



THE DUALITY OF THE SOCIAL DIMENSION AND THE LEGAL REALITY OF THE CRIME OF BEGGING

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Abstract:

With the increasing prevalence of begging, which has begun to weigh heavily on various aspects of Algerian society, it has become necessary to explore the dimensions that make it relevant to both citizens and legislators. This calls for a study of the social and legal dimensions of the phenomenon of begging, as it reflects the criminalization of begging from a social issue to a crime subject to legal examination under the principles of criminalization and punishment, according to various amendments, the most important being Law No. 24-06, which amends and supplements the Penal Code. This research paper will examine this issue from a socio-legal perspective in order to address the weaknesses in treating begging as a crime that threatens social and legal security.

key words: begging, social dimension, legal dimension, criminalization, punishment.

Introduction:

The crime of begging is one of the most significant offenses characterized by intertwined dimensions, encompassing both social and legal aspects. It is a complex phenomenon that reflects its true reality, as it is fundamentally linked to a range of other factors that burden the state, including homelessness, poverty, and unemployment. Legislative approaches to criminalizing and punishing this offense vary between strictness and leniency. The Algerian legislator, like others, has adopted begging as a crime

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stemming from a social reality amid legal organization and challenges in combating it.

This study aims to analyze the social and legal dimensions of the crime of begging by identifying the relationship between the legal and social overlaps of the phenomenon, as well as the social impact on the Algerian legislator's approach to criminalizing and punishing beggars. It seeks to address the main issues related to the growing threat of begging as a crime and provide recommendations to mitigate it.

The topic of the duality between the social aspect and the legal reality of begging raises a series of questions and issues with legal and social dimensions. These can be framed within the problem of how to confront the phenomenon of begging as a crime from the perspective of the legislative authority, seeking to find a balance between the effective application of criminal law and the protection of the rights of individuals who beg, based on understanding the overlap between the social and legal dimensions of begging.

The enrichment of this subject relies on various scientific research methods, from the descriptive method in defining begging as a social phenomenon by determining its meaning and methods, to the analytical method through analyzing and addressing the criminalization and punishment policies adopted by the Algerian legislator in confronting begging as a crime. Lastly, the inferential method will be used to arrive at a set of conclusions upon which recommendations can be based, aimed at improving the Algerian legislator's approach to balancing the social and legal dimensions of begging as a phenomenon and a crime.

Addressing this issue will be based on a dual plan consisting of two main axes: the first addresses the social reality of the phenomenon of begging, while the second is dedicated to studying the legal treatment of begging as a crime.



SECTION I: THE SOCIAL REALITY OF THE PHENOMENON OF BEGGING

The phenomenon of begging is one of the oldest social phenomena that has accompanied humanity in its reality, as families differ in terms of the degree of welfare within a single society, from rural to urban areas, and for various reasons. Some are able to secure a livelihood and meet their needs, while others rely on others to achieve this through requests for help and behind the façade of begging. This will be studied in this section by addressing the specificity of begging as a social phenomenon before it becomes legally criminalized, and then determining the overlap between the social dimension of begging and the factors contributing to the growth of the phenomenon from a legal perspective.

1. The Specificity of Begging as a Social Phenomenon Before It Becomes Legally Criminalized

Discussing the specificity of begging as a social phenomenon requires, in fact, defining and studying this aspect with empirical values through field studies to clarify its features. However, due to the difficult nature of beggars and their inability to provide accurate information, it is somewhat challenging to reach the underlying truth behind their circumstances. Therefore, the specificity of begging as a social phenomenon will be approached by defining what it means, along with identifying the mechanisms observed and recorded by the public regarding beggars.

