

The impact of using modern communication technologies and their implications on the behavior of child in Algerian legislation

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Abstract:

The use of modern communication technologies has become one of the most influential factors affecting juvenile behavior. While these technologies provide valuable opportunities for learning and communication, they also expose children to risks such as cyberbullying, digital addiction, and inappropriate online content. This study aims to examine the impact of modern communication technologies on juvenile behavior and to highlight the role of the Algerian legislator in ensuring legal protection through Law No. 15-12 on Child Protection, which establishes safeguards to protect children's rights and uphold their best interests. The study concludes that strengthening preventive measures and raising awareness are essential to ensuring more effective child protection in the digital environment.

Keywords: Modern Communication Technologies , child offender, Law No. 15-12 on Child Protection , Child Protection

Introduction

The information and modern communication technology sector has assumed a leading position in society, and modern communication media, in their various forms, have become an integral part of individuals' lives due to the numerous advantages they offer. However, their rapid development and widespread use have also led to addiction and an inability to dispense with them, particularly among juvenile children. The use of various communication media has consequently become a threat to juveniles, affecting their physical and psychological well-being as well as their morals. As victims of these risks, juveniles may suffer harm, while excessive use of such media may negatively affect their behavior and eventually lead them to commit delinquent acts.

In light of the proliferation of communication media and the multiplicity of their negative effects, juvenile children have become increasingly exposed to crime, thereby contributing to the growth of juvenile delinquency. This situation has prompted international conventions to establish and provide the necessary criminal protection for delinquent juveniles and to surround such protection with safeguards guaranteeing their rights. This is also the approach adopted by the Algerian

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legislator through criminal and procedural legislation, particularly Law No. 15-12 on the Protection of Children.

The significance of this study lies in highlighting the risks associated with the use of modern communication media and their impact on juvenile behavior, which may lead them to engage in delinquent conduct. It also seeks to demonstrate the legal mechanisms established to protect juveniles, considering that they are children who may lack sufficient awareness of the negative consequences of their actions.

This study also aims to demonstrate the impact of the use of modern communication media on juvenile behavior and to analyze the effectiveness of the legal protection established under Law No. 15-12 on the Protection of Children in addressing the risks arising from the unsafe use of such media. This may contribute to strengthening child protection and ensuring the best interests of the child in the digital environment.

Accordingly, the research problem can be formulated as follows: To what extent does the use of modern communication media affect juvenile behavior? And how has the Algerian legislator provided protection for juveniles through the mechanisms and safeguards established to limit the negative effects and harm caused by modern communication media?

In accordance with the nature of the subject, the descriptive method was adopted to define the theoretical concepts related to modern communication media and their role in influencing juveniles and potentially leading them to engage in delinquent behavior. In addition, the analytical method was employed by examining the provisions of Algerian legislation concerning the legal and judicial safeguards established to protect juveniles, particularly Law No. 15-12 on the Protection of Children.

To address the research problem, this study has been divided into two sections, as follows:

First Section: The Role of Modern Communication Media in Acquiring Delinquent Behavior among Juveniles.

Second Section: Legal Controls for Protecting Juveniles from the Effects of Using Modern Communication Media under Algerian Legislation.

First Section: The Role of Modern Communication Media in Acquiring Delinquent Behavior among Juveniles

Modern communication media have increasingly found their way into Algerian households, whether with or without parental consent. Mobile phones are now owned by both young and old, while the Internet disseminates vast amounts of information without adequate monitoring or filtering. Within this context, this section seeks to examine the extent to which modern communication media contribute to juvenile delinquency.

Accordingly, the first subsection will address the conceptual framework of modern communication media, while the second subsection will examine the role of modern communication media in the acquisition of delinquent behavior among juveniles.

Section One: The Conceptual Framework of Modern Means of Communication

Modern means of communication are considered a double-edged sword in the process of socialization. While they provide opportunities for learning and communication, they may also play a pivotal role in enabling a child in conflict with the law to acquire delinquent behaviors as a result of the absence of supervision and exposure to inappropriate content. Accordingly, this section will address the general concepts, the types of modern means of communication, as well as the advantages of these means.

