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The Minor in a Situation of Juridico-Social Peril: A Doctrinal Exegesis within the Algerian Normative Framework

Abdelkader Zouggar

Faculty of Law and Political Science UDL SBA

university Sidi Bel Abbes

Abdelkader.zouggar@univ-sba.dz

Abstract

Childhood, as a pivotal anthropo-juridical stratum within the national socio-legal architecture, has garnered elevated normative and policy-oriented attention. In alignment with their obligations under the 1989 Convention on the Rights of the Child, State Parties have undertaken substantial juridico-institutional commitments to transpose and operationalize the Convention's corpus juris into their domestic legal orders. This process entails the systematic recalibration of national legislative frameworks to ensure congruence with the Convention's teleological underpinnings, with the ultimate objective of fortifying epistemological consciousness surrounding child rights and securing their justiciability and enforceability across all sociocultural and legal contingencies.

Keywords: Minor – Endangerment Paradigm – Algerian Legislative Discourse

ملخص:

قد حازت الطفولة على المستوى الوطني بإعتبارها إحدى أهم شرائح المجتمع الإهتمام الواسع ، فقد عملت جميع الدول الأطراف لإتفاقية حقوق الطفل لسنة 1989 على الإلتزام بتكريس مجاءات به الإتفاقية على المستوى الداخلي و تنفيذ الأحكام والمبادئ التي وردت بها من خلال العمل على تطوير التشريعات الوطنية بما يتوافق مع مضمون الإتفاقية وذلك من أجل تعزيز الوعي حول حقوق الطفل وضمان تطبيقها في جميع الأوضاع.

كلمات مفتاحية: الطفل ، حالة الخطر : التشريع الجزائري

1. INTRODUCTION

The Algerian Republic, actuated by an axiological conviction that the juvenile constituency constitutes one of the cardinal sociological and civilizational substrata upon which the nation's developmental and progressive aspirations are predicated, has positioned itself among the vanguard of State Parties that acceded to the United Nations Convention on the Rights of the Child in 1992, via Presidential Decree No. 92-461. Through this legislative accession, Algeria commenced an endogenous process of systemic normative reconfiguration, recalibrating its internal juridical corpus to align with the prescriptive ethos and teleological mandates enshrined in the international treaty. This alignment signaled not merely formal compliance, but an articulated policy orientation towards the entrenchment of sustainable human development paradigms and the social elevation of the child as a right-bearing subject.

In furtherance of this normative trajectory, sustained legislative efforts culminated in the promulgation of Law No. 15-12 of 2015, an instrument of paramount legislative significance within Algeria's child protection canon. This statute was conceptualized as a *sui generis* framework for the entrenchment of the child's fundamental entitlements—ranging from physical inviolability to psychosocial well-being—while simultaneously institutionalizing the co-responsibilization of both the familial unit and the broader social matrix in the realization of such protective obligations.

A child, by virtue of their ontological fragility and psychosomatic immaturity, often finds themselves ensnared in existential circumstances wherein they are neither cognitively nor physically equipped to safeguard their own juridical interests. This renders them structurally vulnerable to an array of contextual risk vectors and psychosocial stressors which may detrimentally impair their personality formation, disrupt their normative developmental pathways, and exponentially elevate the probability of future deviant behavior or delinquent trajectories.

Accordingly, the juridical construct of the *child in a situation of endangerment* has been the subject of pronounced legislative attention within the Algerian normative framework. This is evidenced through an array of dispositive provisions enshrined within Law No. 15-12, wherein the legislator has architected a complex latticework of procedural and substantive mechanisms intended to afford robust legal protection to minors against multifactorial endangerment scenarios.

2. The Minor in Situational Endangerment

As a preliminary step in this section, we endeavor to undertake an exegetical dissection of the multifarious definitions that have crystallized around the legal and sociological conception of the "child in danger." This hermeneutic inquiry shall be followed by a delineation of the principal etiological determinants which exacerbate a child's exposure to endangerment, thereby compromising their holistic development and legal protection.

