

THE LEGALITY OF SEXUAL RELATIONS WITH MINORS IN WESTERN LEGISLATION

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Abstract -This article explores legal treatment of intercourse with children by Western law under age of sexual relations, cultural relativism, and protection of the child across international and national jurisdictions. The differences and variations concerning age of consent laws by Western states, as well as their legal and ethical implications, are discussed in it. The study also condemns the liberal legal tradition which, in some instances, allows for precocious sexual autonomy in the name of freedom and rights, with concerns regarding its impact on childhood, psychological development, and social morality.

Keywords: sexual relations; Child protection; Western legislation; Legal ethics

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INTRODUCTION

The sexual relationship between a man and a woman is one of the fundamental human phenomena that constitute an essential part of the human experience. Its significance is not limited to the biological aspect related to the continuation of the human species but also extends to psychological and social dimensions.

As much as other people view sexual relations as a natural human impulse and a basic right that must be exercised unrestrained and unregulated, most legal systems are adamant about the necessity of regulating such practice to maintain society stable and protect members from the negative consequences that can result from illegal or unregulated sexual relationships. This explains differences in the laws worldwide concerning the legal age and conditions under which sexual activities are permissible, based on differing moral, social, and religious beliefs in societies.

However, the issue becomes even more complex when it involves minors, as they represent a vulnerable group within society. The engagement of minors in sexual activity is a sensitive and multifaceted issue that sparks significant legal, ethical, and social debate across various communities.

The issue of determining the age of consent presents a problematic contradiction: while minors are generally considered to be unable to take full legal responsibility in most aspects, they are at the same time granted the freedom to make sexual decisions that can seriously affect their psychological and sexual welfare in Western states

To address this issue, the analytical method was adopted by examining international legal texts and domestic laws of certain Western countries that have addressed the matter of minors engaging in sexual activity. Additionally, the descriptive method was utilized, as some stages of the research required description as a preliminary and supportive tool for analysis.

As for the research structure, it follows a dual approach, divided into two main sections. The first section examines minors' sexual activity from the perspective of international conventions and Western legislation. This includes an analysis of the concept of minors, followed by an exploration of the extent to which minors are granted sexual freedom under Western legal systems. The second section focuses on the stance of Islamic law and the Algerian legislator on minors engaging in sexual activity. This involves first examining Islamic law's position on the matter before analyzing the approach taken by the Algerian legislator.



1. MINORS' SEXUAL ACTIVITY FROM THE PERSPECTIVE OF INTERNATIONAL CONVENTIONS AND WESTERN LEGISLATION

The international community has placed much emphasis on children's role in society, and international legal frameworks have been established to safeguard their rights and dignity. Consequently, international legal documents have set out a definition of a minor, while national legislation in different countries has passed special provisions of the law to safeguard them.

This section will start by examining the definition of a minor in international and domestic law, and then move on to discuss Western legal systems that permit consensual sex between minors.

1.1. The definition of a Minor

To define the term child appropriately, it is first important to examine its definition according to international law, and then according to national laws.

1.1.1. Definition of a Minor in The international law

To establish a correct definition of a minor, one must look to international conventions, The first international treaty to explicitly codify the definition of the term was the 1989 Convention on the Rights of the Child (CRC), which is the foundational legal instrument for children's rights. This convention completely articulates the rights of children, including the right to a name, nationality, identity, freedom of expression, thought, and belief, and access to health, education, and social security and protection from exploitation and abuse.¹

Article 1 of the CRC also provides a definition of a minor as: "A child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."²

Following this, then, two conditions must be fulfilled in order for someone to be deemed a minor under the CRC, The person must be below the age of eighteen years, and No law of national legislation in that country shall define an age below eighteen years.

Hence, following this definition, a man becomes no longer a minor the day he comes of age and becomes eighteen unless national law, if it did so, was stipulating lower age for adult standing.