A. Definition of Begging:

Begging is defined as the act of soliciting charity and kindness in public places, which is a criminal act in some countries. It can also be defined as standing in public areas and requesting financial assistance from passersby or shops, or pretending to perform services for others, or displaying acrobatic acts, or engaging in any activity used as a cover for begging. This also includes sleeping in streets or beside houses, exploiting

injuries or disabilities, or using any other means of deception to gain the sympathy of the public. It involves laziness and refusal to work while seeking help in a way that embarrasses people, especially when the beggar insists and pursues the public for money (Abu Sari, 2003, p. 424)

From another perspective, begging is considered a form of homelessness and an unlawful means of earning a living. Thus, lawmakers see it as a crime punishable by law because it is one of the deviant and criminal behavioral acts that conflict with laws and are not accepted by society to maintain its integrity and stability (Shata, 2004, pp. 24-25), It represents a pattern of pathological human behavior that deviates from the values embraced by society. Additionally, it contributes to the disruption of human potential, turning it into a non-productive force, causing individuals to rely on societal resources without providing added value (Murad, 2013, p. 272).

Begging can also be reformatively defined as a request from an individual or group to obtain money or its equivalent for assistance, whether done directly or indirectly, individually or collectively. This usually occurs through gestures or requests to others accompanied by expressions and phrases aimed at attracting the attention of the person being asked for help. Here, begging takes on a deceptive meaning, as beggars use twisted methods to influence their victims, attempting emotional manipulation to coax them into giving up what they have in their pockets willingly and without any effort. The mechanisms used by beggars to deceive their victims include prayers and pleas, in addition to wearing poor or dirty clothes that may sometimes emit unpleasant odors to appear pitiful and evoke feelings of misery and poverty (Zendri, 2023, p. 132).

In essence, begging is a social phenomenon manifested through the practice of soliciting charity or financial assistance from others, often taking place in public areas such as streets, markets, and near mosques and shops in bustling commercial locations. It is executed through deceptive methods that arouse



pity and ignite feelings of compassion in the hearts of targeted members of the public, such as pretending to suffer or be in need, providing simple services, or even exploiting illness and disabilities. It is viewed as an act that contradicts social and economic values and legal principles, becoming an indicator of deeper social and legal issues, such as poverty and homelessness, and the emergence of new forms of begging in the modern era, such as online begging through social media.

B. Mechanisms of Practicing Begging

Beggars use various forms of begging and adopt diverse methods to obtain the largest possible amount of money in a short time. They are skilled in their techniques and deceptive methods aimed at gaining people's sympathy. Below are the main methods employed in begging (Qazoul, Sawakri, 2021, pp. 341-342):

• Displaying Urgent Need and Inability:

Beggars often pretend to be passersby who have lost their money or run out of funds, asking for help from people by crying and pleading with impactful phrases like "I desperately need help and I have no way to get home" to attract the attention of passersby. This method relies on evoking feelings of pity in others, making them more likely to offer assistance without realizing it.

• Imitating Illnesses and Disabilities:

Recently, beggars, especially in public places, have used health-related tactics to deceive others, such as using cosmetics to create fake disabilities or exploiting real disabilities to elicit pity from people. For example, they may use products to mimic wounds or injuries, making them appear as individuals in need of medical assistance. This type of deception depends on the beggar's ability to stir emotions and create anxiety among passersby, requiring a certain level of cunning and skill.

• Soliciting Donations for Charity Projects:

Some beggars claim to collect donations to build mosques or schools, distributing fake flyers that support their claims. This method exploits people's desire to do good, increasing the

likelihood of others responding favorably to their requests, all under the guise of a false religious motive.

• **Claiming Mental Illness:**

Some individuals pretend to have mental health issues, using incomprehensible phrases or vague gestures with their hands, feet, and even heads. They may behave unpredictably or suspiciously to attract attention and pique curiosity, or even instill fear in others, making people feel anxious and compelled to help them, either out of fear of being attacked by someone appearing insane or willingly to dismiss the beggar from their path.

• **Accompanying Children:**

Recently, beggars have begun bringing children with them, especially those with disabilities-particularly women-to crowded places like mosques and markets to evoke sympathy. Children, in particular, display innocent emotions that stir pity, making passersby more inclined to empathize with them and the accompanying adult. This method capitalizes on the innocence of children and enhances the chances of receiving help.