2.1. The Conceptual Construction of the Child in Danger

Over time, divergent definitional formulations have emerged seeking to encapsulate the notion of the *minor in peril*, reflecting epistemological heterogeneity across doctrinal, linguistic, and legislative traditions¹. These definitional variances shall be synthesized and appraised as follows:

A. Lexical and Terminological Foundations

From a philological vantage point, the lexeme *tifl* (child) is etymologically derived from the notion of "smallness" or "immaturity," denoting an entity in its nascent developmental state. It is linguistically employed to refer to any human or creature in an early stage of growth—singular or plural—encompassing both gender-neutral and specific usages, as corroborated by classical Arabic exegetical sources and Qur'anic hermeneutics² (e.g., Qur'an 24:31).

Conversely, the term *khatar* (danger) is semantically anchored in the idea of imminent ruin or annihilation—an existential threshold wherein the subject is suspended on the precipice of harm³.

In terminological discourse, a child is traditionally conceptualized as any male or female individual who has not yet attained the age of legal majority, or one who remains in a state of cognitive, psychological, and physiological maturation⁴. The term encompasses a spectrum of developmental profiles, ranging from precocious and neurotypical to deviant or antisocial⁵.

The exposure to danger, within this context, is best understood as a behavioral or environmental configuration which, although not yet inflicting actual injury upon a protected interest, nevertheless poses a credible threat to that interest—in this case, the right of the child to be nurtured within a protective, enabling environment that safeguards their physical, moral, and educational well-being⁶.

In a refined doctrinal sense, the child in danger is characterized as a juvenile whose behavioral trajectory manifests as antisocial or socially dissonant, such that it signals a potential drift toward delinquency or criminal deviance⁷. Such a child is juridically construed as one in need of intensified social care and institutional protection mechanisms⁸.

B. Normative Definitions under International and Comparative Law

From a positivist-legal perspective, the international legal order has undertaken significant efforts to codify the parameters of childhood and endangerment within treaty instruments⁹.

Foremost among these is the 1989 Convention on the Rights of the Child, whose Article 1 defines a child as:

*“Every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.”*¹⁰

This definitional approach is echoed in the African Charter on the Rights and Welfare of the Child (1990), which similarly posits that:

*“A child means every human being below the age of 18 years.”*¹¹

In a congruent vein, ILO Convention No. 182 (1999) concerning the Worst Forms of Child Labour designates “child” as referring to all persons under the age of 18, thereby institutionalizing a universal threshold for minority status¹².

In criminological discourse, notably in the seminal definition posited by the Institute of Criminological Studies (London, 1955), a child in danger is:

*“An individual under a specified age who, though not yet having committed an offense, demonstrates behavior deleterious to public order and morality, such that—absent timely intervention—there exists a plausible risk of future criminality.”*¹³

In comparative civil law systems, such as the French legal tradition, Article 375 of the French Civil Code (as amended by Law No. 297/2016)¹⁴, introduces a functional definition:

*“A child shall be considered in danger when their health, safety, or morality is compromised, or when their upbringing or emotional, physical, intellectual, or social development is seriously threatened; in such cases, the competent authority may order protective and educational measures.”*¹⁵

The Egyptian Child Law (Law No. 126 of 1996, as amended by Law No. 26 of 2008) defines a child as any person below the age of eighteen¹⁶. Article 96 of the same statute enumerates fourteen distinct

scenarios wherein a child is deemed endangered—ranging from exposure to neglect, exploitation, and educational deprivation, to domestic violence, vagrancy, and association with morally compromised environments¹⁷.