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict of 2000 bases itself on this age, insisting in Article 1: "State Parties shall take all feasible measures to ensure that members of their armed forces personnel who have not attained the age of eighteen years of age do not participate directly in hostilities."³

Similarly, the 1999 International Labour Organization (ILO) Convention No. 182 on the Worst Forms of Child Labour similarly defines a minor in Article 2 as: "For the purposes of this Convention, the term 'minor' shall apply to all persons under the age of 18."⁴

The convention differs from the CRC in that it does not have the exception provision for the granting of national law to determine a lower age of majority.

The International Criminal Court 1998 (ICC) also establishes the legal significance of the age of eighteen in determining criminal responsibility. Article 26 of the Rome Statute of the ICC states: "The Court shall have no jurisdiction over any person who was under the age of 18 at the time of the alleged commission of a crime."⁵

This article confirms that international criminal law also takes eighteen as the age of criminal responsibility, confirming the age's legal worth in other legal contexts.

Apart from global treaties, several regional conventions have addressed the rights and well-being of children. The 1996 European Convention on the Exercise of Children's Rights establishes in Article 1: "This Convention shall apply to children who have not reached the age of eighteen(18)."⁶

¹ Mahfoud Ikram and Asmouni Khelifa and Elias Naima, The role of the ILO in creating International rules to reduce children labor, Sawt Al-Qanun Journal, Volume 7, Issue 3, May 2021, p684.

² Convention on the Rights of the Child, 1989

³ Optional Protocol to the Convention on the Rights of the Child, 2000

⁴ Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, No. 182, 1999

⁵ Rome Statute of the International Criminal Court, 1998.

⁶ European Convention on the Exercise of Children's Rights, 1996.



Also, the 1990 African Charter on the Rights and Welfare of the Child, in Article 2, states that a minor is: "For the purposes of this Charter, a child means every human being below the age of eighteen years."⁷

In comparison, the Arab Charter on the Rights of the Child in 1984 set a different bar. In its preamble, it states: "The purpose of this Charter is to ensure the full development, care, and comprehensive protection of every Arab child from birth until the age of fifteen."⁸

This definition reduces the age of minority under the law to fifteen years, which is deviating from the international benchmark provided in other treaties.

For the most part, most international conventions—regional and international—establish that a minor is someone under the age of eighteen. Domestic law, however, varies in establishing the age of majority.

Within the framework of internal laws, The Algerian legal system neither provides a unified clear definition for a minor nor does it trace its concept to a single statutory provision but from a number of provisions of the law.

1.1.2. Definition of a Minor in The national laws

Many laws in other countries have tried to protect children; but it can be done legally by defining a child legally. In reference to the local laws, The Algerian legislator, In The Algerian Criminal Law, Article 49 of the Penal Code establishes: "A minor from thirteen (13) to eighteen (18) years old shall be subjected to protective or educational measures or to less serious penalties."⁹

In addition, the Code of Criminal Procedure (abolished Article 442) formerly stipulated: "The criminal majority is eighteen (18) years." ;Thus, as a matter of Algerian criminal law, a minor is any person below eighteen (18) years.¹⁰

And In the Algerian Civil Law, According to Article 40 of the Civil Code, "Majority age is determined at nineteen (19) years."¹¹ ; This provision is supported by Article 4 of the Nationality Law, which states: "For the purposes of this law, the age of major ity is that defined in civil law."¹²; Apart from that, Article 7 of the Code of the Family provides: "A man and a woman attain full potential for marriage at nineteen years."¹³

Accordingly, according to Algerian civil law, a minor is any individual under nineteen (19) years of age.

In The Old Algerian Child Protection Law The (previously valid) Child and Adolescent Protection Law specified in Article 1: "Minors who have not reached twenty-one years (21) and whose health, morals, or bringing-up are endangered, or whose habits of living or behavior would prejudice their future may be subject to such measures of protective and educational aid as the justice shall think fit."¹⁴

This provision makes it possible for us to conclude that, under the abrogated law, a minor was any individual below twenty-one (21) .