First: Definition of General Concepts

1. The Meaning of Influence:

Influence refers to certain changes that occur in the behavior of the recipient of a message, such as a child. The message may attract the child's attention and be perceived by them; it may add new information to their existing knowledge, modify their previous attitudes, lead them to behave in a new manner, or alter their previous behavior and encourage them to engage in overt conduct. Such

changes may manifest themselves in several aspects, including the cognitive, emotional, and behavioral dimensions.¹

As for influence as the focus of the present study, it refers to the behavior that may emerge in a user of modern communication technologies, namely, a child in conflict with the law, through the use of mobile phones, the Internet, smart tablets, and similar technologies.

2. The Meaning of Communication:

Communication is defined as the transmission of ideas, feelings, information, and influences. Karl Hovland defined it as: “the process by which a communicator presents stimuli, usually linguistic symbols, in order to modify the behavior of other individuals who receive the message.”²

3. Definition of Modern Means of Communication:

Modern means of communication are tools through which individuals are able to communicate with the entire world. They refer to the tools or devices that facilitate communication among people and enable the transmission of information between them. Digital communication means are currently among the most widely used forms of communication.³

The term “modern means of communication” also refers to the use of technology to transform communication from mere conventional interaction into interaction at all levels. They have been defined as applications whose operation depends on the existence of the Internet and which are developed on technological rules and foundations. Modern communication applications and programs have multiplied and continue to undergo constant development. Through some of these applications, individuals have become able to share the most precise details of their lives from moment to moment through photographs and videos. Some applications also provide various communication features, ranging from text-based chatting to voice and video communication.⁴

These technologies emerged toward the end of the twentieth century and the beginning of the twenty-first century. Following the emergence of traditional means of communication, such as television, newspapers, and cinema, modern means of communication entered the scene, including computers, the Internet, digital recording technologies, electronic blogs, electronic discussion forums, audiovisual streaming websites, and other modern communication technologies that continue to undergo constant and uninterrupted renewal and development.⁵

Second: Types of Modern Means of Communication

There are several types of communication means, each with its own advantages and disadvantages. The most important include:

1. Mobile Phone:

A mobile phone, also referred to as a cell phone or cellular device, is a small-sized device used by people to communicate despite geographical distances. It is considered one of the most important and advanced communication technologies, continuously developing without interruption. It has become an effective means of communication for exchanging voice calls. Modern devices incorporate numerous advanced features and technologies, such as voice recording, cameras for photography, Internet browsing, and many other sophisticated technological functions.⁶

2. The Internet:

The Internet is considered an important means of communication and has become the language of the modern age, particularly after the world was transformed into a “global village.” It is also regarded as one of the most influential developments, as it contributes to shaping behavior and consolidating new global values. Consequently, it may lead to disruptions in the system of values, particularly among minors and young people. What further increases the potential risks of this

¹ Muhammad Munir Hijab, *The Media Encyclopedia*, Vol. 2, Dar Al-Fajr, 2003, p. 533.

² Abdel Aziz Sharaf, *Models of Communication*, Cairo: Egyptian Lebanese Publishing House, 2003, p. 22.

³ Aisha Muhammad Ajwa, “Modern Means of Communication: Their Risks and Means of Protection,” published on the website <https://alwatan.com>, 26/03/2016.

⁴ Shukri Abdel Hamid Hammad, “The Impact of Modern Means of Communication and Their Effects on Society,” Fourth International Scientific Conference of the Faculty of Sharia, An-Najah National University, Faculty of Sharia, Palestine, 2014, p. 04.

⁵ Modern Means of Communication,” published on the website <https://www.mafchem.com>, 09/01/2021.

⁶ Abdel Razzaq Al-Dulaimi, *Media and Globalization*, Dar Maktabat Al-Raed Al-Ilmiyyah for Publishing, Jordan, 2004, p. 32.

medium is that it is less subject to the forms of control and supervision imposed on other means of communication and mass media.¹

3. Radio and Television:

Radio and television are used to broadcast news bulletins and entertainment programs. Radio is primarily used for broadcasting audio content, whereas television is used to broadcast both audio and visual content.

4. Satellites:

Satellites are used to facilitate communication with very remote locations on Earth, as well as to broadcast sports events, programs, and other content around the world, in addition to performing various other functions.

Third: Advantages of Modern Means of Communication:

The use of modern means of communication is characterized by the ease with which individuals can access all important information. Among the most significant advantages provided by modern communication technologies are search engines and programs that enable users to find whatever they are looking for simply by entering the first words of the subject they wish to search for. These technologies have also helped people stay informed about important news and events taking place around the world. Furthermore, they have enabled individuals to recognize the importance of cooperation with others in building a successful future, particularly through initiatives aimed at serving the common good, such as establishing associations through websites.

