

RESEARCH ARTICLE

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The Legal Protection of Children Against Emerging Criminal Risks in the Digital Environment

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Abstract

This study emphasizes the necessity of juxtaposing state efforts with empirical statistical data reflecting the real risks faced by children in the digital age. Such data reveal alarming figures that underscore the inadequacy of existing legislative provisions or their lack of alignment with lived social realities. In this context, Law No. 15-12 was enacted with the declared objective of establishing a robust protective legal status for children, in response to the emerging risks that have increasingly targeted them over the past decades, particularly in an era characterized by the contraction of space and time and the transformation of the world into a “global village.”

Accordingly, this paper seeks to shed light on the extent to which the Algerian legislator has succeeded in formulating legal provisions capable of addressing the new digital environment in which children have become deeply embedded, and in ensuring effective legal protection against the evolving forms of criminal threats associated with the electronic environment.

Keywords: child; protection; criminal risks; law; electronic environment.

INTRODUCTION

Crime and criminal phenomena constitute one of the most salient repercussions of globalization, exerting profound effects on the security and safety of societies. These repercussions have followed an upward trajectory, giving rise to increasingly complex and multifaceted forms of criminality. In this context, the technological revolution in the field of communications has played a decisive role, as it has significantly reduced time and effort, transcended geographical distances and borders through the Internet, and facilitated unprecedented forms of interaction among groups, individuals, and institutions—whether beneficial or detrimental.

In reality, negatively oriented digital interactions have become more widespread and deeply entrenched across various segments of society, manifesting through unlawful and unethical practices that affect both individuals and the community at large. Within this framework, traditional forms of crime

have gradually receded, giving way to modern manifestations of criminal risk that exploit the Internet as a primary means of victimization. Among the most affected groups are children, who have increasingly become targets of criminal phenomena that have evolved within the digital and virtual environment.

Computer and Internet crimes—commonly referred to as cybercrimes—represent contemporary criminal phenomena that sound alarm bells, alerting society to the magnitude of the risks and losses they may entail. These crimes are particularly dangerous as they are “intelligent” offenses that originate and occur within an electronic, or more precisely digital, environment. They are typically perpetrated by individuals possessing high levels of technical expertise and digital knowledge, resulting in significant societal losses at the economic, social, cultural, and security levels.

Crimes committed against children constitute a specific category of criminal behavior that is often executed at the local level, as most such offenses occur within the domestic or familial sphere. Nevertheless, in many instances, these crimes assume a transnational character. Numerous offenders deliberately target children in particular, given that they frequently lack the experience and awareness necessary to distinguish between legitimate and fraudulent requests. Consequently, information obtained from children online may be exploited for purposes of theft, blackmail, intimidation, or even kidnapping.

Following a prolonged period—often described as institutional inertia—lasting more than two decades since Algeria’s ratification of the Convention on the Rights of the Child in 1989, and despite sustained international and national efforts to give effect to children’s rights, the Algerian legislature eventually enacted Law No. 15-12 of 15 July on the Protection of the Child. This law was intended to establish comprehensive protection for children across various dimensions.

In light of the foregoing, this study seeks to address the following central research question:

To what extent has the Algerian legislator, through Law No. 15-12 on the Protection of the Child, succeeded in constructing a protective legal framework for children within the electronic environment?

To answer this question, the paper is structured around two main sections:

- **Section One:** Emerging risks in the electronic environment targeting children.
- **Section Two:** The Child Protection Law: a legislative framework falling short of expectations.

Section One: Emerging Criminal Risks in the Electronic Environment Targeting Children

In recent years, technological advancement has increasingly revealed its adverse effects, particularly with regard to children’s development. These negative impacts manifest through a range of long-term side effects, including physical risks resulting from excessive

use of digital technologies and their associated tools and platforms. Prolonged exposure to screens may lead to physical inactivity among children, which, in turn, contributes to various organic and health-related disorders. In addition, excessive Internet use poses cognitive risks that may adversely affect the development of children's imaginative and creative thinking, as many children spend extended periods in front of computers or other digital communication devices. Furthermore, the Internet environment may generate behavioral and educational risks that undermine children's moral and social development.¹

However, these risks have not remained confined to health, cognitive, or behavioral dimensions. Rather, they have expanded into the emergence of criminal risks within the electronic environment, commonly referred to as Internet or cybercrimes. Such crimes encompass any unlawful act committed against digital platforms with the intent to disrupt, distort, or modify their content, as well as unauthorized access to restricted sites, the use of false digital identities to infiltrate information networks, hacking activities,

the transmission of malicious software, and the dissemination of electronic messages—through email or other means—that violate personal dignity, promote illegal content or activities, expose individuals to moral deviation, or involve threats and intimidation.

