What Criminal Protections Exist for Children Under Algerian Law?

Imene OUAHRANI *
Aboubakr Belkaid University, Tlemcen, Algeria
imene.ouahrani@univ-tlemcen.dz

Date of submission: 11/05/2026 - Date of acceptance: 14/07/2026 - Date of publication: 27/07/2026

Abstract: Attention to children has become an urgent necessity, given that today's children are tomorrow's adults play a role in building the future and stability of society. Based on this reality, the international community, alongside national legislation—particularly Algerian legislation—has devoted special attention to protecting this vulnerable group, by enacting laws that guarantee their safety and well-being. This study seeks to assess the effectiveness of criminal laws in protecting children from various forms of abuse, particularly those related to sexual abuse, and in strengthening family bonds, from the moment of birth until they reach the age of legal majority (18).

Keywords: Criminal protection, child welfare, family ties, social services.

***Corresponding author: Imene OUAHRANI.**

Introduction:

From the moment of birth, human beings go through various stages of life, and childhood is one of the most important of these stages, as it lays the foundation upon which the future of the individual and society as a whole is built. Today's children are tomorrow's men and women and the architects of the nation's future; therefore, caring for them and safeguarding their rights is not merely a national duty, rather it is a universal moral and humanitarian principle. Any nation that attaches great importance to protecting its children and is committed to raising them properly is a nation that fully understands that its future depends on the extent of its efforts to prepare this vulnerable group and equip them to shoulder responsibility and contribute effectively to the building of society.

This is precisely what Algeria seeks to achieve by enshrining child protection in its Constitution and national legislation. Article 71 of the Algerian Constitution, as amended in 2020, stipulates that "The family enjoys the protection of the State. The rights of the child are protected by the State and the family, taking into account the best interests of the child"[1]. A special law on child protection (Law No. 15-12 of July 15, 2015) was also enacted, in addition to the inclusion of various provisions in the Penal Code, the Code of Criminal Procedure, and the Prison Administration Law, all of which aim to ensure effective and comprehensive protection for children.

Protection is not limited to physical safety but extends to sexual and moral abuse; because of their vulnerability and lack of experience, children are susceptible to exploitation in various forms. The legislature has taken care to provide special legal protection for a child's right to the preservation of their dignity and morals, recognizing that child abuse not only violates a child's fundamental rights but also negatively affects the child's psychological and social development and threatens the child's future and the safety of society as a whole. This protection is reflected in a set of legal provisions that criminalize acts that violate a child's dignity and morals and impose stricter penalties on perpetrators. Nor has the importance of protecting family ties been overlooked, through the assurance of parentage and social welfare.

This leads us to pose the following question: To what extent has the criminal policy adopted by the Algerian legislature been effective in providing criminal protection for children and their family ties?

Given the nature of the subject and the need for a meticulous analysis, this study employs a descriptive-analytical approach, as it provides appropriate tools for examining the legal texts pertaining to the criminal protection of children in Algerian legislation.

To address the issue raised earlier, we have decided to divide our research into three sections.

First Requirement: Criminal Protection of Children from Crimes Against Public Decency and Morality.

The second requirement: Criminal Protection of a Child's Paternity.

Third Requirement: Criminal Protection of the Child's Right to Social Welfare.

[1] Presidential Decree No. 20-442 dated 15 Jumada al-Awwal 1442, corresponding to December 30, 2020, containing the constitutional amendment; Official Gazette No. 82 dated 15 Jumada al-Awwal 1442, corresponding to December 30, 2020.

First Requirement: Criminal Protection of Children from Crimes Against Public Decency and Morality.

Sociologists, both past and present, have focused on human behavior and actions of an ethical nature, given their profound impact on social harmony. Moral education is considered one of the fundamental means aimed at instilling a system of values and virtues in children's hearts and minds, such as politeness, generosity, compassion, integrity, chastity, patience, deliberation, kindness, moderation, gratitude, thankfulness, honesty, and courage.

In the context of protecting these moral and social values, the Algerian legislature has placed particular emphasis on crimes against public decency, addressing indecent acts in Chapter II of the Penal Code under the heading "Felonies and Misdemeanors Against the Family and Public Decency," specifically in Section VI titled "Violations of Public Decency" (Articles 333 through 391 bis), as well as in Section Seven under the heading "Inciting Debauchery and Prostitution" (Articles 392 through 394)[1].

