing International Cooperation: There should be robust international coordination and cooperation to combat this crime, as it is committed in a digital environment that transcends national borders and spreads rapidly.

4. Raising Awareness: It is recommended to raise public awareness and foster collaboration within civil society to work together to educate the public about the dangers of the Internet, particularly targeting parents. Additionally, implementing user verification mechanisms by service providers is recommended.
5. Monitoring and Blocking Pornographic Content: There should be continuous efforts to monitor various websites and block pornographic content using appropriate means.

Citations:

- ¹ Mohamad Ali Bakr ibn Abdel Kader al-Razi, Mokhtar al Sahah, 1st edition, 1977, p. 119.
- ² Al-Munjid fi al-lughah wa-al-a'lām, Dar El-Machreq, Riad Al Solh, distributed by Al-Maktabah Al Sharkiah, Al-Jisr al-Watani, Lebanon, 2003, p. 467.
- ³ Hilali Abdallah Ahmed, Childhood Rights in Islamic Law, Compared with Positive Law, PhD thesis in private law, Cairo University, Beni Suef branch, 1994, pp. 59-60.
- ⁴ Montassir Saïd Hamouda, Bilal Amin Zineddine, Deviant Behavior, a Jurisprudential Study in the Light of the Science of Crime, Punishment and Islamic Sharia, Dar al Fikr al jami'i', Alexandria, 2007, p. 24.
- ⁵ The Forum of Zahraa for Moroccan Women, Sexual Exploitation of Minors, a Field Study in Morocco, 2013, p. 37.
- ⁶ Abou al-Fadl bin Makram bin Mandhur, Dar Sader, Beirut, 1414 AH/P11/ p. 1056.
- ⁷ Moundher Arafat Zitoun, Events and Their Responsibility and Care in Islamic Law, Dar Majdalawi For Publishing & Distribution, Jordan, 1421 AH, 2001, p. 42.
- ⁸ Nasser Zaid Hamdan al-Musallaha, Criminal Protection for Children Victims, Magister's Thesis, Jordan University, 2009, p. 13.
- ⁹ Ahmed bin al-Hussein al-Bayhaqi, Al-Sunan Al-Kubra, edited by Mohamed Abdelkader Atta, Dar Al-Kotob Al-Ilmiyah, Lebanon, 2009, Hadith no. 11302-6/92.
- ¹⁰ Nouredine ben Abdallah, Maa'rij al-Ama'al 'ala Madarij al-Kamal Binozum Mokhtasar al-Jamaal, Beirut, Dar al-Roshd, 2008, pp. 158.
- ¹¹ Saad eddine Dadash, The Right of the Child between Islamic Law, Positive Law and International Agreements, a paper presented at the Scientific Conference on Women and Child Rights under Positive, International and religious Legislation, Yarmouk University, Irbid, 2001, pp. 9.
- ¹² Approved by Algeria by Legislative Decree No. 92-06 of 17/11/1992, including interpretative statements, Official Journal No. 83 of 18/11/1992.
- ¹³ Article 2 of the African Charter on the Rights and Welfare of the Child, adopted by the African Union in Addis Ababa in July 1990, was approved by Algeria under Presidential Decree No. 03-242 signed on July 8, 2003, in the Official Journal No. 41 dated July 9, 2003.
- ¹⁴ Djamel Nadjimi, Analysis and Foundations of Child Protection Law in Algeria, Dar Huma, Algeria, 2016, pp. 36.
- ¹⁵ Djamel Nadjimi, Analysis and Foundations of Child Protection Law in Algeria, *ibid.* pp. 29-31.
- ¹⁶ Akmal Youssef Al-Saïd Youssef, Criminal Protection of Children from Sexual Exploitation, PhD thesis, Mansoura University, Egypt, 2012-2013, pp. 25.
- ¹⁷ Akmal Youssef Al-Saeed Youssef, *ibid.* pp. 26.
- ¹⁸ Forum Zahraa for Moroccan Women, *ibid.* pp. 43.
- ¹⁹ Bouchra Salman Hussein Al-Abdi, International Criminal Violations of Child Rights, Al-Djbali Legal Publications, 2010, pp. 295.
- ²⁰ Mohamed Abid Al-Kaabi, Crimes Arising from the Unlawful Use of the Internet, Comparative Study, Dar Al-Nahda Al-Arabiya, Cairo, 2005, pp. 20.
- ²¹ Miloud Ben Abdelaziz, Moral and Pornographic Crimes other than through the Internet and their Impact on Society from a Legal and Islamic Perspective, Al-Wahat Journal for Research and Studies, Issue 17, 2012, pp. 163-164.
- ²² Bouchra Salman Hussein Al-Abdi, *ibid.* pp. 314-316.
- ²³ Ali Djabbar Al-Hassinaoui, Computer and Internet Crimes, Al-Yazouri Scientific Publishing and Distribution House, Jordan, 2009, pp. 46.

