Assessing the Adequacy of the Algerian Legal Framework in Between Legislative Gaps and the Confronting Electronic Begging: Imperatives of Criminalization

Dr. Chikhi Nebia

[1] **University of Abdelhamid Ibn Badis – Mostaganem, (Algeria)**,
nebia.chikhi@univ-mosta.dz

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Abstract:

financial support. From a legal perspective, the study explores whether the material, moral, and legal elements of the crime can be established in this context, and assesses the adequacy of the Algerian legal framework, which remains primarily oriented toward conventional begging.

The findings reveal that, although the core conduct remains similar, existing legislation does not sufficiently address the diverse and evolving forms of electronic begging. This highlights a significant legal gap and underscores the need for legislative reform that reflects the specificities of digital practices, ensuring effective criminalization and alignment with ongoing technological developments.

Keywords: Electronic begging; Digital solicitation; Emerging crimes; Legal framework; Criminalization; Legislative gap

*Correspondingauthor

1. INTRODUCTION

In recent years, technological advancements have given rise to new and evolving social phenomena across many societies. Among these is electronic begging, a contemporary form of solicitation that relies on digital platforms to evoke sympathy and obtain financial support. Although such practices may appear legitimate at first glance, they often retain the core characteristics of traditional begging. The spread of electronic begging has been further accelerated by the widespread use of social media and the increasing ease of digital financial transactions.

Despite the growing prevalence of this phenomenon, the Algerian legal framework has yet to establish explicit provisions to regulate it. Existing legislation remains primarily oriented toward traditional forms of begging, raising important legal questions about its ability to encompass this emerging practice. In particular, it becomes necessary to consider whether electronic begging falls within the scope of current criminalization or whether it requires specific legislative intervention.

The relevance of this study lies in its focus on a modern digital phenomenon that has implications for public order and trust in electronic transactions. Electronic begging may be exploited for fraudulent purposes or used to target vulnerable individuals, which further underscores the need for a clear and coherent legal framework. Such a framework should be capable of distinguishing between legitimate online humanitarian assistance and deceptive or unlawful digital solicitation.

This study seeks to provide a comprehensive analysis of electronic begging by first clarifying the concept of begging in general and electronic begging in particular. It then examines the distinguishing characteristics of electronic begging in comparison with its traditional counterpart, particularly in terms of methods and means. In addition, the study analyzes the legal elements of the crime of traditional begging -namely the material, moral, and legal components- and evaluates the extent to which these elements can be applied to digital practices. It also identifies the legislative gaps surrounding this phenomenon and proposes legal approaches for its effective regulation.

Methodologically, the study adopts a descriptive-analytical approach to examine both traditional and electronic begging and to identify their

respective characteristics within social and digital contexts. It also relies on a comparative method to highlight the similarities and differences between the two forms, particularly in terms of their mechanisms and their potential regulation under Algerian law. This combined approach allows for a deeper understanding of the phenomenon and an assessment of the capacity of existing legislation to address its evolving nature.

The study is structured into two main sections. The first examines the concept of electronic begging by defining it, identifying its characteristics, and distinguishing it from traditional begging. The second analyzes the legal elements of the crime of electronic begging from material, moral, and legal perspectives.

2. The Concept of Electronic Begging

Traditional begging is considered one of the oldest social phenomena, relying on direct requests for assistance from passersby in public spaces. With the rise of digital media, a new form of begging has emerged, conducted via the internet, known as electronic begging. This practice has become widespread through social media networks and digital platforms, often employing methods that conceal its true nature behind more organized and professional approaches.

Addressing this topic requires first clarifying the concept of traditional begging (First), then defining electronic begging (Second), highlighting its distinguishing characteristics (Third), and finally illustrating the key differences between electronic and traditional begging in terms of methods and tools used (Fourth).