Among the most significant positive aspects offered by modern communication technologies is their role as a bridge connecting and expanding human knowledge and intellectual capacities. They have helped many people acquire various skills that enable them to establish businesses and generate a substantial income. Communication technologies have also broadened individuals' opportunities to interact with others, making them an accessible means of employment and contributing to the development of human relationships involving work, love, and friendship simultaneously.²

Section Two: The Role of Modern Means of Communication in the Acquisition of Delinquent Behavior by the Juvenile Child

The role of modern means of communication is evident in highlighting the risks associated with their use in teaching and transmitting deviant and delinquent behavior to juvenile children, as well as the harm that such exposure may cause them. This necessitates providing them with legal and procedural protection. Accordingly, this section will address the role of modern means of communication in the acquisition of delinquent behavior.

First: Definition of Delinquent Behavior in Juvenile Children

1. Definition of the Child:

The child is understood as a human being possessing full rights by virtue of his or her creation and development, as well as intellectual, spiritual, emotional, physical, and sensory capacities. These capacities are complete in themselves and require only maturity and interaction with human behavior within society in order to be activated and developed, thereby fostering the child's voluntary behavioral orientation within society.³

2. Definition of the Juvenile Child:

Second: Risks of Modern Means of Communication on Juvenile Children under Algerian Legislation

Children are exposed to the excessive use of means of communication, which may develop into what is referred to as "addiction" to communication technologies and habitual dependence on their use. This may expose them to a number of risks, including:

1. Sexual Exploitation:

¹ Hosni Nassar Hosni, *Child Protection Legislation: Children's Rights in Constitutional, International, Civil, Criminal, and Social Legislation and Personal Status Rules*, Mansha'at al-Maaref, 1973, p. 18.

² Ali Mahmoud Jaafar, *Protection of Juveniles Who Violate the Law and Those at Risk of Delinquency*, Al-Majd Foundation, Beirut, 2004, p. 31.

³ Akmal Youssef Al-Saeed Youssef, *Criminal Protection of Children from Sexual Exploitation*, Dar Al-Jami'a Al-Jadida for Publishing, Egypt, 2014, p. 271.

The production and distribution of child pornography via the Internet have constituted a major challenge for society since the mid-1990s.¹ This issue was addressed in Paragraph 3 of Article 2 of the Optional Protocol to the United Nations Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, adopted in 2000 and which entered into force on January 18, 2002. Some international organizations have focused, in their definitions of sexual exploitation, on the visual representation of children in pornographic materials rather than on written materials.²

The definition of such materials varies according to the concept of public morality and the standards that embody it in each society. It is also influenced by prevailing moral values, culture, and religious and social beliefs, which makes it difficult to translate their content into legal rules. Consequently, a child's communication through modern means of communication, particularly visual or audiovisual media, or the child's involvement in production activities, may expose the child to sexual exploitation, harassment, intimidation, or threats. Such practices may, in turn, adversely affect the child's psychological well-being and future.

2. Moral Deviance:

Excessive and expanded use of the Internet, in the absence of clear objectives that the child seeks to achieve through this medium, often leads the child to access pornographic websites out of curiosity.

Third: Effects of the Use of Modern Means of Communication on Juvenile Children

The Algerian legislator addressed the concept of a child at risk in Article 2 of Law No. 15-12 on the Protection of Children, defining such a child as one whose health, morals, education, or security is at risk or exposed to danger, or whose living conditions or behavior are likely to expose him or her to potential or actual harm, or harm to his or her future, or who is in an environment that places his or her physical, psychological, or educational safety at risk. The legislator also identified, among the circumstances that expose a child to danger, the sexual exploitation of children in its various forms, particularly through the exploitation of children in pornographic materials, prostitution, or their participation in sexual performances.

The widespread proliferation of modern means of communication has had a significant impact on their users, particularly children and adolescents, who spend long periods of time using such technologies. These circumstances represent some of the most significant negative effects of modern means of communication on juvenile children, including:

1. Health Effects:

Excessive use of social media affects human health. A study conducted at the University of Milan in Italy revealed that spending long hours on mobile phones and social media has harmful effects on the health of the human immune system, potentially contributing to illness. The Journal of School Nursing indicated that using the Internet for more than 14 hours per day may expose individuals to the risk of developing high blood pressure.³

Excessive use may also lead to impaired vision and eye redness, contribute to severe obesity, cause back pain, physical fatigue, and exhaustion, and result in laziness and lethargy. It may also reduce physical activity and prevent children from engaging in physical exercise.