Within this context, the Internet has significantly facilitated the commission of crimes against children. The rapid and widespread expansion of Internet use in recent years has contributed to a sharp increase in such crimes. Offenders are now able to produce, distribute, and access materials involving the sexual exploitation of children with far greater ease than in the past. Moreover, they can directly contact children through online chat rooms and social networking platforms, thereby increasing children's exposure to manipulation, exploitation, and abuse.²

Among the most prominent forms of emerging cybercrimes targeting children are the crime of exposing children to moral delinquency through the use of the Internet (First Subsection), and the crime of displaying or disseminating

¹ - For further discussion of the risks faced by children as a result of excessive Internet use, see: Ouazi, T., & Khouja, A. Y. Modern Technological Means and Their Impact on Communication Between Parents and Children. Paper presented at the Second National Conference on Communication and Quality of Family Life, Kasdi Merbah University, Ouargla, Algeria, 9–10 April 2013;

Fakry, N. (2014). Social Communication and the Internet: A Time Bomb. Al-Sharq Gateway Website.

² - Attaya, I. R. I. Cybercrime and Methods of Combating It in Islamic Law and International Legal Systems: An Analytical and Applied Study, p. 371.

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https://mksq.journals.ekb.eg/article_7802_c486775c9046bdaeb05a5de3a52784c0.pdf

pornographic images to children via online networks (Second Subsection).

First Subsection: The Crime of Exposing Children to Delinquency through the Use of the Internet

The crime of exposing a child to delinquency is established through acts committed by an adult, involving the organization of sexual activities or relationships in which a child participates or is present. Such acts are subsequently recorded on digital media or uploaded to Internet platforms. The constituent elements of this crime may be analyzed as follows.

The Material Element (Actus Reus)

The material element of the crime is fulfilled when the offender engages in deviant criminal conduct aimed at corrupting or seducing children, particularly through encounters involving sexual behavior in which children either actively participate or are merely present. This element is also satisfied where the offender initiates any form of material activity that leads to the moral corruption or delinquency of a child, whether through the use of a computer system or the Internet.

Moreover, the material element may consist of criminal conduct involving the creation, transmission, display, or dissemination of messages of a sexual nature, or content that constitutes a serious violation of human dignity. Criminal liability likewise arises where the offender trades in such content, provided that it is accessible to a child.

The act of “creation” relates to the formation of the content itself; thus, if the offender sends an electronic message to another person containing any of the aforementioned acts, the material element of the offense is deemed to be established, thereby giving rise to criminal responsibility.

For the material element of this crime to be fully constituted, three cumulative conditions must be satisfied:

1. The content created, transmitted, displayed, or disseminated must be obscene or pornographic in nature.
2. Such content must constitute a serious violation of human dignity.
3. The content must be intended for commercial exploitation.

In addition, for the material element of the offense to be established, the aforementioned acts must be capable of being accessed or viewed by a child.

The Moral Element (Mens Rea)

As a deliberate offense, the crime of exposing a child to delinquency requires the presence of general criminal intent, consisting of both knowledge and will. This entails the offender’s awareness that the conduct in question is unlawful and that it is likely to result in the child’s exposure to delinquency, as well as the intentional commission of such conduct with acceptance of its harmful consequences.