- ²⁴ Hanaa Al-Dhahbi, *The Phenomenon of Child Sexual Exploitation: Conceptual and Prevalence Factors*, Criminal, Issue 4, Al- OMNiA PRINT AND MAIL, Rabat, 2017.
- ²⁵ Ousama Ahmed Al-Menaasa, Djalal Mohammed Alzoubi, *Crimes of Electronic Information Systems Technology*, Volumes 1 and 2, Dar Al-Thaqafa for Publishing and Distribution, Jordan, 2010-2014, pp. 262-263. And Abdelfattah Bioumi Hajazi, *Combating Computer and Internet Crimes in the Model Arab Law*, 1st Edition, Dar Al Nahda AlArabia, Egypt, 2009, pp. 731.
- ²⁶ Ibid. pp. 295.
- ²⁷ Akmal Youssef Al-Saïd Youssef, *Criminal Protection of Children from Sexual Exploitation*, ibid. pp. 254.
- ²⁸ Bouchra Salman Hussein Al-Abdi, *International Criminal Violations of Child Rights*, ibid. pp. 304-305.
- ²⁹ ibid. pp. 309.
- ³⁰ Law No. 06-23 dated 20/12/2006 Amending and Supplementing the Penal Code.
- ³¹ Law No. 06-23 dated 20/12/2006 Amending and Supplementing the Penal Code.
- ³² Ahsan Bousguiaa, *Al-Wajiz Fi Al-Qanun Al-Jazai Al-Khass*, Part 1, Dar AL-Houma, Algeria, 20th edition, 2018, pp. 115-116.
- ³³ Ahsan Bousguiaa, ibid. pp. 130.
- ³⁴ ibid. pp. 116.
- ³⁵ Law No. 14-01 dated February 4, 2014.
- ³⁶ Law No. 14-01 dated February 4, 2014.
- ³⁷ Hanaa Al-Dhahbi, ibid. pp. 221.
- ³⁸ Mohamed Amine Al-Shawabka, *Computer and Internet Crimes, Cybercrime*, 1st edition, Dar Al Thaqafa for Printing, Press, Publishing and Distribution, Jordan, 2007, pp. 134.
- ³⁹ Ahsan Bousguiaa, ibid. pp. 128.

Bibliography

1- Laws:

- Law No. 06-23 dated 20/12/2006 amending and supplementing the Penal Code, issued in the Official Journal, issue no.84, 24/12/2006.
- Law No. 14-01 dated February 4, 2014. amending and supplementing the Penal Code, issued in the Official Journal, issue no.07, 16/04/2014.
- Law no. 15-12, dated July 15, 2015, on the protection of children, issued in the Official Journal, issue no. 39, July 2015.
- Legislative Decree No. 92-06 of 17/11/1992, including interpretative statements, Official Journal No. 83 of 18/11/1992.
- African Charter on the Rights and Welfare of the Child, adopted by the African Union in Addis Ababa in July 1990, approved by Algeria under Presidential Decree No. 03-242 signed on July 8, 2003, in the Official Journal No. 41 dated July 9, 2003.