2. Emotional Effects:

Social networking sites can rapidly affect individuals' moods through various posts that may have either positive or negative effects. Negative posts may contribute to a bad mood and feelings of stress and anxiety.⁴ They may cause the child stress and anxiety, trigger anger and nervousness, and lead to emotional reactions during gaming. They may also cause sadness in the event of failure to win, affect the child's behavior, and contribute to impulsiveness during everyday conversations.

3. Religious Effects:

¹ Akmal Youssef Al-Saeed Youssef, op. cit., p. 274.

² The Harmful Effects of Excessive Use of Social Media," published on the website Al-Ain, October 25, 2020.

³ The Harmful Effects of Excessive Use of Social Networking Sites," same reference, published on the website: <https://al-ain.com>

⁴ Randa Mohamed Al-Maghribi, "The Impact of Technology Use on Children's Behavior during the Preschool Stage from the Parents' Perspective," Journal of Educational Research and Awareness, Vol. 4, No. 52, October 2018.

Imitating Western figures in terms of clothing and appearance, as well as the introduction of expressions and concepts that are inconsistent with Arab customs and traditions, may contribute to the development of unethical behaviors in our Muslim society, such as friendships between boys and girls ¹

4. Harmful Effects of Using Modern Communication Technologies:

Excessive or inappropriate use of social networking sites may result in numerous harmful effects, including:

A. Depression:

Users of communication technologies are more likely to suffer from depression than others. A Canadian study indicated that adolescents who browse social networking sites for more than three hours a day may experience symptoms of depression and anxiety, as well as a tendency toward aggression and social isolation ²

Several studies conducted in recent years have demonstrated the effects of extensive use of communication technologies on children's mental health. These studies have also shown that one out of every twenty children experiences psychological problems, such as anxiety, stress, and depression, as a result of continuous use of communication technologies throughout the day.

B. Risk of Exposure to Bullying:

Children may be exposed to bullying through social networking sites because these platforms constitute an open space for comments and criticism. However, young children are not yet psychologically prepared to receive a large volume of comments and criticism on a continuous basis, which may expose them to significant problems related to self-confidence ³

C. Social Isolation:

Despite communication between individuals through social networking sites, such communication remains largely virtual and deprives many individuals of genuine social interaction. Limited face-to-face encounters with others and a lack of participation in various social activities may cause excessive users of communication technologies to become more socially isolated and inclined toward loneliness ⁴

The information and communication revolution, together with the spread of the Internet in homes and cafés and through smartphones, is a phenomenon that deserves attention and study because of its social and psychological effects. The use of these technologies has increasingly reduced opportunities for interaction within the family and society, hindered children's thinking and their engagement with reality, and altered their lifestyle, particularly given that children still have an urgent need for adequate supervision and protection against engaging in delinquent behavior.

Chapter Two: Safeguards for Protecting Juvenile Children from the Effects of Using Modern Communication Technologies under Algerian Legislation

Under recent legislation, the Algerian legislator has specifically provided for the protection of children through Law No. 15-12, while also extending protection to them in general through various provisions contained in different laws. The legislator has also established various bodies and regulatory authorities responsible for monitoring communication services and their providers and operators, as well as for monitoring electronic communications.

Furthermore, judicial protection has been afforded to juvenile offenders in general, including perpetrators of crimes related to information and communication technologies, within the framework of procedural laws, the Penal Code, and the Child Protection Law. Accordingly, this chapter will address this protection in the first section, as well as the guarantees provided for in the second section.

First Section: Protecting Juvenile Children from the Influence of Modern Communication Technologies on Delinquent Behavior

¹ The Harmful Effects of Excessive Use of Social Networking Sites," published on the website: <https://al-ain.com>, dated 25/10/2020.

² Nada Nour, "The Risks of Social Networking Sites Use on Children," published on the website: <http://www.elwatannews.com>, dated 02/10/2021.

³ Serious Harmful Effects of Using Social Networking Sites," published on the website: <https://www.falain.com>, dated 25/10/2020.