• **Hiring Children:**

Beyond simply bringing children along, some beggars rent children to use them as a means of begging. They often expose these children to fabricated disabilities using disfigured prosthetics, positioning them in strategic locations to attract attention, dressed in dirty and worn clothing. This practice is a blatant exploitation of childhood and warrants immediate intervention from the relevant authorities.

• **Exploiting Official Documents:**

Some beggars may present forged documents or certificates relating to fictitious accidents, such as electricity or water bills or medical prescriptions, to demonstrate an urgent need for financial support and their inability to pay these amounts. These forged documents are used to lend credibility to their false narratives, making passersby feel as though they are dealing with someone



genuinely in need, thereby increasing the chances of receiving support and money, no matter how small.

2. The Overlap Between the Social Dimension of Begging and the Factors Contributing to the Growth of the Phenomenon from a Legal Perspective

Given the specific nature of begging as a social phenomenon that intertwines various dimensions and factors leading to its occurrence, the most significant of these dimensions is the legal aspect, which is closest to its practical reality. This is because the practice of begging practically entails a set of actions and behaviors that are classified as crimes in criminal law or one of its supplementary laws. Hence, the relationship between begging and criminal groups will be studied, as well as the exploitation of children from a social perspective in the practice of begging.

A. Begging and Its Relationship with Criminal Groups:

Begging is considered a social phenomenon existing since ancient times in all human collectives, and this phenomenon has undergone many radical transformations. It is generally viewed as an undesirable act or behavior in most societies due to its negative effects on individuals and society as a whole. Focusing on asking people and insisting on individuals to provide assistance, regardless of whether the request is met, leads to the beggar losing respect, trust, and dignity from others, negatively impacting their personality and social status. With the rise of criminal thinking and the development of crime methods, this transformation has introduced begging into a new dimension, shifting it from being described as a social phenomenon to a crime subject to legal accountability with severe penalties, as it threatens the security and sovereignty of the state with numerous suspicions.

The beggar has become exploited by groups that focus on what beggars collect due to the large amounts of money that can be gathered daily. These amounts can reach astronomical figures that exceed what freelancers might earn, making this financial

resource enticing for many individuals seeking quick profits, especially organized criminal groups that operate across borders. Here, the profession of begging is transformed into more dangerous criminal acts, such as drug trafficking, funding criminal organizations, and money laundering.

Moreover, these criminal groups exploit children and vulnerable segments of society, considering them as vital economic resources to enhance their criminal activities. For example, in the African coast, there is significant overlap between human trafficking, which is often used in begging, and terrorist groups and drug cartels, making this population movement a cornerstone of illegal immigration towards North Africa, with Algeria being one of the most affected countries.

Furthermore, the Tamanrasset region, due to its strategic location, serves as a hub for attracting these groups, where many African groups are exploited for begging by organized criminal organizations that have a well-organized structure that is difficult to penetrate. These groups rely on their members of various nationalities connected by networks between Algeria, Mali, and Nigeria, facilitating their movement in the African Sahel region (Zendri, 2023, p. 141).

Additionally, the use of communication tools and modern technology, such as mobile phones and social media, has accelerated the pace of this criminal phenomenon, allowing these groups to diversify their activities and methods to include human trafficking, drug trafficking, illegal immigration, and illegal gold mining. This occurs through the following:

• **Exploitation of beggars primarily from different categories:**

Criminal organizations exploit beggars as a means of collecting money and committing crimes when necessary by controlling them and directing them to gather as much money as possible, whether they are minors, women, or men, or by combining these groups.



- **Interconnection with criminal activities from beggar to criminal:**

Begging is often linked to other criminal activities, such as human trafficking, prostitution, illegal immigration, drug trafficking, and funding criminal organizations, using children and vulnerable groups to achieve their goals, thereby investing in this phenomenon to enhance their illegal activities.

- **Utilization of modern technology to execute the criminal project:**

These groups increasingly rely on modern communication means for planning, managing, and developing criminal lines through information crimes. Additionally, they coordinate and expand their activities across borders, breaking down the constraints of time and place, which enhances their adaptability and rapid spread, allowing them to capture many individuals through electronic fraudulent methods.