However In The Current Algerian Child Protection Laws, The 2015 Child Protection Law (Order No. 15-12) in Article 2 provides the following definition of a minor: "A minor is any person who has not yet reached the age of eighteen (18)."¹⁵

Briefly, Algerian legislation has usually been uneven in specifying the meaning of a minor, with different ages in different legal contexts. However, the common practice applied in the majority of legal works is to set age of majority at eighteen (18) or nineteen (19) years.

In Western Legislations, The definition of a minor varies across Western legal systems, with national laws establishing different age thresholds to determine when an individual is considered a child.

⁷ African Charter on the Rights and Welfare of the Child, 1990.

⁸ Arab Charter on the Rights of the Child, 1984.

⁹ Ordinance No. 156-66 of 1966, containing the Algerian Penal Code, as amended and supplemented.

¹⁰ Ordinance No. 155-66 of 1966, containing the Code of Criminal Procedure, as amended and supplemented.

¹¹ Ordinance No. 58-75 of 1975, containing the Algerian Civil Code.

¹² Ordinance No. 86-70 of 1970, containing the Algerian Nationality Code, as amended and supplemented.

¹³ Law No. 11-84 of 1984, containing the Algerian Family Code.

¹⁴ Ordinance No. 72-03 of 1972, on the protection of childhood and adolescence.

¹⁵ Ordinance No. 15-12 of 2015, on child protection.



Generally, a minor is defined as a person under the age of 18. However, some countries set specific legal ages to distinguish between minors and adults for various legal matters.

In several European countries, including Austria, Bulgaria, Estonia, Germany, Hungary, Italy, and Portugal, individuals under 14 years old are classified as minors. In Poland, the Czech Republic, Romania, Slovakia, Slovenia, Sweden, Croatia, and Greece, this threshold is set at 15 years old. Other countries, such as Belgium, Lithuania, Latvia, the Netherlands, the United Kingdom, Spain, Finland, and Luxembourg, consider individuals to be minors if they are under 16 years old.

Some jurisdictions define minority status at a higher age. In Cyprus, individuals are considered minors until the age of 17, while in Ireland and Malta, legal adulthood is attained at 18 years old.

French law has undergone significant changes in defining the status of minors. Before April 21, 2021, there was no strict legal presumption regarding the capacity of children under 15 in certain legal matters. However, the new legislation clarified that anyone under 15 years old is legally considered a minor. Additionally, special legal provisions apply when the individual is under 13 years old, requiring additional protections under the French Penal Code.

These differences in defining a minor reflect the diverse legal approaches across Western countries, emphasizing the importance of national frameworks in determining the legal status and rights of children.

1.2. The Freedom of Minor's Sexual Activity in Western Legislations

reference to the 1989 Convention on the Rights of the Child, whereby the age of majority under the law is 18 years. This distinction divides the youth into the minors and the adults and grants a general set of rights to both. But a child is defined in the general sense as "incapable" not because he lacks mental or physical powers, but because he is legally presumed to be incapable of possessing that degree of maturity which will enable him to be completely capable of taking legal responsibility. The presumption serves to protect them from being exploited, and from the consequences of their actions, of which they do not have the complete understanding. The concept of a minimum age has been around since Roman law¹⁶, which, without the acknowledgment of legal majority, had a number of phases by which a child could progressively gain independence and responsibility. Age thresholds changed over time until they slowly disappeared in favor of a more uniform understanding of childhood, where absolute paternal control persisted until adulthood. Those thresholds reappeared at the end of the 19th century.

The establishment of age thresholds serves a double purpose: protecting children who have not yet crossed the threshold as well as allowing children who have reached it to gradually develop into adults. This rule is expressed in Article 388 of the French Civil Code, which defines a minor as any individual of either sex who has not yet reached the age of 18.

Consequently, even though protection for children is governed by important provisions of law in the majority of Western nations—especially protection from crimes like rape, prostitution, and children being exploited in pornography—the problem of consent to sex among children is an area of much legal inconsistency.