⁴ Academic English Translation

The importance and role of the family lie in educating children on the proper use of modern communication technologies in their various forms, as well as other technological means, in a manner consistent with their religion, customs, and traditions. At the same time, the role of the media and the school should not be overlooked, as they are expected to intensify awareness-raising efforts and strengthen the family's role in this regard.

First: The Role of the Family in Shaping Conscious Interaction with Communication Technologies to Protect Juvenile Children

Paying attention to the child before reaching the age of sixteen and protecting him or her from anything that may have a negative impact on their personality falls largely within the responsibility of the family. This responsibility is manifested through strengthening the parents' educational role and regulating children's use of various media within the home. Children should not be allowed to spend long periods in front of these technologies without supervision. Their screen time should be gradually reduced, and electronic devices should be kept in a common family area so that the child does not remain alone with them in his or her room.

The family's role does not end with placing the child in front of a device, nor should parents expect the media to assume the role of educator on their behalf. It is therefore essential for adults to watch together with children and for parents to read with their children. Children should not be left vulnerable to undesirable influences stemming from cultures that are foreign to our Arab Muslim society, while adults subsequently complain about the cultural invasion affecting the nation.

Monitoring the content presented to children and staying with them while they are watching in order to encourage critical discussion develops their ability to think critically and prevents passive reception. Other forms of recreation, such as going outdoors, should also not be neglected, as they help reduce excessive exposure to and attachment to these media technologies and consequently lessen their negative impact.¹

Second: The Role of the School in Shaping Conscious Interaction with Communication Technologies to Protect Juvenile Children

The school plays an important role in the process of socialization, as it constitutes the child's second environment and assumes a major responsibility for socialization, education, and instruction. The teacher represents an effective instrument capable of conveying the educational message to the pupil, provided that the teacher serves as a positive role model through his or her behavior and conduct, which significantly influence children and encourage them to emulate the teacher.²

Through the relationship established with the child, the teacher can also help the child overcome various barriers and encourage him or her to seek the teacher's advice concerning the use of communication technologies. In this way, the teacher contributes to protecting the child from the risks associated with communication technologies. However, this alone is not sufficient; school curricula must also be adapted to the realities imposed by technological developments in the field of modern communications,³ particularly the Internet, which has increasingly exerted negative effects on individuals, especially children.

Third: Oversight and the Role of Specialists in Children's Programming Departments

The role played by the media in producing local programs through educational consultants and specialists in children's programming departments cannot be overlooked. This includes preparing media materials that are appropriate for children at their various developmental stages and developing local productions on ideological, environmental, and educational foundations that are suited to children and their needs. Those responsible for communicating with children through the media also have a significant role in caring for children and preserving the Arab-Islamic identity of our children by providing an Islamic media and cultural alternative that can coexist alongside foreign media and cultural products in the age of satellite communication and the information age.⁴

¹ Abdelaziz Khaled Al-Sharif, Media Ethics, published on the website <https://books.google.dz>, 2014.

² Saleh bin Yahya Taseer Al-Sarhani, The Role of the School in Protecting Juveniles from Delinquency, Master's Thesis, Naif Arab University for Security Sciences, Department of Social Sciences, 2010, pp. 45–46.

³ Marwan Abu Huweij, Contemporary Educational Curricula, Al-Dar Al-Ilmiyyah for Publishing and Distribution, Amman, 2000, p. 5.

⁴ Abdelaziz Khaled Al-Sharif, op. cit.

Thus, the media can contribute to preserving the cultural heritage while enriching it with everything that is constructive and beneficial through effective methods capable of capturing children's minds and preventing the cultural and media alienation that may dominate the child and expose them to content that contradicts their religion, values, traditions, cultural environment, upbringing, and beliefs. In this way, the media can have a positive influence on the formation of children's attitudes, inclinations, values, and personality patterns, in a manner that reflects the distinctiveness and diversity of Arab and Islamic culture, so that we do not become merely a nation watching from the sidelines or a nation whose ignorance becomes a source of ridicule for other nations.

Section Two: The Safeguards Established to Protect Juvenile Delinquent Children from the Use of Modern Means of Communication under Algerian Legislation

These safeguards consist of the legal and judicial procedural guarantees established by the Algerian legislator at the various stages of criminal proceedings, as provided for in the different penal and procedural laws, as well as those specifically established for the protection of children.