- b: Children as a good fishing net to multiply the benefits of begging for the beggar:**

The phenomenon of child begging is considered an alien concept in Algerian society; however, it has notably developed in recent years. Sociologists agree on a close relationship between social changes and the phenomenon of begging in general. Whenever significant changes occur in the social structure or goals, a similar transformation is expected in the sectors most exposed to these pressures, leading to an increase in rates of deviant behavior regarding the exploitation of minors in executing criminal schemes (Jaber, 2007, p. 89). The Algerian society has witnessed several events that have affected its social fabric in terms of morals and values. The phenomenon of child begging under the legal age is seen as a consequence of these transformations, which can be linked to child begging as follows:

- **Rising poverty rates and declining living standards:**

In light of the high cost of living and rising prices, beggars we see on the streets with their children often come from families suffering from extreme poverty due to the high costs of basic

necessities such as food, housing, and medicine. Many parents face a weakened purchasing power due to limited income, and the closure and bankruptcy of public economic institutions have led to widespread unemployment, pushing these parents to use their children in begging as a means of survival (Badr Al-Din & Ben Friha, 2021, p. 90).

• **Family disintegration and rising divorce rates:**

Family disintegration is a natural result of the difficult economic situation, occurring in many families due to conflicts between spouses that often lead to the dissolution of the marital relationship, resulting in issues related to alimony and child custody. In many cases, divorced women find themselves homeless, and begging becomes a means of survival in their eyes, viewed as better than prostitution. Studies indicate that children raised in broken families sometimes resort to begging to escape a family conflict, seeing it as a way to meet their basic needs without effort and problems, unaware that they are caught in legal accountability and are prime targets for criminal groups in various activities (Jaber, 2007, p. 91).

• **The spread of single mothers driven by sin:**

The phenomenon of single mothers has alarmingly spread in Algerian society due to the prevalence of illicit relationships. The Algerian League for the Defense of Human Rights has called on authorities to better support single mothers and their children, as well as women victims of all forms of violence, emphasizing that this phenomenon requires an objective confrontation from society. Some statistics indicate that there are about 10,000 single mothers in Algeria, with approximately 1,000 new cases registered annually. The problem here is that this phenomenon negatively affects illegitimate children who become unknown in terms of lineage and are exposed to violations of their rights. In such cases, these mothers resort to exploiting their children for begging, escaping from families that have brought them shame (Lahouazi, 2021).



This situation raises numerous questions about how to address the begging of mothers with their children, especially when the child's best interest should be the priority. Thus, it is important and necessary to intervene promptly, collaborating with charitable institutions and government bodies to tackle this phenomenon. This means that children are increasingly at risk of begging for various reasons. They serve as a powerful tool for some beggars to enhance the effectiveness of begging, attract sympathy from passersby, and achieve the greatest amount of money.

The presence of a small child on the street under high temperatures or behind dirty, old blankets-especially if suffering from a disability or difficult health condition-evokes pity among people, increasing the likelihood of assistance. In this humanitarian and social dimension, the beggar benefits from the innocence of children to easily execute their criminal schemes, making children an important strategy and an effective element for attracting attention in public places, which facilitates the beggar's ability to collect more money and enhance their opportunities. However, this practice is a gross violation of legal rules that include protecting children from legal and judicial perspectives while simultaneously penalizing begging itself.

SECTIONII: THE LEGAL TREATMENT OF BEGGING AS A CRIME

The phenomenon of begging has increased, along with its severe social effects that negatively impact the achievement of social, legal, and judicial security. Consequently, this act has spread dangerously, necessitating legislative intervention to legally regulate it as a punishable crime. It is well-established in criminal law that every crime has elements, and once these are established, responsibility and penalties are determined. This means defining the Algerian legislator's approach to begging as a crime in terms of criminalization and punishment policies, as

well as the challenges in regulating it. This will be studied by identifying the legal framework for the crime of begging in light of Law No. 24-06, which amends and supplements the Penal Code, as well as the legislative shortcomings in keeping pace with new methods of executing the crime of begging.