2.1 Definition of Begging

Begging is defined as "the act of requesting money, food, or shelter from the general public, by appealing to their sympathy and generosity through artificial means, such as disabilities, poor conditions, or children, regardless of the sincerity or dishonesty of the beggars. Some beggars resort to offering unnecessary services, such as cleaning car windows while they

are stopped at traffic lights."[1]

It is also defined as "the act of persistently asking and presenting oneself in a state of humiliation and misery before others, seeking their sympathy and compassion in order to obtain money, whether this behavior involves a direct or indirect request, such as performing acrobatic tricks."[2]

Begging is also defined as "requesting alms for personal gain, even if this request is masked by a false appearance of a commercial activity."[3]

2.2 Definition of Digital or Electronic Begging

It is defined as "the act of requesting money and seeking the sympathy of social media users electronically, as opposed to the traditional method of direct begging in the streets, mosques, or at certain events. This method is characterized by the beggar's anonymity regarding their identity, name, location, and true status. It is also marked by the lack of effort and the speed of the request."[4]

It is "the digital version of traditional begging, carried out through social media platforms and the exploitation of online multiplayer games, with the aim of appealing to users' emotions and obtaining their money through baseless excuses and false justifications."[5]

It is also defined as "a virtual social phenomenon that relies on manipulation to attract individuals' attention and sympathy, with the aim of increasing the chances of benefiting materially or morally from the outcomes of that emotional influence."[6]

2.3 Characteristics of Electronic Begging

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[1]- Abdel Hamid Al-Manshawi, *Crimes of Homelessness and Begging*, Al-Maktaba Al-Arabiyya Al-Haditha, Alexandria, 1994, p. 127.

[2]-Abdel Aziz Bin Hammoud, *Homelessness in the Human Trafficking System*, Master's Thesis, Naif Arab University for Security Sciences, College of Graduate Studies, 2010, p. 27.

[3]-Gerard Cournot, *Dictionary of Legal Terms*, Translated by Mansour Al-Qadi, University Foundation, Beirut, 1st ed., 1998, p. 472.

[4]-Rania Mohamed Atiyah Al-Heshlamoun, "Electronic Begging and Its Social and Economic Impact on Jordanian Society from the Perspective of a Sample of Facebook Users", *Journal of Human and Social Sciences*, Vol. 5, Issue 4, 2021, p. 60.

[5]-Mohamed Ahmed Ibrahim Abu Rahma, *Electronic Begging: Between Criminalization and Permission – A Comparative Analytical Study Between Islamic Sharia and Palestinian Law*, Master's Thesis, Faculty of Sharia and Law, Islamic University, Gaza, p. 19.

[6]-Al-Qadi Nadia, "Electronic Begging in Algeria: Between the Attraction of Social Solidarity and Indicators of Virtual Fraud – An Analytical Study of the Views of a Sample of Social Media Users in Tizi Ouzou", *Journal of Human and Social Sciences*, Vol. 9, Issue 2, 2023, p. 239.

Electronic begging is considered one of the emerging social phenomena resulting from digital transformation and the expanded use of modern communication technologies. In this context, the beggar shifts from the real world to the virtual space, taking advantage of the capabilities of social networks and instant communication to seek material or in-kind assistance through direct or indirect means. The most prominent characteristics of this phenomenon can be summarized as follows:

1. **The Virtual Nature of the Phenomenon and the Absence of Physical Interaction:**

Electronic begging is characterized as a fully digital practice, relying on communication through electronic means without any direct contact between the parties involved. This significantly limits the ability to verify the beggar's identity or the authenticity of their claimed need.

2. **Rapid Spread and Ease of Access:**

The digital environment allows the beggar to reach an unlimited number of users in a short period of time, without geographical or temporal limitations. This greatly increases the likelihood of individual responses and enhances the chances of obtaining material support, in contrast to traditional begging, which is constrained by specific locations and times.

3. **Ambiguity and Anonymity:**[7]

Online beggars often rely on creating fictitious accounts or fake identities, which provides them with a high level of concealment and makes it difficult to track them legally or technically. This contributes to the proliferation of cyber fraud methods.