First: The Elements of the Crime of Rape The crime of rape is considered one of the most heinous crimes, as it violates the victim's physical and psychological dignity and constitutes a flagrant violation of sexual and human freedom. Given its gravity, criminal laws have emphasized the elements of this crime to ensure that perpetrators are deterred and justice is served. The crime of rape is based on three essential elements: the physical element, the presumptive element of lack of consent, and the mental element of criminal intent.

1. The Presumed Element – Lack of Consent

This element concerns the absence of consent on the part of the victim, and requires that the victim not be married to the perpetrator. The absence of consent can take various forms, including:

- Physical coercion (such as beating or threats).
- Psychological coercion (such as fear or psychological threats).
- Consent given by a person lacking legal capacity (such as a minor or a person with an intellectual disability).
- Consent based on deception or fraud.
- Inability to express one's will due to sleep, unconsciousness, surprise, or physical, psychological, or mental disability.[2]

2. The material element:

This element is established through unlawful sexual intercourse, that is, the act of a man engaging in full sexual intercourse with a woman without her consent. This element is established when the genitalia of both parties come into full contact, which constitutes the core of the criminal act. The offense of attempted rape also stems from this material element.

- Attempted rape:

If penetration is not completed for any reason beyond the perpetrator's control—such as the victim resisting or calling for help and a rescuer arriving—the act is considered an attempt

[1] Al-Eid Haymana and Salma Hamimdat, "Moral Education and Shaping the Culture of the Arab Child in a Changing World," an article published in Al-Ibrahimi Journal of Social Sciences and Humanities, Vol. 04, Al-Bashir Al-Ibrahimi University, Bouira, Algeria, 2019, p. 36.

[2] Fakhri Abdul Razzaq Al-Hadithi and Khalid Hamidi Al-Zoubi, Commentary on the Penal Code: Special Part—Crimes Against Persons, 1st ed., Dar Al-Thaqafa, Hashemite Kingdom of Jordan, 2009, p. 220.

to commit rape, provided that the acts committed would have directly led to the completion of the crime had they not been interrupted[1].

3. Moral Element – Criminal Intent:

For the crime of rape to be established, the perpetrator must have the intent to commit the sexual act; that is, his direct goal or intent must be to have sexual intercourse with the victim, knowing in advance that the victim does not consent. This classifies the criminal intent in this crime as "specific intent"[2].

Second: Punishment

Algerian lawmakers have granted minors special protection against sexual assault crimes, classifying the rape of a minor as a serious criminal offense. If a girl under the age of eighteen is subjected to indecent assault, the perpetrator shall be subject to a prison sentence of between fifteen (15) and twenty (20) years.

This penalty is increased to life imprisonment if aggravating circumstances exist, including[3]:

- If the perpetrator is a blood relative of the minor girl;
- Or someone who has authority or guardianship over her (such as parents or guardians);
- Or among her teachers or those entrusted with her upbringing;
- Or if he is a public official or a member of the clergy;
- Or if the crime was committed with the assistance of one or more persons.

Section 2: The Crime of Indecent Acts Against a Child

Algerian lawmakers have not provided a specific definition of this crime, but have left the matter to legal scholars and the courts. The definition has been established as any act committed against another person's body that constitutes a violation of public decency, whether in public or in private[4].

First: The elements of the crime of indecent exposure

Indecent exposure is a crime that violates human dignity and physical and psychological well-being, especially when the victim is a minor. For this crime to be established, specific elements prescribed by law must be present, whether regarding the act committed, the perpetrator's intent, or the means used to commit the act.

1. The material element: This can be summarized as follows

- Proof is required that the victim is a minor under the age of 18, regardless of gender.
- If the act is committed by a relative, the victim is protected even if they are over 18, provided they have not reached the age of majority.

---

[1] Amal Niaf, Sexual Crimes Against Minors: Rape and Sexual Harassment, Master's Thesis, Criminal Law Specialization, Faculty of Law, University of Constantine, Algeria, 2013, p. 23.

[2] Mohamed Zaki Abu Amer, The Penal Code: Special Part, 5th ed., Dar al-Jami'ah al-Jadida, Alexandria, Egypt, 2005, p. 694.

[3] Article 337 of the Algerian Penal Code.