It is hard to compare legal systems because jurisdictions address sexual offenses cases by varying ages of consent, particularly in the case of juveniles aged between 14 to 18 years who are in sexual relationships.

1.2.1. Minimum Age Determining a Minor's Consent or Refusal to Have Sexual Relations in Certain Western States

the age of sexual consent in western legislations is the legal age at which a person is considered capable of providing consent to sexual activity. The age varies from country to country and depends on the social, cultural, and historical background of a particular society. In Western countries, the age of sexual consent is typically 14 to 18 years.

In seven European countries—Austria, Bulgaria, Estonia, Germany, Hungary, Italy, and Portugal—the sexual age of consent is 14 years.

¹⁶<https://shs.cairn.info/revue-agora-debats-jeunesses-2016-3-page-113?lang=fr> accessed 02/04/2025

In nine countries—Poland, the Czech Republic, Romania, Slovakia, Slovenia, Sweden, Croatia, and Greece—the sexual age of consent is 15 years. Hence, any sexual act with someone below this age is rape.

In Belgium, Lithuania, Latvia, the Netherlands, the United Kingdom, Spain, Finland, and Luxembourg, any individual under the age of 16 is a child in sexual terms according to the law

Finally, just three countries set 17 years as the age of consent. In Cyprus, the legislation prescribes the age at which one can legally consent to sexual intercourse as 17. In Ireland and Malta, the age was raised to 18 years. In these countries, adults who sexually engage with a child are punished in the form of imprisonment.

In the instance of the French legislator, though the law firmly embraces the notion of sexual consent, it places punishment on the people who exploit children below 15 years of age, particularly where there is no consent.

1.2.2. The French Legislator's Position on a Minor Having Sexual Relations with an Adult

French law, before the enactment of the Law of April 21, 2021, which was aimed at safeguarding minors from sexual crimes and incest¹⁷, did not indicate at what age below 15 years a child was rebuttably presumed incapable of giving consent to a sexual act with an adult.

A high-profile case in 2018 uncovered a legal loophole in France's rape and sexual assault of minors¹⁸. The case involved the indictment of a 28-year-old man for sexually assaulting an 11-year-old girl. The scandal arose when the Public Prosecutor's Office indicted him for "sexual assault" and not rape, which is a far lesser offense.

At the time, under French law, to establish rape, one needed to prove coercion, threat, violence, or surprise. There was no clear age of consent requirement, and sex with a child was not *prima facie* rape even if the child apparently "agreed." In this case, the court said that violence or coercion had not been established by the prosecution, even though the vast difference in ages (28 and 11 years old respectively). The suspect was therefore acquitted of the charge of rape and convicted only of the sexual assault charge, hence the massive public outcry.¹⁹

Through the adoption of the Law of April 21, 2021, any sexual activity involving an adult and a minor under 15 years of age is irrebuttably presumed not to have consented in French criminal law, The act automatically amounts to rape²⁰, which is punishable by 20 years of imprisonment under the French Penal Code, if there is any penetration, If the act is touching or non-penetrative contact, it is sexual assault of a minor, punishable by 10 years of imprisonment, as per Article 227-25 of the French Penal Code.²¹

The punishments are aggravated if the adult is a parent, guardian, or has authority over the minor, such as a teacher or coach, as per Article 227-26 of the same code.²²

¹⁷ <https://www.carenews.com/cameleon-association/news/la-france-instaura-un-age-minimal-de-consentement-a-15-ans> accessed 06/02/2025

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¹⁹ <https://www.hellooha.com/articles/3238-%D9%81%D8%B1%D9%86%D8%B3%D8%A7-%D8%AA%D8%AD%D8%AF%D8%AF-%D8%B3%D9%86-%2013%D8%B9%D8%A7%D9%85%D8%A7-%D9%84%D9%85%D9%85%D8%A7%D8%B1%D8%B3%D8%A9-%D8%A7%D9%84%D8%AC%D9%86%D8%B3-%20%D9%85%D8%B9-%D8%B7%D9%81%D9%84-%D8%A8%D8%A7%D9%84%D8%AA%D8%B1%D8%A7%D8%B6%D9%8A%20accessed%2006/02/2025>