C. The Algerian Legislative Perspective

In faithful adherence to its international treaty obligations, Algeria has domesticated the child's legal status and vulnerability construct through Law No. 15-12 (2015)¹⁸. Article 2 of the said statute stipulates:

“Child: Any human being under eighteen (18) full years of age. The term 'juvenile' has the same meaning. Child in danger: A child whose health, morality, upbringing, or security is at risk or exposed thereto; or whose living conditions or conduct pose a potential danger to their future; or who lives in an environment detrimental to their physical, psychological, or educational integrity.”¹⁹

This provision introduces a paradigmatic shift in Algerian legislative philosophy by embracing a probabilistic model of endangerment, whereby the mere potentiality of harm is sufficient to trigger protective mechanisms²⁰. The legislator thus eschews the requirement of demonstrable harm in favor of a pre-emptive, risk-based approach. Notably, the legal synonymy between "child" and "juvenile" is explicitly affirmed, thereby unifying terminological constructs within the protective ambit of the law.

2.2. Etiopathogenic Determinants Conducive to Juvenile Endangerment

It is axiomatic that myriad endogenous and exogenous determinants may converge to precipitate a state of vulnerability or peril in which the child is no longer shielded by normative societal structures²¹. These factors, multifactorial in essence, necessitate urgent legal and institutional intervention to avert the crystallization of high-risk trajectories. The following taxonomical classification delineates the most salient of these variables:

A. Psychogenic Determinants

Among the principal psychological vectors contributing to a child's susceptibility to juridico-social endangerment is the presence of somatic morbidities and congenital or acquired disabilities—be they structural anomalies or chronic physiological impairments. These pathologies often give rise to an internalized sense of deviance or ontological inferiority, rendering the affected minor predisposed to psychosocial alienation.

Empirical observations and psycho-criminological theorists—most notably Alfred Adler—have postulated that such corporeal deficits engender compensatory behavioral patterns rooted in feelings of inadequacy. These may ultimately manifest as psychodynamic dysregulation, moral aberrancy, or sociopathic tendencies. The cognitive and academic developmental pathways of disabled minors are further compromised by social stigmatization, discriminatory interactions, and inconsistent interpersonal reinforcement—ranging from ridicule to overprotection—all of which may intensify emotional instability or catalyze deviant conduct²².

B. Socio-Familial Determinants

A multiplicity of sociological variables embedded within the familial microstructure can act as destabilizing agents, thereby augmenting the minor's exposure to socio-legal risk. Chief among these is the disintegration or dysfunctionality of the domestic unit—be it due to bereavement, marital dissolution, abandonment, or the erosion of parental authority²³. Such disruptions frequently result in emotional deprivation, cognitive disorientation, and the attenuation of normative socialization processes, thereby increasing the child's propensity for deviance or delinquency²⁴.

Equally pernicious are environments characterized by morally deviant or criminogenic parental figures, whereby the child's mimetic impulses may be distorted by unethical behavioral models²⁵. Chronic inter-parental conflict—particularly when manifested through verbal aggression or erratic affective dynamics—inflicts profound psychological distress upon the child, instilling anxiety, insecurity, and emotional desensitization.

Moreover, the absence of authoritative and consistent parental guidance fosters a permissive or neglectful upbringing paradigm, wherein the child's impulsive inclinations are neither regulated nor redirected. This laissez-faire model of socialization is often conducive to behavioral dysregulation, identity fragmentation, and value dissonance²⁶.

Furthermore, peer group dynamics constitute a pivotal factor in the juvenile's psychosocial orientation. In settings where peer interactions are anchored in ethical norms and aspirational role models, the child's developmental trajectory is likely to remain within pro-social bounds. Conversely, when the minor is embedded within deviant peer subcultures, characterized by anti-normative behaviors, the risk of imitation and behavioral contagion becomes significantly elevated.

C. Economic Determinants

Among the most structurally embedded variables that exacerbate child endangerment is systemic poverty, particularly as materialized through familial economic disempowerment and chronic unemployment²⁷. Households subsisting beneath subsistence thresholds are frequently unable to satisfy the basic physiological and educational needs of their offspring. In such contexts, children may be compelled—either implicitly or explicitly—to resort to illicit subsistence strategies, such as petty theft, mendicancy, or informal labor.