[4] Hamo bin Ibrahim Fakhari, Commentary on the Penal Code: Special Part—Crimes Against Persons, 1st ed., Dar al-Thaqafa, Hashemite Kingdom of Jordan, 2009, p. 233.

2. Mental element: This crime is considered an intentional crime, in which the perpetrator acts with the intent to violate the victim's modesty[1].

3. Use of violence

- Violence may be physical, psychological, or verbal.
- It may be carried out through deception, surprise, or trickery.
- The crime is established simply by the victim's lack of consent[2].

2. **Penalties for Indecent Acts Without Violence** The law imposes stricter penalties for indecent acts even in the absence of violence, particularly when the victim is a minor or in a clearly vulnerable position. Penalties vary depending on the offender's status and the circumstances of the offense, with a focus on protecting vulnerable groups from any exploitation or abuse.

- Imprisonment for a term of five to ten years: Any person who commits an indecent act without violence against a minor under the age of eighteen.
- Imprisonment for a term of seven to ten years: A parent or guardian of a child under the age of eighteen who has not yet attained legal adulthood through marriage.[3]
- Imprisonment for a term of eight to twelve years: If the commission of the act was facilitated by the victim's vulnerability resulting from their age, illness, or disability, and these circumstances were apparent and known to the offender.

Section 3: The Crime of Inciting a Child to Immorality and Moral Corruption

Inciting children to debauchery is a crime under Algerian law, as stipulated in Article 342 of the Penal Code. Inciting a child refers to pushing the child toward moral corruption or influencing them psychologically and behaviorally to persuade or entice them into deviant behavior; the law does not require that the result actually occur, but rather it is sufficient that an act constituting incitement in and of itself be committed[4].

Linguistically, "incitement" refers to urging or enticing, while "immorality" refers to disobedience toward God and transgressing the bounds of Islamic law. In a legal context, immorality is understood as moral deviance or sexual behavior that violates public decency, whether such behavior is natural or deviant.

From the perspective of Islamic law, incitement is considered a form of complicity in a crime and is regarded as a type of causation without the material element of the crime being fulfilled[5].

First: Elements of the Crime

An analysis of Article 342 of the Algerian Penal Code reveals the following essential elements of the crime of inciting a minor to debauchery:

---

[1] Hamo bin Ibrahim Fakhar, op. cit., p. 234.
[2] Hamo bin Ibrahim Fakhar, op. cit., p. 234.
[3] Omar Amarm, "Indecent Acts: A Comparative Study of Islamic Jurisprudence and Algerian Criminal Law," an article published in the Journal of Legal Studies and Research, Vol. 10, Mohamed Boudiaf University of M'Sila, Algeria, 2018, p. 106.
[4] Abdul Hakim Foda, Sexual Offenses in the Penal Code, Dr. M. J., Alexandria, 2005, p. 179.
[5] Maki Dardous, Special Criminal Law in Algerian Legislation, Vol. 2, D.M.J., Constantine, Algeria, 2007, p. 203.

1. Characteristics of the Victim

The provision stipulates that the victim must be a minor, meaning under the age of 18. The legislature had previously adjusted this age at various stages, ranging from 19 to 21, before settling on 18. Furthermore, the offense does not distinguish between males and females, as it applies to both genders[1].

2. The Material Element

This element is established through overt physical conduct on the part of the perpetrator, consisting of words or actions intended to influence the minor and lead him or her toward moral and behavioral deviance, regardless of the child's prior moral corruption. It is not sufficient merely to utter immoral words; rather, it is required to commit an act that is in itself a form of debauchery, such as[2]:

- Taking a minor to suspicious places, such as brothels.
- Encouraging or forcing them to view inappropriate content.
- Engaging in sexual activity in their presence.
- Organizing immoral parties.

Inciting behavior may also take the form of gestures or physical movements if they constitute an indirect invitation to immorality, without the child's consent or approval being required.

Criminal behavior also extends to:

- Encouraging a child to engage in immoral or corrupt behavior.
- Facilitating or organizing immoral behavior on the child's part.

It is sufficient for the act to occur even once; it does not need to be habitual or repeated.

It is also required that the motive for the incitement be to satisfy the sexual desires of others, rather than for personal gain, as affirmed by the Supreme Court in its decision dated January 27, 1987, No. 43167, which states that the crime is established if it is proven that the offender incited the minor to engage in immoral acts to satisfy the desires of another person[3].