01. The Legal Framework for the Crime of Begging in Light of Law No. 24-06

The phenomenon of begging has extended to a legal dimension, to the extent that it is classified as a crime affecting public order, legal security, and judicial stability. Given the radical changes accompanying this phenomenon, it is necessary to subject it to legal treatment within the Penal Code from the legislator's perspective, focusing on defining the elements and clarifying the scope of criminalization and punishment.

A. Defining the Essential Elements for Considering Begging a Crime

As begging is considered a crime from the legislative authority's perspective, every crime, in addition to being stipulated in law, is based on essential elements, which are:

•Material Element:

The crime of begging is classified as a formal crime, where the material element requires a specific criminal act by the perpetrator without the need for a specific criminal result. The legislator aims, through this type of criminalization, to intervene early to curb certain negative behaviors that could lead to dire consequences for the security of society and individuals and their property (Nabila, 2014, p. 129), The criminal behavior in begging manifests as habitual begging, with the requirement that the beggar is unable to earn a living by lawful means, according to Article 195 of the Penal Code. The Algerian legislator does not provide a specific definition for the act of begging, reflecting the general trend in criminal legislation, which often does not include definitions unless there is a need for specific meanings. However, it renews its conditions between habitual behavior and the necessity for the individual to have a lawful means of living.



The legality of living refers to any reason for earning a livelihood that enables a person to secure their needs. Any source contributing to achieving a livelihood is considered a means of living in its legal sense, whether derived from work or capital. As for the requirements of physical health for punishing a person for begging, the Algerian legislator does not stipulate this condition (Nabila, 2014, p. 132).

• **Moral Element:**

It is not enough to assign the crime materially to the perpetrator of the criminal act through a causal link between the behavior and the result; it is also necessary to have a moral assignment, meaning a psychological link between the perpetrator and the crime. This link is fundamental for determining the presence of the psychological element expressing the criminal fault upon which the crime is based. In this regard, the moral element in the crime of begging takes the form of criminal intent, which is defined as the awareness of the elements of the crime and the will directed at achieving or accepting these elements as follows:

• **Element of Knowledge:**

Criminal responsibility for committing crimes requires that the perpetrator be aware of every fact or element of significance in constituting the crime. They must be aware of the elements defined by the texts of criminalization. Thus, determining these elements requires referring to the legal model for each crime individually. For the crime of begging, it is important that the perpetrator is aware that their act is unlawful and that they do not possess a lawful means of living. If ignorance of this is established, criminal intent is negated (Qahwaji, 2002, p. 398).

• **Element of Will:**

Will is an essential element in all forms of the moral element, whether intentional or unintentional. It is defined as a psychological activity directing all or some body parts toward achieving an unlawful purpose, i.e., affecting a right or interest

protected by criminal law (Qahwaji, 2002, p. 399), For the crime of begging to be established, the perpetrator's will must be directed toward the act of begging, meaning soliciting others and requesting charity from the public by any means. It is not necessary for the beggar to actually receive a donation; it is sufficient for criminal intent to exist merely by requesting compassion and generosity (Nabila, 2014, p. 134)

B. The Criminalization and Punishment Policy in Combating the Crime of Begging

The Algerian legislator has paid attention to begging as a crime that threatens the stability of society and the dignity of the individual, as it poses a danger to children and legal security. This is due to its changing methods and the variety in its material execution, which is evident through the discussion of how it is criminalized and punished by the Algerian legislator.

•Determining the Basic Penalty According to Article 195 of the Penal Code:

Article 195 defines the prohibited act, which is practicing begging in any place. This article punishes this act with imprisonment for a period ranging from one month to six months, provided that the beggar has means of living or the possibility of obtaining them through work or other lawful means. The article begins by specifying penalties as a simple misdemeanor, requiring proof of habitual begging, which must be confirmed by the judicial police or through a prior court ruling. The Algerian legislator punishes with imprisonment from one month to six months anyone who habitually practices begging in any place, whether public or private, including markets and public roads, even if they have means of living or the possibility of obtaining them through work or any other lawful means. Thus, it appears that the Algerian legislator is somewhat opening a narrow door to avoid punishing begging due to the living and social conditions suffered by the poor class in the absence of lawful work and the actual inability to secure a livelihood, even if it is minimal.