First: Legal Guarantees for Providing Protection to Juvenile Delinquents under Algerian Legislation

These guarantees are embodied in the legal framework, namely, the field that regulates the application of legal provisions to the category of children addressed by legal protection provisions. Algerian legislation has established particular care for juvenile delinquents by ensuring that they are not treated as ordinary criminals. Rather, they are subject to special treatment and procedures aimed at rehabilitation and reform. However, the establishment of criminal liability is determined according to the child's age, beginning with a stage of absence of criminal liability, followed by a stage of mitigated liability, and ultimately a stage in which the application of punishment becomes possible.¹

Criminal capacity, insofar as it concerns the ability to distinguish harmful acts punishable under criminal law, is absent at an early age, which results in the child's inability to assess the consequences and outcomes of their actions. Article 42 of the Algerian Civil Code provides: "A person shall be considered incapable of discernment unless they have reached the age of 13."² Accordingly, regardless of the degree of seriousness of the offense, a juvenile who commits an offense at this age shall not be subjected to punishment. Article 49 of the Algerian Penal Code provides that: "...a minor who has reached the age of 13 and is under 18 years of age shall be subject either to protective measures or to mitigated punishment."³

If the requirements of the preliminary investigation necessitate that a judicial police officer detain for questioning a child who is at least 13 years old, he must immediately notify the Public Prosecutor thereof. The period of detention must not exceed 24 hours, and such detention may only be ordered in cases involving offenses connected with public order and constituting a breach thereof.⁴

All necessary measures must be taken to protect the juvenile offender, particularly with regard to psychological and health care.

The legal representative of the juvenile offender must be informed and notified of the possibility of appointing a lawyer to represent and defend the child's interests.

Despite the call made by the International Criminal Police Organization (INTERPOL) in 1947 for the establishment of a specialized police force for juvenile offenders, the Algerian legislator has not established a judicial police body specifically dedicated to juvenile offenders, unlike a number of other countries.

2. Safeguards for the Protection of the Juvenile Offender before the Investigating Judge:

The Algerian legislator has entrusted the investigation of juvenile offenders to a specialized judicial body, namely the juvenile court system, given its specialized expertise in uncovering the truth

¹Abdelhafid Bougandouza, "The Guarantees of Defense Afforded to Children under the New Amendments: A Comparison between Law No. 15-12 and Ordinance No. 15-02," *Journal of Legal and Political Research*, Vol. 05, No. 02, December 2020, p. 159.

² See Article 42 of the Algerian Civil Code.

³ See Article 49 of the Algerian Penal Code.

⁴ See Article 49 of Law No. 15-12 on the Protection of Children.

through the use of the most appropriate means, particularly educational methods.¹ The investigation constitutes a complementary procedure to the preliminary inquiry entrusted to the judicial police. Accordingly, the Algerian legislator has provided a number of safeguards during this stage, pursuant to Articles 56 to 79 of Law No. 15-12 on the Protection of Children, particularly the following:

The mandatory investigation into the child's social circumstances,² particularly in felony and misdemeanor cases, as this investigation aims to determine the moral and material circumstances surrounding the juvenile offender.

The mandatory presence of a lawyer to represent and defend the juvenile offender throughout all stages of the criminal proceedings. If the child or his/her legal representative fails to appoint a lawyer, the juvenile judge shall appoint one ex officio or entrust this task to the President of the Bar Association.³

As a general rule, investigation proceedings are confidential. However, as an exception to this general principle in cases involving juvenile offenders, both the child and his/her legal representative shall be informed of the proceedings.

In addition to the possibility of imposing mitigated penalties on the child, as provided for under Article 50 of the Algerian Penal Code ⁴the Algerian legislator, in line with international conventions, has paid particular attention to this category and established a specific legal framework for its protection, embodied in Law No. 15-12 on the Protection of Children. Although the enactment of this law came relatively late, the legislator devoted a number of its provisions to juvenile offenders, providing them with procedural and social protection in order to ensure a fair trial, in which the rehabilitative and educational dimension prevails over the punitive dimension ⁵

Article 86 ⁶of Law No. 15-12 provides that, exceptionally, with regard to a child aged between 13 and 18 years, the measures stipulated in Article 85 ⁷may be replaced or supplemented by a fine or imprisonment, in accordance with the procedures set forth in Article 50 of the Algerian Penal Code. However, if the offense committed by the child constitutes a contravention, the child shall be subject only to a reprimand or a fine, as provided for in Article 86 of Law No. 15-12.