3-The Mental Element (Criminal Intent)

This element requires that the perpetrator be aware that he is dealing with a minor and intentionally seeks to influence and morally corrupt the minor, whether in exchange for material gain or not. It is not necessary for the result to materialize (i.e., for the child to actually fall into debauchery); rather, the mere intent to corrupt is sufficient. Motives or good intentions are not considered in this type of crime[4].

---

[1] Khalil Badis, op. cit., p. 213.

[2] Maki Dardous, Commentary on the Penal Code: Special Part—Crimes Against Persons, Vol. 1, Dar al-Thaqafa, Hashemite Kingdom of Jordan, 2009, p. 204.

[3] Supreme Court decision dated January 27, 1987, Case No. 4316, by Ahsan Bouzika, Concise Guide to Special Criminal Law*, Vol. 1, Dar Houma, Algiers, 2009, p. 125.

[4] Belkacem Souikhat, "Criminal Protection of Children in Algerian Legislation," Master's thesis, Criminal Law, Faculty of Law and Political Science, University of Ouargla, Algeria, 2011, p. 86.

Second. Penalties for the Crime of Inciting a Minor to Immorality

Algerian law provides for severe penalties against perpetrators of indecent acts, whether completed or attempted, with the possibility of imposing additional penalties that increase the severity of the punishment in proportion to the gravity and nature of the crime.

1. Standard Penalties:

The perpetrator of this crime, in either of its forms, shall be punished by imprisonment for a term of five (5) to ten (10) years and a fine ranging from five hundred thousand (500,000) dinars to one million (1,000,000) Algerian dinars, in accordance with the provisions of Article 342 of the Algerian Penal Code.

Attempting to commit this offense is punishable by the same penalties prescribed for the completed offense.

2. Additional penalties:

In addition to the original penalties, the court may sentence the offender to:

- Deprivation of certain national, civil, or family rights,
- A ban on residence, for a period of not less than one year and not exceeding five (5) years.

Section 4: The Crime of Inducing a Child to Engage in Prostitution

Algerian law does not explicitly define prostitution, but it is understood to mean the provision of sexual services in exchange for money; this includes child prostitution, which is one of the most serious violations of children's rights.

International organizations have classified the sexual exploitation of children, such as forced prostitution, as a crime against humanity. This phenomenon threatens moral and social values and is often driven by poverty.[1]

The Algerian Penal Code (Articles 343 and 344) criminalizes prostitution, with harsher penalties if the victim is a child; however, the provisions remain general and are difficult to apply precisely.

First: Elements of the Crime

The crime of exploiting children for prostitution comprises three essential elements:

1. Characteristics of the Victim (Presumptive Element):

The victim must be a minor, that is, under the age of 18, as established by the Algerian legislature in its latest amendments to Article 344.

2. The material element:

This is embodied in acts that constitute passive criminal conduct, including:

- Assisting, facilitating, or concealing child prostitution by any means.
- Protecting or covering up such acts, especially by those in positions of authority.
- Enticing or inciting the practice of prostitution.
- Using or luring children into prostitution.

[1] Mohamed Sobhi Najm, Commentary on the Algerian Penal Code (Special Part), D.M.J., Algiers, 2005, p. 92.

The law criminalizes these acts regardless of whether prostitution actually took place or whether the child consented, and punishes the accomplice in the same manner as the principal offender, in accordance with the last paragraph of Article 344[1].

3-The mental element:

This relates to the presence of criminal intent, i.e., the perpetrator's criminal intent to commit the act while knowing that the victim is a minor. A defense based on ignorance of the minor's age due to their physical appearance is not admissible. (2)

Second: Punishment: The Algerian legislature has imposed a severe penalty under Article 344 of the Penal Code, classifying the offense as a serious misdemeanor, although the severity of the punishment approaches that of certain the punishment approaches that of certain felonies. The article provides for punishment of the offender by imprisonment for 5 to 10 years and a fine ranging from 20,000 to 200,000 Algerian dinars.