Furthermore, many legal systems require the existence of a specific criminal intent, namely the deliberate aim of corrupting or morally degrading a child or minor. However, establishing such specific intent often proves difficult in practice, as

it is primarily determined by the purpose or objective underlying the interaction. In this regard, several legislative frameworks presume the offender's knowledge of the child's age, even where the offender claims ignorance thereof, thereby reinforcing the protective scope of criminal liability in favor of the child.³

Second Subsection: The Crime of Displaying Pornographic Images to Children through the Internet

This offense is commonly referred to in the literature as **child pornography**, a concept that encompasses the dissemination of sexual images involving children. It includes, in particular, the publication of images related to the sexual exploitation of children, often associated with so-called *child sex tourism*, which disproportionately targets minors and, more broadly, females. It also extends to the dissemination of sexually explicit virtual or simulated content involving children, commonly described as **cybersex** activities, circulated through digital networks.⁴

Empirical studies have highlighted the gravity of this phenomenon. Notably, the study conducted by **Adist (1999)**

demonstrated that pornographic websites have evolved into a genuine social problem, whose destructive effects are not confined to a specific society or cultural context. Rather, their harmful consequences can be observed globally, particularly in the rising incidence of sexual violence in general, and the sexual abuse and rape of children in particular.⁵ The crime is established when the offender displays, transmits, or makes available pornographic images or materials to children via the Internet. The **material element (actus reus)** of this offense is fulfilled when the perpetrator produces, records, transfers, or disseminates pornographic images involving a child, with the purpose of displaying them on computer storage media or publishing them on Internet platforms.

Accordingly, the offense is constituted where the offender photographs children in sexually explicit situations and subsequently displays such images on the Internet, makes them accessible to third parties, or transmits them via electronic messages. This includes situations in which electronic communications are

³ - Al-Hussein, Z. K. The Reality of Child Exploitation in the Arab World and the Impact of These Crimes on Children. Online article (n.p.).

Available at: <https://www.google.com/search?q>

⁴ - Al-Badayneh, D. M. (2014). Cybercrimes: Concept and Causes, p. 23. Paper presented at the International Conference entitled "Emerging Crimes in Light of Regional and International Transformations", Faculty of Strategic Sciences, Amman, Jordan.

Available at:
https://www.researchgate.net/profile/Diab_Al-Badayneh/publication/328064682

⁵ - Ben Ghadfa, C., & Kass, S. (2017). Cybercrime Against Women on Internet Platforms and Methods of Combating It, p. 47. Paper presented at the National Conference entitled "Mechanisms for Combating Cybercrime in Algerian Legislation", Jil Scientific Research Center, Algeria, 29 March 2017.

used to facilitate children's exposure to moral corruption or sexual exploitation. Importantly, the crime is deemed complete even if the child is not actually led into delinquency or moral deviation, as the mere act of exposure or dissemination suffices to establish criminal liability.

As for the **moral element (mens rea)**, this offense is classified as an intentional crime requiring the existence of general criminal intent. Such intent is established through the concurrence of knowledge and will, whereby the offender knowingly and deliberately engages in conduct that involves the production, dissemination, or display of pornographic material involving children, fully aware of the unlawful nature and harmful implications of such conduct.⁶

Section Two: The Child Protection Law: A Legislative Framework Falling Short of Expectations

What further exacerbates the problem is the inadequacy of legal frameworks addressing criminal offenses committed against children, particularly those related to the Internet. Cybercrimes remain a relatively recent phenomenon in the Arab world, and legislators have yet to comprehensively address all their dimensions. As a result, significant legislative gaps persist, largely attributable to the novelty and rapid evolution of this category of crime.

With regard to Algerian law, Law No. 15-12 on the Protection of the Child reflects the legislator's attempt to establish an

autonomous legal framework distinct from the general criminal code. Within this law, the legislator sought to define the concept of a "child in danger," referring to any child whose health, morals, upbringing, security, or dignity is threatened, or whose living conditions or behavior may expose him or her to potential risks harmful to their future. The law further extends this notion to include children living in environments that jeopardize their physical, psychological, or educational well-being.

Nevertheless, despite this conceptual effort, a comprehensive examination of Law No. 15-12 reveals notable shortcomings at both the substantive level (First Subsection) and the procedural level (Second Subsection). These deficiencies stem largely from a legislative approach that appears disconnected from the realities of contemporary digital practices and the evolving nature of cyber-related risks faced by children. Consequently, the law's protective capacity remains limited, particularly in addressing emerging forms of online criminality that require adaptive, specialized, and technologically informed legal responses.