4. **Reliance on Psychological and Emotional Influence:**

Electronic beggars employ sophisticated persuasive techniques, such as sharing images of children or sick individuals, or telling moving human stories, with the aim of stirring empathy and encouraging individuals to donate without scrutiny or verification.

5. **The Use of Multiple Channels and Mediums:**

[7]-Rania Mohamed Atiyah Al-Heshlamoun, Op. Cit, p. 61.

Electronic begging is not confined to a single platform; it extends across email, text messages, social media pages, digital groups, and even some informal charitable apps.

6. Transcendence of Borders:[8]

Unlike traditional begging, which is confined to a specific geographical area, electronic begging transcends national spatial boundaries. A beggar in one country can target donors in other countries, thanks to the global nature of the internet.

7. Weak Legal and Regulatory Oversight:

The virtual nature of electronic begging presents a significant challenge for regulatory bodies, due to the absence of clear legislation that criminalizes it or defines mechanisms for addressing it within the legal framework for cybercrimes. Additionally, tracking the source of messages or accounts is a difficult task.

8. **The Shift from Need to Organized Crime:**[9]

In some cases, electronic begging evolves from an individual practice into an organized activity managed by groups or digital networks that exploit loopholes in digital systems to achieve financial gains through systematic fraudulent methods.

2.4 Distinguishing Between Traditional Begging and Electronic Begging

The fundamental difference between traditional begging and its electronic counterpart lies in the means of communication and the realm of practice. Traditional begging occurs directly in public places, such as streets and mosques, where the beggar interacts face-to-face with people, appealing to their sympathy through physical or verbal expressions of need or poverty. On the other hand, electronic begging takes place in the digital space through social media platforms or mobile apps, using personal or fictitious accounts to request help or donations without physical presence. This form of begging is distinguished by its ability to conceal the beggar's identity and true location, its wide-reaching audience that extends beyond geographical

[8]-Ahmed Talaat Abdel Hakim, *Criminal Policy in Facing Information Technology Crimes in Light of the Egyptian Law No. 175 of 2018*, PhD Thesis, Faculty of Law, Ain Shams University, 2022, p. 29

[9]-Ahmed Talaat Abdel Hakim, *Op. Cit.*, p. 29.

boundaries, as well as the minimal effort required and the rapid spread. While traditional begging is viewed as a phenomenon with clear social and economic implications, electronic begging is more complex due to its association with the risks of fraud and exploitation of human emotions under the guise of charity or alleged need. This necessitates a new legal and security approach to address it within the digital environment.

3. Electronic Begging Between the Absence of Legal Provisions and the Presence of Criminal Elements.

The crime of electronic begging, like any other crime, is based on three essential elements required for the establishment of criminal liability: the legal element, which gives the act its unlawful character based on a legal provision; the material element, which involves the criminal behavior committed through electronic means; and the mental element, which reflects the criminal intent of the perpetrator and their will to obtain others' money through fraudulent methods in the digital space. These elements form the legal and theoretical foundation for determining the scope of criminalization and regulating the various forms of electronic begging.

3.1 The Legal (Statutory) Element of the Crime of Electronic Begging

The legal or statutory element in any crime is based on the principle of criminal legality, which states that "there is no crime or punishment without a legal text."[10] Referring to the Algerian Penal Code, it is observed that the legislator has not explicitly addressed the crime of electronic begging, but has merely regulated traditional begging through Article 195 of the Penal Code. This article criminalizes any person who engages in begging on public roads or in any public place, provided they are capable of working or have a lawful means of livelihood.[11] However, the absence of an explicit legal provision does not mean that the social danger of this behavior in its digital form is any less. The essence of the criminal act remains the same in both

[10]-Ali Mohamed Jaafar, *Philosophy of Punishments in Positive Law and Islamic Sharia*, University Foundation, Beirut, 1997, p. 17.