The court may also impose additional penalties, such as:

- Deprivation of one or more national, civil, or family rights (pursuant to Article 14 of the Penal Code).
- A ban on residence for a period ranging from one to five years.
- Application of the provisions of Article 60 bis of the same Code, relating to the security period.[2]

Second Requirement: Criminal Protection of a Child's Paternity

Paternity is considered one of the fundamental rights associated with a child, and it has been recognized by various laws due to its importance in determining the child's identity and personality, as it constitutes a biological bond based on the shared bloodline between the child, his or her parents, and ancestors. For this reason, the legislature has given special attention to establishing parentage, particularly when the child is born of a lawful marriage between a man and a woman, thereby guaranteeing the child's legitimate right to family affiliation and legal and social identity.

Section 1: The Offense of Failure to Register a Child's Birth

Article 442, Paragraph 3 of the Penal Code addresses the offense of failure to register a child's birth, imposing penalties on offenders ranging from imprisonment to a fine.

First: Elements of a Crime

The offense of failing to report a birth is classified as an administrative violation aimed at ensuring that civil status events are registered within the legally prescribed timeframe, given their legal and social significance. This offense is based on essential elements that establish liability and distinguish it from other similar acts.

1-The essential element of the crime requires that the person be present at the birth for legal liability to arise. Anyone who does not witness the birth is not liable, regardless of the condition of the newborn (whether alive or dead).

2-The essential element of the crime requires that the person be present at the birth for legal liability to arise. Anyone who does not witness the birth is not liable, regardless of the condition of the newborn (whether alive or dead).

---

[1] BadrAl-Din Haj Ali, Criminal Protection of Children in Algerian Law, Master's thesis, Criminology, Faculty of Law and Political Science, Aboubakr Belkaid University, Tlemcen, Algeria, 2010, p. 76.
[2] Article 349 bis of the Algerian Penal Code.

3-The mental element of the offense is established simply by failing to make a declaration within the statutory period, although the defendant may prove otherwise.

Second: The prescribed penalty consists of imprisonment for a term ranging from a minimum of ten days to a maximum of two months, in addition to a fine ranging from 8,000 to 16,000 Algerian dinars[1].

Section Two: The Offense of Failure to Hand Over a Newborn Child

Article 67, paragraph 1, of Decree No. 70-20 on civil status stipulates that any person who finds a newborn child must notify the competent civil registrar of the location where the child was found. If the person does not wish to care for the infant, the law requires them to hand the child over, along with any clothing or belongings in their possession, to the civil registrar.

Article 442, paragraph 3, of the Penal Code also provides that anyone who fails to surrender a newborn child, without declaring their intention to care for the child and acknowledging this before the competent municipal authority, shall be punished by imprisonment for a term of ten days to two months and a fine ranging from 8,000 to 16,000 dinars, or by one of these two penalties.

First: Elements of the Crime

The crime of failing to surrender a newborn child is considered a crime that undermines public order and violates the rights of the child, particularly the child's right to identity and care. The legislature has attached particular importance to this crime due to its serious legal and social consequences, especially when linked to cases of neglect or abandonment. The elements of this crime are limited to the material aspect related to the act of withholding, and the mental aspect concerning intent and awareness.

A – The Material Element: This element requires the presence of the characteristic of "newborn child," although the law does not provide a precise definition of it. However, legal doctrine and judicial precedent, particularly in France, hold that a newborn child is one whose birth is not yet known to the public.

The material element of the offense is satisfied if a person who finds a newborn child fails to take one of the following actions:

- Hand the child over to the competent civil registrar.
- Or declare their intention to take custody of the child to the municipal authorities in the municipality where the child was found.

The Egyptian legislature has also established penalties for those who fail to report the discovery of a foundling or to register a birth, as stated in Article 2 of the Egyptian Child Law, which requires anyone who finds a child in urban areas to hand the child over immediately to a competent institution or the nearest law enforcement agency, and in rural areas to the mayor or the sheikh, provided that an official report containing all relevant information is drawn up[2].

B – Mental Element: This offense requires the presence of general criminal intent; that is, the person who refuses to surrender the child must be aware of their actions and know that the law requires them to surrender the child or report their whereabouts. This classifies the offense as an omissive crime, which is committed simply by failing to fulfill a legal obligation.

[1] Hamo bin Ibrahim Fakhari, op. cit., p. 213.
[2] Hamou bin Ibrahim Fakhar, ibid., p. 215.