²⁰ <https://www.bbc.com/arabic/world-43303816> accessed 06/02/2025

²¹ Article 227-25 droit pénal français Version en vigueur depuis le 23 avril 2021 Modifié par LOI n°2021-478 du 21 avril 2021 - art. 4 Hors les cas de viol ou d'agression sexuelle prévus à la section 3 du chapitre II du présent titre, le fait, pour un majeur, d'exercer une atteinte sexuelle sur un mineur de quinze ans est puni de sept ans d'emprisonnement et de 100 000 € d'amende.

²² Article 227-26 droit pénal français Version en vigueur depuis le 23 avril 2021 Modifié par LOI n°2021-478 du 21 avril 2021 - art. 4 L'infraction définie à l'article 227-25 est punie de dix ans d'emprisonnement et de 150 000 euros d'amende : 1° Lorsqu'elle est commise par une personne majeure ayant sur la victime une autorité de droit ou de fait ; 2° Lorsqu'elle est commise par une personne qui abuse de l'autorité que lui confèrent ses fonctions ; 3° Lorsqu'elle est commise par plusieurs personnes agissant en qualité d'auteur ou de complice ; 4° Lorsque le mineur a été mis en contact avec l'auteur des faits grâce à l'utilisation, pour la diffusion de messages à destination d'un

The Romeo and Juliet Law is a legal exemption that seeks to protect teenagers who are near each other in age from criminal prosecution. The title is derived from Shakespeare's play, where the two teen lovers were the same age. The law acknowledges that there is a difference between consensual relationships among teenagers and exploitative relationships between an adult and a teenager based on power dynamics and the potential for coercion.²³

French law applies this exception when the age difference between the minor and the older partner does not exceed five years. For instance, a 13-year-old minor engaging in sex with an 18-year-old adult is not automatically a victim of sexual assault. This exception does not apply to instances of violence, coercion, or prostitution.

French law remains unclear regarding sexual relationships between minors aged less than 15. French law does not expressly prohibit sex between minors who are less than 15 years old, with the decision being left to judicial discretion. On a case-by-case basis, the courts hear cases and make rulings based on the age difference and whether coercion, violence, threats, or surprise were present.²⁴

According to French law, sexual relations with a minor over 15 years old are acceptable, provided that it is full and free consent. There are a few exceptions, however, When the adult partner is the parent, guardian, or has authority over the minor, such as a teacher or coach, for example²⁵, then the act is a criminal act according to Article 227-27 of the French Penal Code.²⁶

Even though French law allows sexual relationships between adults and minors over 15 years, the question of consent is problematic. Minors, even though they are 15, still do not have mature judgment and full cognitive development²⁷, and therefore can be victims of manipulation or coercion.

Some adults exploit the youth and inexperience of the minor by employing deceptive means, such as Granting expensive gifts to economically disadvantaged children in exchange for sex, Manipulating emotionally troubled children, such as those at odds with their parents, in order to gain their trust and engage in sex, Such hidden dynamics of coercion pose challenges for courts in establishing whether or not consent was indeed given. For this reason, there is an increasing legal and moral debate on whether the law is doing enough to safeguard minors over 15 from sexual exploitation.²⁸

2. ISLAMIC LAW AND ALGERIAN LEGISLATION'S POSITION ON SEXUAL RELATIONS BETWEEN MINORS

Islamic sharia and the Algerian law have taken a different stance on the issue of sexual relations with minors, which will be clarified below.