The broader economic precarity affects not merely material provisions but also the psycho-affective architecture of the household. As financial stressors escalate, intra-familial tensions tend to intensify, particularly in situations where economic exigencies necessitate maternal labor force participation²⁸. The resultant role strain, coupled with conflicting educational paradigms, breeds intrafamilial dissonance, undermines parental oversight, and attenuates the normative authority traditionally vested in parental figures²⁹.

In aggregate, these economic stressors precipitate a familial milieu ill-equipped to nurture the minor's cognitive, emotional, and moral development—thereby aggravating their exposure to risk vectors that fall within the scope of protective child legislation³⁰.

3. Typology of Situational Endangerment in Algerian Child Protection Law

In the statutory matrix of Law No. 15-12 governing child protection in Algeria, Article 2 delineates a constellation of legally cognizable circumstances under which a child may be deemed to be in a situation of endangerment (*situation de danger juridique*)³¹. For the purposes of doctrinal clarity, we propose a bifurcated exposition of these instances into generalized risk scenarios, applicable to the entire juvenile demographic, and particularized situations, contingent upon individualized vulnerabilities³². This exposition further demonstrates how the Algerian legislator has orchestrated a comprehensive legal arsenal aimed at preempting and responding to each of these paradigmatic configurations of risk³³.

3.1. General Categories of Child Endangerment

These scenarios are designated as “general” due to their potential applicability to all children irrespective of specific attributes or personal circumstances³⁴.

A. Orphanhood and Familial Disintegration

The right of the child to grow up within a familial nucleus is recognized as a fundamental socio-legal entitlement essential to emotional and psychological stability³⁵. The juridical absence of one or both parental figures, culminating in the child's destitution of familial support, constitutes a high-risk configuration with a heightened probability of antisocial behavioral outcomes³⁶. The legislator, accordingly, treats the orphaned or unaccompanied minor as being in a legally recognized state of endangerment (*état de vulnérabilité aggravée*)³⁷.

This includes not only traditional orphanhood but extends to *enfants de filiation inconnue* (children of unknown parentage), frequently discovered in abandoned public or medical facilities. In such cases, the normative responsibility of the State to assume guardianship becomes juridically imperative³⁸.

The 2020 Constitutional Amendment, through Article 71, affirms this responsibility by stating:

*“The family shall enjoy State protection. The rights of the child shall be guaranteed by the State and the family, with due regard to the best interests of the child. The State shall protect and care for abandoned or parentless children.”*³⁹

B. Neglect and Vagrancy

Child neglect (*négligence parentale*) is explicitly recognized under Algerian legislation as constituting an actionable form of endangerment. It is defined as the chronic or deliberate omission of age-appropriate care, supervision, or emotional nurturing, thereby impeding the child's development into a psychologically stable and socially competent adult⁴⁰.

Neglect may manifest in material form—such as failure to provide basic sustenance or shelter—or in intangible modalities, such as emotional abandonment or consistent disregard for the child's developmental needs. These omissions generate a pervasive sense of insecurity, rejection, and impaired socialization⁴¹.

Recognizing the deleterious effects of such neglect, the Penal Code (Articles 330–331) prescribes custodial sentences ranging from six months to two years, and pecuniary fines from DZD 50,000 to 200,000⁴², for any parent who abandons the family residence without just cause and defaults on both legal and moral obligations. Similar penalties apply to those who recklessly endanger the child's moral development, health, or safety through misconduct, substance abuse, or failure to exercise requisite supervision.

Moreover, under Law No. 15-12, the status of homeless or unsheltered children (*enfants sans domicile fixe*) is categorically equated with that of children in legal danger, thereby granting them immediate access to the protective mechanisms of juvenile law without classifying them as juvenile delinquents. This doctrinal shift reflects a protective, not punitive, jurisprudence toward minors displaced by systemic failure.

C. Infringement upon the Right to Education

The right to education is enshrined as a non-derogable fundamental right under both international and national legal frameworks. Its obstruction constitutes a legally recognized situation of child endangerment. Article 28 of the CRC (1989) obligates State Parties to guarantee access to free and compulsory primary education and to adopt proactive measures to combat school dropouts and educational marginalization⁴³.