Second: Penalty This offense is classified as a misdemeanor punishable by imprisonment for a term of ten days to two months and a fine ranging from 8,000 to 16,000 dinars, pursuant to Article 442 of the Penal Code.

Section Three: The Crime of Obstructing the Verification of a Child's Identity

In accordance with the 1989 Convention on the Rights of the Child, Algerian law provides special protection for a child's identity and criminalizes acts intended to conceal or obscure a child's parentage. This is enshrined in Article 321 of the Penal Code.

First: Concealment of the parentage of a living child

The crime of concealing the parentage of a living child is considered a crime that affects the child's civil status and legal identity, given its serious implications for the child's fundamental rights, particularly the right to know his or her true parentage. The legislature has emphasized the criminalization of any conduct that leads to the concealment or falsification of a child's parentage. We will address the elements of this crime and its prescribed penalties below.

1-Elements of the crime:

• The legal element: Although the article does not explicitly specify the child's age, Professor Busqia believes that the protection applies to minors (under 13 years of age).

• The material element: This consists of one of the following acts:

- Removing a child: That is, taking the child away from their usual place of residence.

- Hiding a child: Such as raising the child in secret or registering the child under a name other than that of their parents.

- Swapping a child: Replacing a newborn with another child.

- Presenting a child to a woman who has not given birth: Falsely attributing the child to her.

• The legal element: Although the article does not explicitly specify the child's age, Professor Busqia believes that the protection applies to minors (under 13 years of age).

• **The material element**: This consists of one of the following acts:

- Removing a child: That is, taking the child away from their usual place of residence.

- Hiding a child: Such as raising the child in secret or registering the child under a name other than that of their parents.

- Swapping a child: Replacing a newborn with another child.

- Presenting a child to a woman who has not given birth: Falsely attributing the child to her.

The child must be alive or viable, and it does not matter whether the child is legitimate or illegitimate.

• Mental element: The crime is intentional, meaning the perpetrator is aware of their act, regardless of their intent (such as the desire to conceal an illegitimate relationship or deprive the child of inheritance...)[1].

[1] Ahsan Bouzika, A Concise Guide to Special Criminal Law, Vol. 1, Dar Houma, Algiers, 2009. p. 174.

2-Prescribed Penalty

• Standard Penalty: Imprisonment for 5 to 10 years and a fine of 500,000 to 1,000,000 DZD.

• Reduced penalty for a misdemeanor: If the child is voluntarily handed over by his or her parents, the penalty is reduced to imprisonment for one to five years and a fine of 100,000 to 500,000 DZD.

Second: Failure to hand over the child's body

The scope of protection extends beyond the child's death, particularly in cases of illegitimate pregnancy or unlawful burial.

First scenario: If it is not proven that the child was born alive

The failure to hand over the child's body constitutes a crime aimed at obscuring the truth and concealing facts that may be of a criminal nature, particularly in cases of unauthorized births or those resulting from illicit relationships. This act is particularly serious because it not only violates the child's rights but also hinders the work of the competent authorities in uncovering the legal and medical circumstances surrounding the birth or death.

1-Elements of the crime:

• The material element: This consists of the act of concealing the body, whether by burying it in a secret location, retaining it without notifying the authorities, or disposing of it in any manner that would obstruct the investigation or prevent the competent authorities from accessing it. It should be noted that the crime is established even if the location of the body is later discovered, because what matters here is the criminal act itself, namely the concealment.

• Mental element: This is manifested in the perpetrator's criminal intent, which is to prevent the authorities or any official or private entity from identifying the child or determining the circumstances surrounding his or her death. This intent does not require the presence of an intent to kill or abort; rather, it is sufficient that the person knows that their act results in the concealment of the legal and social truth regarding the birth or death.

• The law provides for a prison sentence of one to five years, in addition to a fine ranging from 100,000 to 500,000 Algerian dinars. This penalty reflects the seriousness of the act and aims to deter any behavior intended to conceal a more serious crime or deprive society of the full legal truth regarding the facts of birth and death[1]

Second scenario: If it is established that the child was not born alive: This scenario constitutes an attempt to conceal the birth itself, despite evidence that the child was not born alive, reflecting an intent to obscure the legal and social truth.

First: Elements of the Crime

1. The material element:

- This consists of the perpetrator concealing the body of a child who has been proven not to have been born alive.

- The burden of proof in this case rests with the perpetrator, who must prove that the child was stillborn.