First Subsection: Substantive Deficiencies of the Child Protection Law in Safeguarding Children within the Electronic Environment

Law No. 15-12 on the Protection of the Child enumerates a set of situations in which a child is considered to be at risk. These situations include, *inter alia*:

⁶ - Al-Hussein, Z. K., op. cit. (n.p.).

- the loss of one or both parents, resulting in the absence of family support;
- exposing the child to neglect or homelessness;
- infringement of the child's right to education;
- the use of the child for begging or exposing him or her to begging;
- the inability of parents or legal guardians to control the child's behavior in a manner that safeguards his or her physical, psychological, or educational well-being;
- manifest and continuous failure in upbringing and care;
- maltreatment of the child, particularly through torture, physical abuse, unlawful detention, deprivation of food, or any form of cruelty likely to affect the child's emotional or psychological balance;
- situations in which the child is a victim of a crime committed by his or her legal representative;
- situations in which the child is a victim of a crime committed by any other person, where the child's best interests require intervention;
- sexual exploitation of the child in all its forms, particularly pornography, prostitution, and involvement in sexual performances;
- economic exploitation of the child, notably through employment or forced labor that deprives the child of education

or endangers his or her health or physical and/or moral integrity;

- situations in which the child becomes a victim of armed conflict or other forms of instability and social disorder.⁷

A review of Algerian legislation—specifically the Criminal Code in conjunction with the Child Protection Law—reveals the absence of explicit legal provisions criminalizing and punishing offenses committed against children through Internet-based technologies. By way of illustration, the offense of child exploitation in pornographic material is addressed under Article 333 bis of the Algerian Penal Code, which provides that *“any person who photographs a minor under the age of eighteen by any means while engaging in sexual activities, or who produces, publishes, distributes, promotes, imports, exports, displays, sells, or possesses pornographic material involving minors, shall be punished by imprisonment ranging from five (5) to ten (10) years and a fine ranging from 500,000 to 1,000,000 Algerian dinars, such acts being deemed contrary to public morals.”*⁸

While this provision reflects a measure of criminal protection, it remains insufficient and incomplete in addressing the complex realities of child sexual exploitation, particularly in light of the massive and often unregulated use of the Internet. The digital environment has

⁷ - See Law No. 15-12 on the Protection of the Child (Algeria).

⁸ - Ordinance No. 66-156 of 8 May 1966, containing the Algerian Penal Code, Official

Gazette of the People's Democratic Republic of Algeria, No. 49, issued on 11 June 1966, as amended and supplemented.

significantly expanded the scope, speed, and anonymity of such crimes, necessitating legislative responses that are both technologically informed and comprehensive in scope.

Accordingly, there is a pressing need for the Algerian legislator to enact specialized legal frameworks capable of effectively regulating digital technologies and addressing all manifestations of online child sexual exploitation. This necessity is underscored by the widespread proliferation of transnational online markets dedicated to this form of exploitation, involving the circulation of images and videos depicting the sexual abuse of children. While many states have adopted firm and decisive approaches to combating these crimes, Algerian legislation remains largely confined to traditional legal provisions. These provisions, though applicable in principle, fail to recognize the specificities of Internet-based criminal conduct and do not accord digital crimes against children the distinct legal status they require.

Second Subsection: Procedural Deficiencies in Addressing Emerging Crimes in the Electronic Environment

Procedural challenges in the field of cybercrime arise primarily from the fact that such offenses often involve electronically processed data and intangible logical entities. This

characteristic renders the detection of cybercrimes particularly difficult and, in some cases, makes the collection of evidence virtually impossible. These difficulties are further compounded by the speed and precision with which cybercrimes are committed, as well as by the offenders' ability to erase traces of the crime and conceal digital evidence immediately after execution.

Consequently, search and seizure operations and evidence-gathering procedures face significant obstacles in this domain. Investigations may involve data stored in electronic systems or networks located outside national territory, thereby raising complex issues related to unauthorized access and the transfer of such data to the state conducting the investigation. These situations inevitably implicate questions of state sovereignty and the jurisdictional authority of other states in which the data are physically or virtually located.⁹

In such cases, effective law enforcement requires robust international cooperation mechanisms, encompassing mutual legal assistance in search, seizure, investigation, and evidence collection, as well as extradition procedures and, where applicable, the enforcement of foreign judicial decisions issued in relation to cybercrimes. However, the absence of clear and specialized procedural rules governing these aspects significantly

⁹ - For further details, see: Sieber, U. Computer Crimes and Other Offences in the Field of Information Technology, *Revue Internationale de Droit Pénal*, 1993, p. 53;

Francillon, J. Report on the Same Subject, *Revue Internationale de Droit Pénal*, 1993, p. 291.

undermines the effectiveness of criminal justice responses to cyber-related offenses against children.