In the domestic context, Article 65 of the 2020 Algerian Constitution reaffirms:

“The right to education and instruction is guaranteed. Public education is free under conditions defined by law. Primary and intermediate education is compulsory. The State shall organize the national educational system.”

Further, Law No. 08-04 and Executive Decree No. 10-02 compel guardians to register children aged 6 to 16 in designated schools, with legal consequences for noncompliance. The deprivation or obstruction of access to formal education is therefore not merely a policy concern but a juridical infraction with tangible legal implications.

D. Child Victimization through Exploitative Begging

Child begging (*mendicité infantile*)—especially when orchestrated by adults—is a contemporary manifestation of exploitative labor and a grievous affront to the child’s dignity and physical safety. Despite cultural and religious denunciations of the practice, recent technological and socioeconomic shifts have facilitated its institutionalization via clandestine networks, coercive family arrangements, or outright abductions.

Article 195 bis of the Algerian Penal Code stipulates:

“Any person who engages in begging using a minor under 18 years of age, or exposes them to begging, shall be punished with imprisonment from six months to two years. The sentence shall be doubled if the perpetrator is a parent or a person having authority over the minor.”

This provision reflects a zero-tolerance policy towards the instrumentalization of children for illicit economic gain. The law applies indiscriminately to biological parents, relatives, or unrelated offenders and grants the victimized child immunity from penal liability. Such minors are viewed not as offenders but as juridical victims of structural and familial exploitation requiring rehabilitative, not punitive, intervention.

3.2. Specific Configurations of Juvenile Endangerment

Prior to the analytical exposition of these particular instances, it is imperative to clarify that their designation as “specific” arises from their applicability to delimited subpopulations of children rather than the universal juvenile cohort. Such cases necessitate targeted legal and institutional responses due to their intensified harm potential and individualized nature⁴⁴.

A. The Child as Victim of Physical and Psychological Abuse

A child is unequivocally situated within a legally recognized state of endangerment when subjected to maltreatment—whether physical torture, corporal punishment, unlawful confinement, deprivation of nourishment, or other modalities of inhumane or degrading treatment. The constitutional protection of physical and mental inviolability is explicitly affirmed in Article 39 (paragraphs 2 and 3) of the 2020 Constitutional Amendment:

“All forms of physical or moral violence or violations of dignity are prohibited. Torture, cruel, inhuman, or degrading treatment shall be criminalized and punished by law.”

The Algerian legislator has operationalized this constitutional imperative by criminalizing all forms of torture under Article 263 bis of the Penal Code, which provides:

“Torture shall mean any act causing severe physical or mental pain or suffering intentionally inflicted on a person, regardless of motive.”

However, the legislative corpus distinguishes between legitimate parental discipline and criminal conduct. While symbolic or corrective discipline is tolerated under certain circumstances, any infliction of harm exceeding the bounds of corrective authority constitutes criminal abuse under Article 269, which criminalizes:

“Any person who intentionally injures or strikes a minor under the age of sixteen, withholds necessary care or food to the extent that it endangers their health, or inflicts any act of violence other than minor harm, shall be punished by imprisonment from one to five years and a fine ranging from DZD 20,000 to 100,000.”⁴⁵

This provision extends the notion of harm beyond physical injury to include omissions such as the denial of medical attention, hygienic neglect, or inadequate clothing—thus expanding the protective ambit of the provision through the inclusion of the term “care.”

In parallel, Article 270 et seq. provides for graduated sanctions contingent on the gravity of harm and the offender’s identity⁴⁶:

- If intentional harm causes illness or total incapacity exceeding 15 days, the offense is classified as a misdemeanor punishable by 3 to 10 years’ imprisonment.
- If the offender is a parent or holds custodial authority, the crime is reclassified as a felony, punishable by 5 to 10 years.
- If the assault causes permanent disability, the penalty increases to 10–20 years of imprisonment.
- If the act results in the victim's death without intent, the sentence becomes life imprisonment; if committed by a legal guardian or parent, it is escalated to capital punishment.