[1] Walid Tawfiq Khadir, Criminal Protection of Child Victims in Algerian Law, Ph.D. dissertation, Private Law, Faculty of Law and Political Science, Abou Bakr Belkaid University, Tlemcen, Algeria, 2021, p. 146.

2. Mental element: This is manifested by the perpetrator's criminal intent, evidenced by their deliberate concealment of the child's body, thereby preventing the authorities from verifying the child's identity or the circumstances of their birth[1].

Second: **Penalty**: This offense is classified as a misdemeanor under the third paragraph of Article 321 of the Algerian Penal Code.

- Imprisonment for a term of one to two months;
- And a fine ranging from 10,000 DZD to 200,000 DZD[2].

Third Requirement: Criminal Protection of the Child's Right to Social Welfare

Child protection in the field of social welfare is one of the fundamental issues addressed by the legislature, which has criminalized a range of acts that infringe upon children's fundamental rights. These are divided into three main categories: (1) the crime of abandoning the family home, and (2) the crime of emotional neglect of children. (Section 3) The crime of failure to pay child support.

Section 1: The crime of abandoning the family home

Marriage is the foundation for building a cohesive family based on affection, compassion, and stability. However, if one parent abandons the family home for a period exceeding two months without fulfilling the financial and moral obligations arising from parental responsibility or legal guardianship, such conduct constitutes a criminal offense under the provisions of Article 330 of the Penal Code, which[3].

First: The material element is satisfied by

- One spouse leaving the family home for a period exceeding two consecutive months without returning during that time with the intention of resuming marital life.
- The existence of a family bond in the form of one or more children, which requires the responsible party to fulfill their obligations toward the children, whether financial (such as child support) or moral (such as upbringing and education)[4].

Second: The Mental Element This type of crime requires criminal intent, meaning there must be a premeditated intention to leave the family home with the aim of evading family obligations. Bad faith is presumed by law until the defendant proves otherwise.

Third: The Prescribed Punishment

Pursuant to Article 330 of the Penal Code, a person who commits the crime of abandoning the family home shall be punished by:

- Imprisonment for a term of six (6) months to two (2) years.
- A fine ranging from 50,000 DZD to 200,000 DZD.

The court may also impose additional penalties, including deprivation of civil and political rights for a period of one to three years[5].

Section II: The Crime of Emotional Neglect of Children.

---

[1] Walid Tawfiq Khadir, op. cit., p. 148.
[2] Walid Tawfiq Khudair, ibid., p. 149.
[3] Ali Badr al-Din Hajj, op. cit., p. 130.
[4] Hamas Gifts: Criminal Protection of Child Victims—A Comparative Study," Ph.D. dissertation, Public Law, Faculty of Law and Political Science, Abou Bakr Belkaid University, Tlemcen, Algeria, 2015, p. 208.
[5] Ahsan Busqia, op. cit., pp. 175–176.

The Algerian legislature defines the crime of emotional neglect in Article 330, Paragraph 3 of the Penal Code, specifying three main forms in which this crime may occur, namely[1]:

- Endangering the child's health;
- Endangering the child's safety and well-being;
- Endangering the child's morals and values.

First: Elements of the Crime

These acts are criminalized as serious violations of children's fundamental rights, and the law holds accountable anyone who fails to fulfill their legally mandated duty of care or protection toward minors.

1. The material element

The material element consists of several essential components, including:

- Legal status of the perpetrator: The perpetrator of the crime must be a parent or a person in a similar position, such as a guardian or custodian, in accordance with the provisions of Article 116 of the Family Law.
- Negligent or negligent conduct: This consists of one of the following acts:

- Mistreating a child or engaging in behavior that sets a bad example, such as substance abuse or immoral conduct.
- Failing to care for a child or provide the necessary supervision.
- Neglect that poses a serious threat to a child's health, safety, or moral well-being[2].

2-The Mental Element:

Although the legal text does not explicitly require criminal intent, the commission of the crime presupposes that the perpetrator is aware of the consequences of his or her actions and knows that his or her negative or abusive behavior exposes the child to actual risks that affect the child's physical, psychological, or moral well-being[3].

Second: The prescribed penalty A person found guilty of moral neglect of children shall be punished by imprisonment for a term of between six months and two years, in addition to a fine ranging from 50,000 to 200,000 Algerian dinars, as provided for in Article 330 of the Algerian Penal Code.