In contrast, most criminal legislations intensify the penalty for begging, as the recurrence of the criminal in committing begging acts more than once indicates the underlying criminal danger within them. This recurrence reflects a failure to achieve the goal of punishment, which is to deter the offender from repeating their acts (Al-Mahrouqi, 2023, p. 656).

• **The Shift Towards Stricter Penalties According to Article 195 Bis with the Amendment of Law No. 24-06:**

The Algerian legislator has somewhat incorporated contemporary criminal policy innovations in the criminalization and punishment of the crime of begging. This is evident in the amendment of Article 195 Bis of the Penal Code under Law No. 24-06. which emphasizes the legal protection of minors from the dangers of begging. It establishes a misdemeanor penalty by imposing imprisonment from six months to two years on anyone who employs a minor in committing the crime of begging or exposes them to it. The penalty is further increased when the perpetrator is a parent or any person with authority over the minor, as stipulated in the second paragraph of this article. Notably, the Algerian legislator did not stop there but continued to criminalize and punish the commission of the crime of begging from the perspective of criminal organizations, where the penalty is intensified with imprisonment ranging from five to ten years if organized begging is committed within the framework of a criminal organization, as stated in the third paragraph of the same article.

• **Expanding the Scope of Application of Penalties by Including Confiscation Under the Legal Amendment No. 24-06:**

The Algerian legislator has somewhat intensified the penalties for the crime of begging, applying a stricter deprivation of liberty based on the necessity and urgency dictated by the objective circumstances surrounding the crime. In light of the recent legal amendment to the Penal Code in 2024, the last paragraph of Article 195 Bis states that in the event of a

conviction for the crime specified in this article, the judicial authority shall order the confiscation of the means used in its commission and the funds obtained from it.

Referring to the same amendment, and within the framework of supplementary penalties, Article 15, paragraph one defines confiscation as “the final transfer to the state of property or a set of specific properties, or their equivalent value where appropriate.” It is also defined in Article 2 of Law No. 06-01 concerning the prevention and fight against corruption as “the permanent deprivation of property by order of a judicial authority.” In the context of the crime of begging, special confiscation is defined as focusing on a specific property or group of properties, which means depriving the convicted person of a specific asset. It is necessary to examine special confiscation rather than general confiscation, which is divided in the Algerian Penal Code into two types (Bouaziz, 2025, pp. 338-339):

- **Confiscation as a Supplementary Penalty:** According to Article 9, it is considered the original penalty, where it cannot be imposed without the original penalty. This confiscation applies to items that the law does not prohibit possession of, but aims to punish the owner of these items for the crime they committed. To impose it, a conviction must be issued, and the confiscation must not infringe upon the rights of third parties in good faith.

- **Confiscation as a Security Measure:** According to Article 16 of the Penal Code, this confiscation focuses on items that are manufactured, used, possessed, or sold in a manner that is considered a crime, in addition to items that are deemed dangerous or harmful according to the applicable law or regulations, such as drugs, counterfeit money, and livestock infected with serious diseases, regardless of the ruling in the criminal case.

Thus, under the recent amendment to the Penal Code, the Algerian legislator has adopted a policy of criminalization and punishment in parallel with the fundamental principles and procedural and substantive rules for determining penalties. The



judicial authority has been granted the power to confiscate the means used in committing the crime of begging by amending Article 195 Bis. In contrast, it has also modified the legal rules governing confiscation as a supplementary penalty, which now includes funds obtained through this practice. This reflects a serious approach to dealing with the phenomenon, balancing its social, legal, and judicial aspects, while avoiding the exploitation of begging to facilitate the execution and commission of other crimes related to criminal organizations, particularly the financing of criminal groups and money laundering, human trafficking, and the trafficking of body parts, especially concerning children and women, which leads to an increase in kidnapping crimes, as well as prostitution and illegal immigration. This amendment emphasizes the best interests of minors, and the judicial authority's confiscation of the means used in committing these acts and the funds obtained from them serves as a supplementary penalty aimed at stripping offenders of the tools and funds associated with the crime to prevent a chain of other crimes. This confiscation falls under the concept of special confiscation, which focuses on what is directly related to the crime of begging.