2-Books

- Abdelfattah Bioumi Hajazi, *Combating Computer and Internet Crimes in the Model Arab Law*, 1st Edition, Dar Al-Nahda Al-Arabiya, Egypt, 2009.
- Abou al-Fadl bin Makram bin Mandhur, *Lisan Al-Arab*, Dar Sader, Beirut, 1414 AH/P11
- Ahsan Bousguiaa, *Al-Wajiz Fi Al-Qanun Al-Jazai Al-Khass*, Part 1, Dar Houma, Algeria, 20th edition, 2018.
- Ahmed bin al-Hussein al-Bayhaqi, *Al-Sunan Al-Kubra*, edited by Mohamed Abdelkader Atta, Dar Al-Kotob Al-Ilmiyah, Lebanon, 2009.

- Ali Djabbar Al-Hassinaoui, Computer and Internet Crimes, Al-Yazouri Scientific Publishing and Distribution House, Jordan, 2009.
- Al-Munjid fi al-Lughah wa al-Aalam, Dar al-Mashreq, Riyadh al-Sulh, distributed by Al-Maktabah al-Sharqiyah, Al-Jisr al-Watani, Lebanon, 2003.
- Bouchra Salman Hussein Al-Abdi, International Criminal Violations of Child Rights, Al-Djbali Legal Publications, 2010.
- Djamel Nadjimi, Analysis and Foundations of Child Protection Law in Algeria, Dar Huma, Algeria, 2016.
- Mohamed Amine Al-Shawabka, Computer and Internet Crimes, Cybercrime, 1st edition, Dar Al-Thaqafa for publishing and distribution, Jordan, 2007.
- Mohamed ben Abi Abdelkader al-Razi, Mokhtar al-Sahah, 1st edition, 1977.
- Moundher Arafat Zitoun, Events and Their Responsibility and Care in Islamic Law, Dar Yamjad Laoui for Publishing and Distribution, Jordan, 1421 AH, 2001.
- Montassir Saïd Hamouda, Bilal Amin Zineddine, Deviant Behavior, a Jurisprudential Study in the Light of the Science of Crime, Punishment and Islamic Sharia, Dar al-Fikr al-Jamii, Alexandria, 2007.
- Noureddine ben Abdallah, Maa'rij al-Ama'al 'ala Madarij al-Kamal Binozum Mokhtasar al-Jamaal, Beirut, Dar al-Roshd, 2008.
- Ousama Ahmed Al-Menaasa, Djalal Mohammed Alzoubi, Crimes of Electronic Information Systems Technology, Volumes 1 and 2, Dar Al-Thaqafa for Publishing and Distribution, Jordan, 2010-2014.

3 – Theses:

- Akmal Youssef Al-Saïd Youssef, Criminal Protection of Children from Sexual Exploitation, PhD thesis, Mansoura University, Egypt, 2012-2013.
- Hilali Abdallah Ahmed, Childhood Rights in Islamic Law, Compared with Positive Law, PhD thesis in private law, Cairo University, Beni Suef branch, 1994.
- Nasser Zaid Hamdan al-Musallaha, Criminal Protection for Children Victims, Magister's Thesis, Jordan University, 2009.

4 - Newspaper articles:

- Hanaa Al-Dhahbi, The Phenomenon of Child Sexual Exploitation: Conceptual and Prevalence Factors, Criminal, Issue 4, Al-Omnia Printing Press, Rabat, 2017.
- Miloud Ben Abdelaziz, Moral and Pornographic Crimes other than through the Internet and their Impact on Society from a Legal and Islamic Perspective, Al-Wahat Journal for Research and Studies, Issue 17, 2012.

5 - Seminar papers:

- Saad eddine Dadash, The Right of the Child between Islamic Law, Positive Law and International Agreements, a paper presented at the Scientific Conference on Women and Child Rights under Positive, International and religious Legislation, Yarmouk University, Irbid; 2001.
- The Forum of Zahraa for Moroccan Women, Sexual Exploitation of Minors, a Field Study in Morocco; 2013.