Psychological violence (*violence psychologique*), including verbal humiliation, persistent shaming, ostracization, or emotional intimidation, is equally injurious. Such abuse destabilizes the child’s emotional homeostasis, often leading to internalized fear, identity erosion, and long-term dissociation⁴⁷.

B. The Child as Victim of Crimes Perpetrated by Legal Guardians

A particularly egregious manifestation of endangerment arises when the perpetrator of the offense is the child’s own legal representative. Such instances represent a profound breach of fiduciary and moral duty. Among the most heinous is the crime of abandonment in a deserted location, as stipulated in Article 314 of the Penal Code⁴⁸:

“Any person who abandons a child or a physically or mentally incapacitated person in an uninhabited place, or induces another to do so, shall be punished by imprisonment from one to three years.”⁴⁹

This provision captures real-world scenarios wherein infants are left near public buildings or hospitals, often by unwed parents attempting to avoid social stigma⁵⁰. The legislator, in response to the existential threat such abandonment entails, prescribes⁵¹:

- 2–5 years of imprisonment for simple abandonment;
- 5–10 years if the act results in illness or disability;
- 10–20 years if it causes mutilation or permanent impairment;

- Life imprisonment if it causes death;
- The death penalty if perpetrated by a parent or guardian.

Further, parents who fail to register the birth of their child are subject to penal sanctions under Ordinance No. 70-20, Article 61, which mandates birth registration within five days. Failure to comply triggers Article 442 of the Penal Code, which prescribes:

“Imprisonment from ten days to two months and/or a fine of DZD 8,000 to 16,000 for failing to declare a birth within the legal time frame.”⁵²

This duty is primarily incumbent upon the father or mother, or secondarily upon the attending physician, midwife, or host in the case of extramural births, as per Article 62 of the same ordinance⁵³.

C. The Child as Victim of Sexual Exploitation

Sexual exploitation (*exploitation sexuelle*) constitutes one of the gravest and most destructive forms of child endangerment. It encompasses any utilization of the child—physically or via imagery—for the sexual gratification of others, whether remunerated or gratuitous, real or simulated⁵⁴.

The Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, Article 2(b)–(c), defines:

“(b) Child prostitution: the use of a child in sexual activities for remuneration or any other form of consideration. (c) Child pornography: any representation, by whatever means, of a child engaged in explicit sexual activities, whether real or simulated, or any representation of the sexual parts of a child for primarily sexual purposes.”⁵⁵

Similarly, ILO Convention No. 182 identifies child pornography and online sexual exploitation as among the worst forms of child labor, emphasizing their egregious moral and psychological impact⁵⁶.

Article 34 of the CRC reaffirms State obligations:

“States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse... including exploitative use in prostitution, unlawful sexual practices, pornographic performances or materials.”⁵⁷

Under Law No. 23-04, Article 2(4), Algeria defines sexual exploitation as:

“Obtaining any benefit whatsoever from inducing a person into prostitution or sexual services, particularly by involving them in pornographic scenes through production, possession, or dissemination by any means.”⁵⁸

Law No. 15-12, Article 143, criminalizes sexual exploitation of minors and associated practices.⁵⁹

Article 333 bis 1 of the Penal Code stipulates:

“Whoever films a minor under 18 while engaged in sexual activity—real or simulated—or films their sexual organs for sexual purposes, or produces, distributes, imports, exports, promotes, or possesses pornographic materials involving minors, shall be punished with 5 to 10 years’ imprisonment and a fine of DZD 500,000 to 1,000,000.”⁶⁰

The actus reus encompasses both production and distribution of pornographic content involving minors. The mens rea is established by the perpetrator's deliberate intention to document or circulate such imagery⁶¹.