In light of the shortcomings inherent in the Child Protection Law, the Ministry of Post and Telecommunications announced the official launch of the **“Guide for the Protection of Children on the Internet”**, on the occasion of the National Algerian Child Day, observed annually on 15 July. This initiative reflects an institutional acknowledgment of the limitations of existing procedural and legislative mechanisms in addressing digital risks to children.¹⁰

The primary objective of this practical guide is to prevent and protect children from potential dangers arising from their use of the Internet, given the curiosity and spontaneity that characterize children and render them particularly vulnerable to moral and even physical harm. The guide is based on an “integrated approach” to child protection, tailored to different age groups—early childhood, middle childhood, and adolescence—and emphasizes the involvement of all actors within the child’s immediate environment, particularly parents and educators.

Furthermore, the guide encompasses several key components, including a precise diagnosis of the risks and harms confronting children during Internet use, a detailed clarification of concepts and

communication-related elements (terminology) associated with these risks, and the identification of appropriate practices and behaviors that parents and educators should instill in children to ensure safe and responsible Internet use.

CONCLUSION

The use of the Internet has become pervasive, penetrating virtually every aspect of social and human life and reshaping values, behaviors, and patterns of interaction within the family, particularly with respect to children. A growing body of studies, reports, and statistical data has consistently highlighted the risks associated with certain forms of Internet use by children, underscoring the urgency of addressing digital threats in a systematic and comprehensive manner.

Accordingly, the protection of children requires a coherent and robust legal and regulatory framework capable of establishing effective and enforceable mechanisms that translate legal safeguards into practical reality. Comparative experiences demonstrate that several states have adopted child protection laws incorporating preventive mechanisms designed to shield children from all forms of risk, regardless of their nature, in order to prevent situations of vulnerability—whether material or psychological—that may ultimately lead to delinquency. From this perspective, it

¹⁰ - Rostom, H. M. F. Procedural Aspects of Information Technology Crimes, Modern Machines Library, Assiut, Egypt, 1st ed., 1994, pp. 24–32;

Halali, A. A. Evidentiary Value of Computer Outputs in Criminal Matters, Golden Eagle Printing Press, Egypt, 1999, pp. 30–50.

would have been more appropriate for the Algerian legislator to incorporate preventive measures tailored to children's specific needs, including clear procedural safeguards, targeted programs, and social support mechanisms aimed at ensuring holistic child protection.

In this context, the emergence of cybercrime targeting children has generated complex challenges within substantive criminal law, particularly with regard to the applicability of traditional criminal provisions to these newly emerging forms of crime, while respecting the principle of legality and the strict interpretation of penal norms. Simultaneously, these crimes have exposed significant shortcomings in procedural criminal law, as existing rules of criminal procedure were primarily designed to govern conventional offenses that do not present major difficulties in terms of detection, investigation, or evidence gathering. Although the principle of the criminal judge's freedom of conviction remains a cornerstone of criminal justice, it proves insufficient in addressing the technical and transnational complexities inherent in cybercrime.

Recommendations

- The urgent need to provide specialized technical training for security personnel and investigative authorities in the field of cybercrime, particularly with regard to investigation techniques, digital evidence collection, and forensic analysis, which necessitates the establishment of specialized centers at the national level.

- The revision and reformulation of the Child Protection Law to ensure its alignment with the evolving nature of cyber-related crimes and its capacity to address emerging digital threats effectively.
- The imposition of stricter criminal sanctions for Internet-based offenses when the victim is a child, in recognition of the heightened vulnerability of minors and the gravity of harm inflicted.
- The conclusion of regional and international agreements to enhance cooperation in combating cybercrime, particularly through mutual legal assistance, extradition of offenders, and coordinated law enforcement efforts.

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