[11]- Article 195 of the Algerian Penal Code stipulates the punishment of any person who habitually engages in begging in any place, provided that they have alternative means of livelihood or are able to obtain what they need through work or any other lawful means. Such a person shall be sentenced to imprisonment for a period ranging from one month to six months.

cases, which is the habitual solicitation of alms despite the availability of a means of livelihood or the ability to earn, with the only difference being the medium—whether in the physical space or the virtual space.

Based on legislative analogy, the principle of protecting public order, the preventive function of criminal law, and the principle of the inclusiveness of penal provisions for any behavior carrying the same social danger, it can be argued that the existing penal provisions concerning traditional begging extend to electronic begging, provided the same material and mental elements are present, even if the method of commission differs. The legislator's intent is not tied to the location or means of the act but rather to its impact on public order, the values of work and human dignity, and the exploitation of others' emotions. These are similar outcomes that call for a unified legal treatment. Therefore, the legal element of electronic begging is supported by the spirit of Article 195, which prohibits the use of begging as an unlawful means of livelihood. This justifies the argument for the necessity of the Algerian legislator to introduce a specific provision that aligns with the digital transformation, clarifies the actions falling under this new form of begging, and establishes penalties commensurate with its modern nature, in order to safeguard public order and social welfare.

3.2 The Material Element

The material element is represented in the positive behavior or tangible act performed by the perpetrator within the digital space, which involves using an electronic means or tool to request assistance or collect funds from others without a legitimate legal justification.

The material element of this act is manifested in various forms, depending on the diversity of electronic platforms. Among the most common examples are: the creation of accounts or pages on social media networks that display fabricated hardships or medical conditions with the aim of evoking sympathy and attracting financial support; posting content or sending private messages containing direct requests for financial assistance; and creating electronic links specifically designed for transferring funds or receiving donations without legal authorization or justification.

Some forms of electronic begging also manifest in online gaming rooms or chat platforms, where some individuals exploit direct interaction with

users to request money through the chat box, or deceive them with fake emotional relationships and fabricated humanitarian stories, leading them to provide financial assistance via electronic transfers.

Another common method is the use of deceptive emails sent to a large number of individuals, containing fabricated stories of poverty or illness. Such messages often exploit religious or humanitarian sentiments to elicit sympathy from recipients. This behavior may also extend to comments on public posts or to fake advertisements offering trivial goods for sale, with the underlying intent of indirectly soliciting money through illegitimate means.[12]

Electronic begging can sometimes go beyond direct requests for assistance, as it may involve fraudulent or extortionate methods that exploit the nature of the digital space. One of the most prominent examples of this is when individuals extort online stores by posting negative comments or misleading reviews claiming poor service or low-quality products, in an attempt to pressure the owners into paying money to have these comments removed or to improve their digital reputation.[13]

In other cases, electronic begging occurs through the exploitation of the names of charitable or humanitarian organizations to organize fake fundraising campaigns, which are presented as being aimed at financing charitable projects, while in reality, they serve as fraudulent means to elicit sympathy and exploit human emotions under the guise of charitable work.[14]

Although the Algerian Penal Code does not explicitly address the issue of electronic begging, a comparison with traditional begging highlights that the essence of the criminal behavior remains the same, even though the

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[12]-Rania Mohamed Atiyah Al-Heshlamoun, *Op. Cit.*, p. 64.

[13]- Hamzeh Abu Issa, Naji Al-Wreikat, Tareq Al-Billeh & Tariq Alhasan, "From Streets to Screens: Legal Implications of Internet Begging," *Humanities and Social Sciences Communications*, vol. 12, Article no. 916, 2025, published July 1, 2025, available at: https://www.nature.com/articles/s41599-025-05189-w (accessed March 31, 2026).