2.1. Islamic Law's Position on Sexual Relations Between Minors

Islamic Sharia provides a fertile and comprehensive set of law dealing with all affairs of life, such as human and social relationships. Sexual relationship constitutes one of the most crucial affairs of such

public non déterminé, d'un réseau de communication électronique ; 5° Lorsqu'elle est commise par une personne agissant en état d'ivresse manifeste ou sous l'emprise manifeste de produits stupéfiants

²³ <https://www.vie-publique.fr/loi/278212-loi-21-avril-2021-violences-sexuelles-sur-mineurs-et-inceste> accessed 06/02/2025

²⁴ <https://www.lecrisps-idf.net/sexualite-loi-france#:~:text=Le%20terme%20%22majorit%C3%A9%20sexuelle%22%20n,%C3%A0%20partir%20de%20cet%20%C3%A2ge> . accessed 06/02/2025

²⁵ <https://www.lecrisps-idf.net/sexualite-loi-france#:~:text=Le%20terme%20%22majorit%C3%A9%20sexuelle%22%20n,%C3%A0%20partir%20de%20cet%20%C3%A2ge> . accessed 06/02/2025

²⁶ Article 227-27 droit pénal français Version en vigueur depuis le 23 avril 2021 Modifié par LOI n°2021-478 du 21 avril 2021 - art. 4 Hors les cas de viol ou d'agression sexuelle prévus à la section 3 du chapitre II du présent titre, les atteintes sexuelles sur un mineur âgé de plus de quinze ans sont punies de cinq ans d'emprisonnement et de 45 000 € d'amende : 1° Lorsqu'elles sont commises par toute personne majeure ayant sur la victime une autorité de droit ou de fait ; 2° Lorsqu'elles sont commises par une personne majeure qui abuse de l'autorité que lui confèrent ses fonctions.

²⁷ Saqni Saleh, "The Criminal Protection of the Child Victim in Algerian Law," *Al-Mufakir Journal*, Vol. 16, No. 1, 2021, p. 46.

²⁸ ECPAT, "Protecting Children Against Sexual Exploitation and Abuse in the Context of Disasters and Emergencies," ECPAT International, Bangkok, March 2006, p. 9.



relationships, which is an elementary part of human life. Islam establishes, nonetheless, that sexual life is only permissible within a permissive scheme, which is marriage.

Marriage in Islamic is not physical union between man and woman; rather, it is a solemn covenant based on mutual respect, understanding, and cooperation to achieve emotional and psychological stability. It can be witnessed in Surah An-Nisa, verse, The approximate meaning of this verse is that Allah describes marriage as a "solemn covenant"²⁹

Marriage is the lawful agreement that confirms the union of man and woman. By this agreement, sexual intercourse becomes legal and is followed by mutual rights and obligations between the spouses. The primary purpose of marriage is to establish a safe marital life of love and mercy, as stipulated in the Quran in surah Ar-Rum, Verse 21, Allah refers to marriage as one of His signs, emphasizing love, mercy, and tranquility between spouses.³⁰

Most Quranic and Prophetic sources affirm that The marriage is the only framework where sexual intercourse is lawful. All other sex outside this framework is illegal. This is stated in Surah Al-Mu'minun, Verse 5, Allah refers to the believers as those who guard their chastity, except with their lawful spouses, for which there is no blame upon them.³¹

The Prophet Muhammad (peace be upon him) reiterated this instruction himself by stating: "O young men! Whoever among you can marry should marry, for it lowers the gaze and guards chastity. But whoever cannot do that should fast, as it will be a shield for him" (Sahih al-Bukhari and Sahih Muslim).

By restricting sexual intercourse to marriage, Islam assists in the establishment of a balanced and stable society which upholds moral standards and safeguards individuals' rights, particularly that of vulnerable members such as children. Although some Western legislations permit sexual relations among children on the basis of consent, Islamic law believes that the only acceptable context for such relations is marriage. In addition, Islam advocates for the protection of children from sexual exploitation or participation in relationships that may subject them to physical and psychological abuse. This is in line with international conventions advocating for the protection of children, such as Article 34 of the 1989 Convention on the Rights of the Child, which mandates the protection of children against all forms of sexual exploitation.