Additionally, Article 342 penalizes the incitement of minors to debauchery:

*"Anyone who incites a minor under 18 to engage in debauchery, moral corruption, or facilitates it—even indirectly—shall be punished with 5 to 10 years' imprisonment and a fine of DZD 20,000 to 100,000."*⁶²

The offense may involve introducing minors to prostitution rings, arranging sexual encounters, disseminating lewd materials, or psychologically coercing them into participation in lascivious activities. The focus lies not merely on consummated acts but on any facilitative conduct catalyzing sexual deviancy in the minor⁶³.

4- Conclusion

In summation, Law No. 15-12 emerges as one of the most structurally consequential and doctrinally sophisticated legislative instruments promulgated by the Algerian legal system in the domain of child protection. It reflects a paradigmatic shift toward an integrated rights-based framework that not only affirms the Republic's allegiance to international conventions—chief among them the 1989 Convention on the Rights of the Child—but also concretizes its normative commitment to ensuring that every child is nurtured within an environment that is physically secure, psychologically enabling, and juridically protective against all forms of existential, developmental, or structural risk.

This legislative corpus operationalizes an architecture of safeguards meticulously designed to immunize the child from multifactorial configurations of danger. Of particular doctrinal significance is the law's procedural reliance on the *juge des mineurs* (juvenile judge), whose discretionary authority—vast in both scope and depth—acts as the central pillar of the State's protective apparatus. The law vests this judicial figure with extraordinary prerogatives that authorize immediate intervention upon even the presumption of imminent danger, thereby enabling the issuance of legally binding protective orders tailored to the unique circumstances of each minor. The judge functions not merely as an arbiter of legality but as a proactive agent of social remediation and therapeutic jurisprudence.

From the findings of this study, several core conclusions crystallize:

- First, the definition of the child adopted in Article 2 of Law No. 15-12 is congruent with the universal standard codified in Article 1 of the 1989 Convention on the Rights of the Child. By anchoring childhood exclusively to the chronological threshold of eighteen years, the Algerian legislator reinforces the primacy of age as the definitive legal criterion, thereby ensuring a uniform application of rights and protections across all institutional contexts.
- Second, the legislator's definition of the "child in a situation of danger" employs expansive, open-textured language, a deliberate drafting technique aimed at maximizing the interpretive elasticity of the provision. This semantic indeterminacy allows for dynamic adaptation to the heterogeneity of real-world conditions and reflects the legislator's intention to grant the juvenile judge broad hermeneutic latitude in assessing whether a child is, in fact, exposed to a legally cognizable risk. By refraining from adopting an exhaustive taxonomy of danger scenarios, the law avoids the pitfalls of over-formalization and rigidity.
- Third, the enumeration of risk scenarios under Law No. 15-12 is explicitly illustrative rather than exhaustive. The phraseology employed—"among the circumstances that place the child

in danger"—signals an intent to establish a flexible, non-restrictive evidentiary framework. This permits judicial recognition of emergent and non-codified forms of endangerment, including those precipitated by evolving social dynamics, technological exploitation, or atypical familial configurations.

- Fourth, the role of the juvenile magistrate, as architected by Law No. 15-12, transcends the traditional adjudicative function and assumes the character of a specialized protection mandate. The judge operates within a quasi-inquisitorial model that prioritizes the *best interests of the child* (*intérêt supérieur de l'enfant*) as a guiding principle. This necessitates not only legal acumen but also socio-pedagogical insight, as decisions often implicate complex intersections between legal norms, social policy, familial dysfunction, and child psychology.

In light of the foregoing, Law No. 15-12 must be viewed not merely as a legislative enactment but as a codified expression of Algeria's legal and moral resolve to construct a jurisprudence of childhood that is preventative, rehabilitative, and responsive to the nuanced realities of children at risk. It stands as a normative edifice wherein legal doctrine converges with human dignity, offering a rights-based bulwark against the multifarious forces that threaten the physical, moral, and intellectual integrity of the child.

Ultimately, the Algerian model presents a fertile ground for comparative legal research, inviting further inquiry into how developing legal systems can reconcile international obligations with socio-cultural specificities in constructing adaptive, child-centered legal regimes.

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