[14]- Brahim Halbaoui, Mohammed Seddiki & Saad Laichi, "Electronic Begging: A New Phenomenon in the Era of Technology," *Journal for Educators, Teachers and Trainers*, vol. 16, no. 4, 2025, p. 207, published April 10, 2025, available at: https://digibug.ugr.es/bitstream/handle/10481/104060/article_01_the_journal_for_educators%2c_teachers_and_trainers2%5b1%5d.pdf?sequence=1&isAllowed=y (accessed March 31, 2026, at 14:20).

technological means may differ. The material element of the crime of begging, according to established national legal doctrine, is based on the habitual request for charity or alms without a legitimate justification, while the individual has the ability to live through lawful means. When this concept is applied to the digital space, the same element is fulfilled whenever a person, intentionally and repeatedly, creates digital pages or accounts to elicit the sympathy of the public and collect money, despite having the ability to earn a living or the availability of a lawful means of support.

Thus, it can be said that the material element of the crime of electronic begging is fulfilled through the use of a digital means -such as social media platforms or electronic applications- to engage in begging behavior directed at the public or specific individuals, with the intent of obtaining financial benefits in an illicit manner. However, this element is not established by a single, isolated act,[15] Rather, it requires the perpetrator to habitually engage in this behavior in a repeated or organized manner, demonstrating that begging has become a means of livelihood rather than a one-off action driven by urgent need. It is also a prerequisite that the individual is capable of earning a living or has access to a lawful source of income,[16] In the absence of this condition, the criminal nature of the act is negated, and it becomes merely a manifestation of social deprivation. Therefore, the material element of the crime of electronic begging, when compared to its traditional counterpart, is based on the presence of two essential elements: habitual solicitation for charity and the availability of a lawful means of living, with the only difference being the method used for begging, without altering the essence of the criminal behavior.

This element is fulfilled as soon as the perpetrator publishes or sends requests for assistance electronically, regardless of whether the material result, i.e., receiving money, is achieved. The act itself is considered a manifestation of the crime. This approach is interpreted as an early preventive

[15]-Asiad Razak Liza, *Begging: Between Criminalization and Permission - A Comparative Study Between Sharia and Law*, Master's Thesis, University of Al-Wadi, Faculty of Social and Human Sciences, 2014, p. 43.

[16]-Fadila Aqli, "*Cybercrime and Measures to Confront It Through Algerian Legislation*, Proceedings of the Electronic Crimes Conference held in Tripoli, Lebanon, March 24–25, 2017, p. 115.

intervention, aimed at preventing the escalation of negative social phenomena that could harm the security of society, its individuals, and their property.[17]

3.3 The Mental Element in the Crime of Electronic Begging

The crime of electronic begging is considered a purely intentional crime,[18] It is not conceivable for this crime to occur through negligence or unintentional error, as it requires the presence of general criminal intent, with its two essential elements: knowledge and will.[19]

The perpetrator must be aware of the unlawful nature of their conduct, knowing that their use of electronic means or information technology is aimed at soliciting money from others without right, exploiting the victims' emotions and their inclination to do good and offer assistance, despite having a lawful means of living.

His free will must also be directed towards committing the act, that is, towards soliciting charity or alms through digital platforms in their various forms, whether social media sites, applications, or other modern technological means.[20]

The electronic beggar is aware that they are not requesting assistance out of necessity, but rather intentionally habituating themselves to this behavior in a repeated and organized manner, revealing a settled intention to adopt begging as a means of livelihood. This intent can be inferred from the repetition of electronic actions, such as creating multiple accounts or pages to collect donations or elicit public sympathy. This element also assumes that the perpetrator is capable of earning a living or has access to a lawful source of income, yet chooses, of their own will, to abandon legitimate means of living in favor of exploiting others' emotions through digital platforms. Therefore, the mental element in electronic begging is embodied in the intent

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[17]-Leila Jomai, "Legal Mechanisms for Protecting Street Children (In Algerian Legislation)", *Social and Human Studies Academy*, Issue 9, 2013, p. 7.

[18]-Hamada Khair Mahmoud, "The Crime of Electronic Begging and Ways to Combat It", *Al-Israa University College Journal of Social and Human Sciences*, Vol. 5, Issue 9, 2023, p. 271.