• **Providing Legal Protection for Minors:**

The Algerian legislator has focused on providing legal and judicial protection for minors through an independent law and from various aspects, while also emphasizing this protection from the dangers of begging in the aforementioned Article 195 Bis, particularly exploitation in begging. This reflects the legislator's commitment to protecting vulnerable groups in line with ratified international agreements. The Algerian legislator explicitly defines a begging minor as one who does not exceed eighteen years of age, for important reasons that expose children's health, morals, or upbringing to danger when their living conditions or behavior are harmful to their future. The effects of the crime of begging manifest this reality, as the child grows up in an unhealthy environment that negatively impacts

their physical and spiritual development. It is certain that this imbalance will continue in the near future, based on the saying, "Today's children are tomorrow's men." (Hamad & ahmed, 2012, p. 22).

Notably, the Algerian legislator has considered the crime of begging a misdemeanor punishable by imprisonment without the minor being subject to criminal liability, whether they beg willingly or under coercion. The legislator has intensified the penalties on parents and those in authority over the minor for committing this crime, considering that they are responsible for protecting the child and ensuring their care without exposing them to any danger. This role is a legal and moral obligation that falls on them.

•Including Organized Begging in Light of Contemporary Criminal Policy Developments:

Organized begging refers to that type of begging sponsored or managed by certain institutions, where one of these institutions trains children, the disabled, or others to beg, making it a profession for them in exchange for financial returns or what can be termed a salary for the trainers. In this case, the institution bears responsibility for this crime, as the phenomenon of begging serves as a source of crime and distorts the civilizational appearance of the state, opening doors to all forms of fraud to obtain money illegally and encouraging the commission of another type of transnational crime. Moreover, some may become involved in crimes such as adultery, witchcraft, deception, theft, espionage, drug trafficking, and prostitution, leading to an enhancement of criminal feelings and the establishment of dubious relationships that disrupt public order and morals (Msbaeh, 2014, p. 27).

The Algerian Penal Code, in its latest amendment, refers to specific penalties for groups that exploit begging as an organized criminal group, imposing imprisonment from five to ten years on the grounds that it is an aggravated misdemeanor, with an emphasis on confiscation. This reflects the efforts made to



combat this phenomenon comprehensively and effectively to reduce its growth.

02. Legislative Shortcomings in Keeping Up with New Methods of Committing the Crime of Begging

The Algerian legislator has organized the legal provisions regarding the crime of begging in only two articles of the Penal Code, criminalizing and punishing this act with a legal classification specific to misdemeanors, where the penalties generally range from one month to ten years of imprisonment, with the possibility of confiscation depending on the circumstances of committing the act of begging. Therefore, the imprisonment penalty stipulated in Article 195 of the Penal Code is considered non-deterrent compared to the benefits gained by the person engaging in begging. This necessitates and requires a revision and reconsideration to replace it with more effective measures, especially given the social reality and the observed increase in the number of beggars who claim to be homeless, without shelter, or even the ability to secure their basic needs, blaming the state for its failure to provide for them. In light of this increasing number, it becomes clear to me that the penalties have not been effectively applied in a manner that achieves the intended goal of imposing punishment on the offender. Additionally, the two legal texts suffer from gaps regarding the number of times a beggar can be arrested, which creates a situation of impunity, along with the lack of actual alignment with contemporary criminal policy developments.

It can be said that there is a significant legal vacuum in dealing with the phenomenon of begging by the Algerian legislator. When the Penal Code was amended by Law No. 24-06, it did indeed include new provisions regarding minors and begging in the context of organized crime, even mentioning confiscation as an additional penalty. However, it did not address the issue of begging from the perspective of charity or through the exploitation of disabilities and illnesses. Furthermore, the issue of digital or electronic begging, which has become

increasingly common in the digital environment and on social media platforms, has not been addressed.