2.2. The Algerian Legislator's Stance on Minor's Engagement in Sexual Activity

After the Algerian independence from the French colonization and the end of the wars and slavery, the Algerian government started rebuilding itself through adopting a national legal system and gradually establishing its institutions.³²

Unlike most western legislations, Algerian legislation does not recognize a legal age of consent or the voluntary approval of a minor to engage in sexual activity with adults or other minors. The Algerian legislator does not define in explicit terms what could be referred to as a "sexual consent age" in the Western sense; instead, it strictly criminalizes any sexual relationship involving a minor, even if consent is given. Under Article 40 of the Algerian Civil Code, a minor is defined as any person under the age of 19³³. In this regard, the Algerian Penal Code establishes severe penalties for sexual offenses against minors.

Rape and sexual assault against minors are considered criminal offenses. According to Article 336 of the Penal Code, any person found guilty of rape is subject to imprisonment for a period ranging from 5 to 10 years. However, if the victim is a minor under the age of 18, the penalty is increased to 20 years. If the victim is under 16 years old, the punishment is life imprisonment under the same article.³⁴

In its Article 337 bis, Penal Code also touches on the aspect of sexual abuse without violence whereby any person that commits sexual abuse against a minor without the involvement of violence, he or she is liable for imprisonment for terms of 5 to 10 years. For the perpetrator, if he happens to be the

²⁹ The Quran

³⁰ Ibid

³¹ Ibid

³² Ikram Mahfoud and Sid Ahmed Soufiane, Constitutionalizing The Right To A Safe Environment In The Algerian Constitutions, Elementary Education Online, Volum 21, Issue 3, 2022, p138.

³³ Ordinance No. 58-75 of 1975, Op.cit.

³⁴ Ordinance No. 156-66 of 1966, Op.cit.



relative of the minor or stands in a superior position over them, such as a teacher, coach, his imprisonment term rises to 20 years.³⁵

Sexual harassment of a minor is also deemed criminal. Section 341 bis of the Criminal Code provides for the penalty if a person, upon being proved guilty, engages in sexual harassment against a minor. Such conviction shall warrant 1 to 3 years in prison. Such crime becomes further aggravated if committed by a family member or when the perpetrator exerts influence and authority over a minor.³⁶

Furthermore, sex exploitation of a child by engaging them in prostitution or sexual assault is totally illegal. Article 343 of the Penal Code informs that whoever forces a child to prostitute themselves or exploits them sexually will receive 5 to 10 years imprisonment. When the perpetrator is either a family member or one holding a superior status to the child, then their sentence increases to 20 years imprisonment.³⁷

The Algerian legislator takes a hard line in the protection of children from any type of sexual exploitation. Any sexual relationship with a child is criminalized, whether it was forced or voluntary. Moreover, punishment is enhanced if the perpetrator is a relative or has authority over the child.

CONCLUSION

After completing our study, we reached many results and recommendations, which we

First, the results:

- Western legal systems observe different minimum ages of sexual consent, leading to a lack of uniformity in child protection measures.
- Some Western legislations condone early sex based on presumed autonomy, putting minors at the risk of exploitation and psychological harm.
- International law instruments such as the Convention on the Rights of the Child make suggestions, yet enforcement and interpretation by Western states largely vary.
- National laws on sexual intercourse with children are considerably influenced by cultural and ideological aspects.
- Islamic Sharia prohibits sexual relations outside the framework of a lawful marriage. It also places emphasis on protection of children and deems every sexual act involving a child out of wedlock as a severe sin and a crime to be punished.

Second, Recommendations:

- Harmonize the age of sexual consent in Western countries in order to ensure equal protection of children.
- Rethink liberal policies prioritizing sexual freedom over the physical and emotional protection of minors.
- Enhance educational campaigns regarding healthy sexual development and risks of early sexual activity.
- Strengthen international cooperation to implement child protection standards more uniformly among legal systems.

³⁵ Ibid

³⁶ Ibid

³⁷ Ibid

- Develop a child-centered legal approach adhering to international human rights and psychological and social developmental phases.

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