[19]-Ali Abdel Qader Al-Qahouji, *Explanation of the Penal Code*, HalabiLegal Publications, Beirut, Lebanon, 2002, p. 396.

[20]-Hamada Khair Mahmoud, *Op. Cit.*, p. 271.

to unlawfully enrich oneself through habitual digital solicitation, despite the availability of a lawful alternative for living. This brings the crime closer in its ethical and social content to traditional begging, with the only difference being the environment in which it is carried out.

It is not required for this intent to be fulfilled that the perpetrator actually receives the money,[21] It is sufficient for the intention to beg and the use of the electronic means to achieve the intended purpose.

The presence of criminal intent can be inferred from the perpetrator's behavior, such as the repetition of actions despite warnings or reports, providing false information or fake documents to elicit sympathy, or using fictitious identities to conceal their true identity. However, if the act is driven by genuine need or ignorance of its criminal nature, the mental element is not fulfilled,[22] Unless there is evidence of an intention to exploit or deceive in order to achieve unlawful gain.

4. CONCLUSION

It is evident from this study that electronic begging, as an emerging phenomenon, has established itself as a result of the rapid development of communication tools and the growing use of digital platforms. Through analyzing the concept of traditional begging and comparing it with electronic begging, it became clear that the latter is an extension of the old phenomenon but takes on a new form, relying on more advanced means that have the ability to reach a large number of people in a short period of time, benefiting from the absence of clear legal regulation governing its practices. The analysis of the legal elements of the crime also revealed that current laws criminalizing traditional begging may not be sufficient to address the various forms of electronic begging, particularly those that are indirect or disguised behind humanitarian or social facades, such as pages claiming to collect donations for the treatment of unidentified patients, accounts posting fabricated stories about impoverished families and requesting money transfers via postal or

[21]-Nabila Rezaki, *The Crime of Begging Under the Amendments of the Penal Code 2014*, *Algiers University Researches*, Issue 8, p. 134.
[22]-Nabila Rezaki, *Op. Cit.*, p. 134.

bank accounts, or even individuals using pictures of children they have no connection with to exploit public sympathy. Such practices are carried out in ways that are difficult to regulate under the provisions of traditional begging, which is primarily based on direct requests in public spaces.

Key Findings:

-Electronic begging is a modern phenomenon resulting from the digital transformation and the widespread use of social media platforms.

-This type of begging has unique characteristics, the most important of which are: the absence of direct interaction, ease of access to a wide audience, and the difficulty in verifying the truth of claims.

-A comparison between traditional and electronic begging reveals differences in methods and techniques; however, both share the same objective: eliciting sympathy to obtain money without legitimate compensation.

-The current Algerian legal framework only criminalizes traditional begging and does not provide explicit provisions regarding electronic begging.

-Some provisions of traditional begging or crimes related to fraud can be applied to certain forms of electronic begging, but this remains insufficient and limited in scope.

Recommendations:

- It is essential to enact specific legal provisions criminalizing electronic begging, similar to the approach adopted by the UAE legislator.
- Strengthen the regulation of digital platforms through cooperation between relevant authorities to monitor suspicious pages engaging in electronic begging or fraud.
- Launch awareness campaigns to warn citizens about falling victim to fake pages and accounts claiming to need assistance.
- Encourage organized charitable work through accredited associations to serve as a legal and trusted alternative to unregulated online donations.

- Conduct field studies to assess the scale of the phenomenon in Algeria, considering that electronic begging is still a new issue that requires professional scientific follow-up.
- The law should specify harsher penalties if electronic begging is practiced by exploiting vulnerable groups such as children, patients, or individuals with disabilities, or if the act is collective and organized.
- Establish a simple electronic mechanism that allows citizens to report suspicious electronic begging pages or accounts, ensuring the protection of the whistleblower.
- Regulate electronic payment and transfer methods by imposing stricter monitoring of small, repetitive transfers, which could serve as a means for illicit online fundraising.

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