Currently, there are no effective mechanisms to combat this crime in light of its growing repercussions on society and the judicial system. A review of some articles in national newspapers shows that the police only intervene if the beggar commits another crime alongside begging, such as violence or theft, rather than providing assistance. This limits the effectiveness of the existing laws. Furthermore, there are no legal texts that punish individuals who provide financial or material assistance to beggars, facilitating the commission of this type of crime and aiding their activities. This can be attributed to the nature of Algerian individuals and their belief that giving alms is a charitable act.

The ineffective application of begging laws allows for the exacerbation of this phenomenon and encourages new groups to engage in this behavior, threatening societal stability. It has recently been observed that begging is no longer restricted to a specific demographic; it now includes all age groups, from children and the elderly to young people of both sexes. This widespread prevalence reflects a deep social crisis and negatively impacts the image of Algerian society from both social and legal perspectives. This shortcoming may be attributed to two main reasons (Nabila, 2014, pp. 139-140):

• **The Negative Attitude of Citizens Toward the Crime of Begging:**

Civil society is a double-edged sword; it can be an effective means to eliminate crime and deviance or a tool that encourages the commission and spread of crimes in various forms. Applying this to the crime of begging from the perspective of Algerian society, citizens contribute to obstructing efforts to combat this crime through their misinterpretation of religious teachings that urge good deeds and assisting the poor, which encourages beggars to continue their activities.



• **Inadequate Media Role in Addressing the Crime of Begging:**

The media bears significant responsibility in raising public awareness about the negative impacts of the crime of begging. When these media outlets, whether print, audio, or visual, fail to fulfill their role by intensifying media campaigns and awareness-raising about the risks and effects of this crime on society from social, economic, and security perspectives, it may lead to an increase in the spread of this crime and the aggravation of its dimensions. Therefore, it is essential for the media to encourage citizens not to cooperate with beggars by providing money to ensure the reduction of this phenomenon.

Conclusion:

In conclusion, it can be stated that the crime of begging is considered an ancient social phenomenon that has increasingly manifested in contemporary societies, intertwining various social, economic, cultural, and legal dimensions. It represents an expression of the economic and social crises faced by individuals in light of rising living costs and poverty. At the same time, it reflects the Algerian legislator's approach to the policy of criminalization and punishment concerning begging, balancing social reality and legal regulation in light of the amendment to Penal Code No. 24-06, revealing several gaps in the Algerian legislator's response to this crime amidst social realities and legal challenges.

Study Findings:

- Begging is an ancient social phenomenon that has deep roots and continues to have negative effects in modern society, where it has developed methods to enhance its legally sanctioned results.
- The Algerian legislator has focused on criminalizing begging from various perspectives, emphasizing the provision of legal protection for minors and tightening penalties concerning begging within organized criminal groups. This indicates an

alignment with contemporary criminal policy in terms of criminalization and punishment for such acts.

- This study has shown that there is legislative shortcoming in addressing begging between criminalization and punishment by the Algerian legislator, focusing on begging as a social phenomenon while neglecting its most significant types, and being lenient with first-time beggars by requiring habituality for punishment.

Study Recommendations:

- It is essential to amend the legal texts regarding the crime of begging by refining the substantive and procedural provisions to increase the severity of penalties and eliminate the habituality requirement.

- It is advisable to implement a legal provision that punishes anyone who provides financial assistance to beggars, as this encourages their activities and facilitates the continuation of the crime of begging, constituting criminal complicity in the commission of the crime.

- The Algerian legislator should have included provisions regarding electronic begging, considering it a form of digital fraud aimed at obtaining funds improperly, with strict penalties and no exemptions.

- There should be an emphasis on raising legal and cultural awareness about the dangers of begging, which has taken its place within the Penal Code, to foster a sense of responsibility among citizens and to define begging as a crime, thus avoiding the risks associated with it.

- Support for legal and social scientific research regarding begging as a social phenomenon threatening community stability and security, and as a crime endangering legal and judicial security due to the various methods employed, should be expanded through national and international conferences and the dissemination of theoretical and applied research regarding begging as a social phenomenon and crime from the perspective of legal norms.



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