Section Three: The Crime of Failure to Pay Child Support

The crime of failure to pay child support is one of the most serious offenses affecting a child's right to social welfare. The Algerian legislature has addressed this issue in Article 331 of the Algerian Penal Code, which aims to protect the beneficiaries of court orders regarding child support, particularly children in custody.

This criminal offense is committed when the defendant intentionally fails to pay the alimony ordered against him for a period exceeding two months, for the benefit of a family

[1] Belkacem Suwaikat, op. cit., p. 102.
[2] Ahsan Busqia, op. cit., p. 158.
[3] Belkacem Souikhat, op. cit., p. 102.

member against whom a court judgment has been issued—whether a spouse, ascendant, or descendant—even though the judgment is enforceable[1].

First: Elements of the Crime:

The crime of failure to pay alimony is considered a crime that undermines the family unit and the rights of its members, and is addressed by the law to protect vulnerable groups, particularly children.

1-The material element:

This element is manifested through two fundamental components:

1. The existence of a final and enforceable court judgment obligating the person to pay alimony, whether it is a first-instance judgment, an appellate decision, or an order from the presiding judge; this means that the term "judgment" is interpreted in its broadest sense.

2. Failure to comply with the judgment for a period exceeding two months, without a legal impediment or legitimate justification, which constitutes passive conduct that directly infringes upon the rights of family members, particularly children[2].

2-Mental element:

For this element to be established, the offender must be aware of the legal obligations arising from the court judgment and yet deliberately evade fulfilling them. Bad faith is presumed in this failure to comply, unless the person concerned proves otherwise. Furthermore, insolvency resulting from irresponsible behavior such as addiction or laziness is not considered an acceptable legal excuse.

Furthermore, this offense is considered a continuing offense, as the criminal act persists as long as child support remains unpaid. No complaint from the child or the custodial parent is required to initiate proceedings, nor is liability negated merely by the offender's claim that he is actually supporting the children if the court order has not been enforced in accordance with legal procedures[3].

Second: **The Prescribed Penalty:** The Algerian legislature has set the prescribed penalty for this crime at imprisonment for a term of six (6) months to three (3) years, in addition to a fine ranging from 50,000 DZD to 300,000 DZD[4].

Conclusion

In conclusion, it can be said that the Algerian legislature has given considerable attention to children, recognizing them as the most vulnerable group in society, by enacting a legal framework aimed at safeguarding children's rights and protecting them from various forms of physical and psychological abuse, as well as from acts that threaten their lives, their safety, dignity, or healthy social upbringing.

The study has shown that this protection is manifested, first and foremost, in substantive terms through the criminalization of attacks on a child's life and the provision of special

[1] Merbouk Ben Ziouich, "Alimony for Divorced Women and Children Under Law No. 15-01 Establishing the Special Fund," an article published in *Al-Bahith: Journal of Academic Studies*, Vol. 5, University of Batna El-Haj Lakhdar, Algeria, 2015, p. 211.

[2] Marbouk Ben Ziouch, op. cit., p. 212.

[3] Amaria Ben Kaaba, "Guaranteeing the Right to Alimony from a Criminal Law Perspective," an article published in Ma'alim Journal of Legal and Political Studies, Vol. 3, No. 1, University Center of Tindouf, Algeria, 2019, p. 205.

[4] Article 331 of the Algerian Penal Code.

protection against violence, abuse, sexual assault, and neglect, as well as through the preservation of family ties and the child's rights to parentage, child support, and social welfare.

The results obtained

- Ensuring multidimensional criminal protection for children, including their right to life and their physical and psychological well-being.
- The existence of clear legal provisions criminalizing sexual abuse of children.
- Providing legal protection for the child's family ties through the preservation of lineage, custody, and child support.

Suggestions:

- Activate existing legal mechanisms and strengthen them through effective and rigorous enforcement.
- Develop specialized training for those involved in child-related cases (judges, police, social workers).
- Streamline and expedite judicial proceedings involving child victims.
- Strengthen the role of civil society and the media in raising awareness of children's rights.

Ultimately, child protection remains a collective responsibility that requires the combined efforts of the state, the family, schools, and civil society to ensure the healthy development of children and build a safer and more just future.