Accordingly, the penalties that may be imposed on a child are limited to a fine; the death penalty may not be imposed, nor may the accessory penalties provided for under Articles 7 and 8 of the Algerian Penal Code ⁸be applied. As for supplementary penalties, these are incompatible with the child's age. The legislator has also authorized the juvenile judge to apply the system of provisional release in favor of any child who has not reached the age of 19, as provided for in Articles 100 to 103 of Law No. 15-12 ⁹

Second: Judicial Guarantees for the Protection of Juvenile Offenders Prior to the Issuance of Judgment

The principles governing the trial of juvenile offenders differ from those applicable to the procedures for trying adults. The legislator has emphasized the establishment of special procedures for the trial of juvenile offenders, whether with regard to the composition of the court adjudicating juvenile cases or the confidentiality of juvenile proceedings ¹⁰The trial of a child is also characterized by flexibility, with the aim of rehabilitating the juvenile offender rather than imposing punishment. Among the important procedures established by the legislator for the protection of juvenile offenders are the following:

1. Guarantees for the Protection of Juvenile Offenders before the Judicial Police

¹ Moulafi Samia, "Mechanisms for the Protection of Children under Law No. 15-12 of 17 July 2015," Journal of Law and Human Sciences, Ziane Achour University, Djelfa, 1999, p. 376.

² See Article 06 of Law No. 15-12.

³ See Article 06 of Law No. 15-12.

⁴ See Article 50 of the Algerian Penal Code.

⁵ Dahman Dhabah Imad and Jebayli Sabrina, "Mechanisms for the Protection of Children: A Study of the Algerian Child Protection Law No. 15-12," Journal of Legal and Political Rights, Vol. 08, No. 02, University of Khenchela, 2021, p. 296.

⁶ See Article 86 of Law No. 15-12.

⁷ See Article 85 of Law No. 15-12.

⁸ See Articles 7 and 8 of the Algerian Penal Code.

⁹ See Articles 100 to 103 of Law No. 15-12.

¹⁰ Abdelhafid Bougandouza, op. cit., p. 10.

The judicial police undertake their duties during the investigation and inquiry stage in juvenile delinquency cases, exercising the powers vested in them, including receiving complaints and conducting investigations to collect all information relating to the offense and its circumstances ¹ In this regard, the Algerian legislator has guaranteed juvenile offenders a number of safeguards and rights during this stage, pursuant to Law No. 15-12 on the Protection of Children, particularly Chapter Three thereof, entitled “Special Rules Applicable to Juvenile Offenders.” Chapter One addresses preliminary inquiries, investigation, and adjudication. This stage is governed by Articles 48 to 55 of Law No. 15-12 on the Protection of Children, referred to above ²These guarantees include the following:

Detention for questioning may only be ordered against a juvenile offender who is over 13 years of age and is suspected of having committed or attempted to commit a felony ³

Third: Safeguards for the Protection of Delinquent Children During the Trial Stage

The trial stage is considered the final and most important stage, as it is decisive in determining whether the juvenile child committed the offense, as well as identifying its motives and causes. This is achieved by determining what is prescribed by law and what measures should be taken in accordance with the applicable legislation, with a view to protecting the child, as well as safeguarding the public interest and public order to the greatest extent possible ⁴The Algerian legislator has provided the child with a set of safeguards designed to ensure a fair trial under the Child Protection Law.

The safeguards for the protection of delinquent children during the trial stage under Algerian legislation, pursuant to Law No. 15-12 on the Protection of Children, consist of a set of fundamental procedures aimed at taking into consideration the particularities of the child's age and ensuring a fair trial of an educational and rehabilitative nature.

1. Procedural and Formal Safeguards

A. Confidentiality of the Trial:

Juvenile hearings are held in chambers and are conducted in camera, with the attendance of the public prohibited. Attendance is restricted to the persons specified by law, such as relatives, lawyers, and representatives of child protection services.

B. Specialized Judicial Bodies:

The legislator has established a juvenile division in each court to hear misdemeanors and minor offenses, as well as a juvenile division at the seat of each judicial council to hear felony cases.

C. Mandatory Presence of Counsel:

A child may not be tried in the absence of a lawyer. If no lawyer is appointed by the child's legal guardian, the court shall appoint one automatically within the framework of legal aid.

D. Exemption of the Child from Attending the Hearing:

The judge may exempt the child from attending the hearing if he or she considers that this is in the child's best interests, provided that the child's legal guardian or lawyer is present.

2. Safeguards Relating to the Child's Personal Circumstances

A. Social Inquiry:

The social inquiry conducted by child protection delegates or social workers constitutes a fundamental safeguard. It aims to shed light on the child's family environment and living conditions, thereby assisting the judge in adopting the appropriate measure.

B. Medical and Psychological Examination:

This examination aims to ascertain the child's mental and psychological condition and the extent of his or her awareness and understanding. This assists in determining the appropriate type of measure, whether therapeutic or educational.

3. Guarantees Relating to the Pronouncement of Judgment and Appeals

¹ Ibrahim Harb Hussein, *Procedures for Prosecuting Juvenile Delinquents at the Pre-Trial Stage: Preliminary Inquiry and Investigation*, Dar Al-Nashr wa Al-Tawzi', Amman, Jordan, 1999, p. 25.

² See Article 2 of Law No. 15-12 on the Protection of Children.

³ See Article 48 of Law No. 15-12 on the Protection of Children.

⁴ Fatima Zahra Azzouz, “Protection of the Delinquent Child at the Criminal Trial Stage in Light of Law No. 15-12,” *Journal of the Researcher Professor for Legal and Political Studies*, Issue No. 7, September 2017, p. 274.

A. Public Pronouncement of the Judgment:

Despite the confidentiality of the trial proceedings, the judgment must be pronounced in a public hearing, while prohibiting the publication of any details relating to the child's identity or photograph in the media, in order to protect his or her future.

B. Priority of Educational Measures:

The judgment focuses on adopting protective and rehabilitative measures rather than custodial sanctions. Deprivation of liberty is resorted to only in cases of extreme necessity and with regard to children who have exceeded a certain age.

C. Right to Appeal:

The child and his or her legal guardians are entitled to all legally prescribed means of appeal, including opposition, appeal, and cassation, in order to ensure the review of judicial decisions.¹

Conclusion

Based on the foregoing, it can be argued that modern means of communication are a double-edged sword. While they provide numerous advantages and services, they also give rise to risks that may cause harm and negative effects on juvenile children as a result of their excessive use without adequate supervision. Such circumstances may contribute to the child's involvement in delinquent behavior. On this basis, Algerian legislation has established protection for juvenile children and guaranteed such protection through legal and judicial safeguards, while providing for specific provisions within special legislation.

Accordingly, the present study has led to a number of significant findings, the most important of which are as follows:

Despite the numerous advantages and positive aspects of modern means of communication and the diversity of their forms, they have a significant impact on juvenile children.

The future of the Algerian family and society is closely linked to guaranteeing children's rights, safeguarding their protection, and ensuring their proper upbringing in accordance with the principles of Islamic law.

The role of the Algerian legislator in protecting juvenile offenders has become increasingly prominent under the new Child Protection Law. Rather than merely seeking to punish them, the law goes beyond punishment by attempting to modify their behavior and address the underlying causes, with the aim of reintegrating them into society.

In addressing juvenile delinquency, the Child Protection Law has adopted the principles of comprehensive care established by Islamic law for children, as well as the provisions of international conventions ratified by Algeria.

The Algerian legislator has established specialized judicial bodies to examine juvenile cases, which must be presided over by a juvenile judge.

Based on these findings, a number of recommendations may be put forward, the most important of which are:

Strengthening cooperation among the family, society, and the State as a whole in order to promote the well-being of this vulnerable group, while taking into consideration the economic, social, and cultural factors that influence children's behavior.

Developing and disseminating awareness-raising programs among members of society to protect this group before they become involved in delinquency, beginning with the family, which constitutes the primary foundation and the environment in which the child develops. In this regard, the media plays an important role in raising awareness and sensitizing the public to the violations and assaults against children's rights to which children are exposed today.

Establishing and expanding juvenile reception centers in all Algerian cities, as well as providing the material and human resources necessary to ensure the care and protection of juvenile offenders and their successful reintegration into society.

¹ Houaria Anser, Guarantees of the Trial of the Juvenile Offender and the Implementation of the Measures Prescribed Pursuant to Law No. 15-12, *Daftar Laboratory Journal of Children's Rights*, Vol. 11, No. 01, 2020, pp. 27–28.

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