



MONEY LAUNDERING THROUGH CRYPTOCURRENCIES: INTERNATIONAL AND NATIONAL LEGAL FRAMEWORK

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Abstract: *Juvenile delinquency is a complex social and legal phenomenon requiring a multidimensional approach incorporating psycho-social, educational and legal analyses, given its severe impact on individuals and society. It refers to unlawful behaviours committed by minors who have not yet reached the legal age of maturity. In Algeria, this group is distinguished by a specific legal system that ensures they are treated according to their age-related characteristics, as outlined in Law 15-12 and the Penal Code.*

Delinquency is caused by a combination of factors, including family disintegration, a lack of guidance, improper upbringing methods, disturbed social environments, school failure and peer group influence. This phenomenon is addressed through two main approaches: prevention, involving the provision of social care and the instilling of positive values in young people; and legal protection, focusing on rehabilitation rather than punishment, in line with international standards such as the Convention on the Rights of the Child and the Beijing Rules. Furthermore, Algerian law establishes specific procedural guarantees aimed at reintegrating juveniles into society and safeguarding them against reoffending or social exclusion.

Keywords: *Juvenile delinquency, causes, prevention, legal protection, social upbringing*

INTRODUCTION:

The phenomenon of juvenile delinquency is a complex social and legal issue that requires increasing attention from professionals and researchers. It reflects the tensions between the psychological and social dimensions experienced by young people, as well as the environmental and cultural influences that surround them. The concept of juvenile delinquency is multidimensional; it is not limited to the legal side, but also includes psychological, social and educational dimensions.

Tackling juvenile delinquency requires a systematic renewal of our understanding of the causes and motivations behind this behaviour, as well as the development of effective intervention and rehabilitation strategies. This leads to the following question What is meant by the concept of juvenile delinquency?

In this context, this research aims to explore the concept of juvenile delinquency by analysing the influencing factors and studying the available legal and social coping mechanisms. It also aims to provide suggestions for improving protection and prevention mechanisms, thereby contributing to a balance between children's rights and society's needs.

CHAPTER ONE: THE CONCEPT OF JUVENILE DELINQUENCY

Juvenile delinquency is a complex social phenomenon characterised by behaviours exhibited by individuals who have not yet reached maturity. These individuals deviate from socially accepted behaviours, engaging in actions that conflict with laws and regulations. Such behaviours include theft, violence, drug abuse and other actions that may result in legal penalties. Numerous factors contribute to juvenile delinquency, including familial, social and psychological influences. Inappropriate socialisation, the surrounding environment and peer pressure can all play a significant role in driving young people towards unacceptable behaviours.

Section One: Definition of Juvenile Delinquency

The term 'juvenile delinquency' consists of two words: 'delinquency' and 'juvenile'. We will define each term linguistically and conceptually.



First: Definition of delinquency:

Delinquency refers to any aggressive behaviour that harms the individual or others. Some define it as any act that can be referred to a court of law for legal judgement. The term indicates the involvement of juveniles in behaviours that contravene the law. It is often used instead of 'crime' when referring to acts committed by juveniles, reflecting a societal view that considers these offences to be less severe than those committed by adults. Delinquency is often considered to be the result of external influences on the juvenile, which is why various countries focus their legislation on providing special treatment for these individuals, avoiding harsh penalties and categorising stages of youth into age groups that may be exempt from punishment¹.

According to Article 2, Paragraph 3 of Algerian Law No. 15-12 concerning child protection, a juvenile is defined as follows: 'a child who commits a criminal act and is not less than ten (10) years of age, with age determined based on the date of the act.'

As set out in Articles 49, 50 and 51 of the Algerian Penal Code, a juvenile delinquent is defined as someone who has not yet turned eighteen, meaning they are not considered criminally responsible yet have committed an act that is punishable by law. The legislator reiterates this in the Code of Criminal Procedure, specifically in the third book dedicated to provisions concerning juvenile delinquents.

Secondly, the definition of 'juvenile'.

Linguistically, the term refers to an individual who has not yet reached adulthood. The youthfulness of age signifies the early stages of life. The term 'juvenile' is often used to describe actions that are frowned upon and do not conform to social norms, suggesting a lack of experience in the early stages of life².

In legal terminology, juveniles are considered to be in a state of purity, divided into major and minor categories. The former require full ablution, while the latter require minor ablution for actions such as urination or defecation.

The term 'juvenile' also contrasts day and night, with 'young' indicating someone in their early years. The word 'juvenile' can refer to a child, whether male or female, and similar terms such as 'boy' and 'girl' also denote youth³. Thus, a juvenile is a young person who has not yet reached maturity and may be referred to as 'youth' or 'young person'.

The term 'boy' denotes a newborn from birth until weaning, and the plural forms are 'young boys' and 'youth'. In jurisprudence, it refers to someone who has not reached the age of legal accountability.

Sociologists define a juvenile as "a young person from birth until he or she reaches social and psychological maturity and acquires adult characteristics and understanding". The term "youth" indicates a young person at the peak of his or her powers, with "youths" used in the plural.

A person is legally considered a juvenile for a specified period of childhood, starting from the age set by law for the distinction or attainment of criminal responsibility. Legal systems vary in this respect, with some legislations setting a minimum age for criminal responsibility, while others prefer to define adulthood as the primary standard, without regard to a minimum age.

The Algerian legislator has used several terms to refer to juveniles; in the Code of Criminal Procedure, the term "juvenile" appears in article 444, paragraph 3, while "minor" is used in article 49 of the Penal Code and "child" in articles 442 and 327 of the same code. Thus, in Algerian legislation, a juvenile, minor or child is considered to be anyone under the age of eighteen, with the legislator extending this definition to nineteen

¹- Mohammed Yahya Qassem Al-Najjar. *Children's Rights Between Legal Texts and Reality and Their Impact on Juvenile Delinquency*, 1st edition, Beirut: Halabi Legal Publications, 2013, p. 63.

²- Ihsan Mohammed Al-Hassan. *Encyclopedia of Sociology*, 1st edition, Beirut, Arab House of Encyclopedias, 1999, p. 227.

³- Boufateh Mohammed Belkacem. *Lecture on Juvenile Justice*, Educational print directed to Master's students - Year 2, Specialization: Criminal Law and Criminal Sciences, Faculty of Law and Political Science, ZianeAhour University - Djelfa, Academic Year 2020/2021, p. 07.



in cases where the person concerned is a victim, in accordance with article 342, paragraph 1, concerning the offence of incitement to debauchery and moral corruption.

Section Two: Causes of Juvenile Delinquency

Juvenile delinquency is a complex social issue that significantly impacts individuals and communities. It is defined as illegal behaviour exhibited by individuals under the legal age, encompassing a variety of actions such as theft, violence and drug use. It is defined as illegal behaviour exhibited by individuals under the legal age, encompassing actions such as theft, violence and drug use. The causes of juvenile delinquency are multifaceted, with familial, social and psychological factors playing a pivotal role in shaping the behaviour of young people. Key causes include weak parental supervision, family disintegration and the surrounding environment, including schools. A lack of emotional support and adequate care can drive juveniles towards deviant behaviours. Social and economic pressures, such as poverty and unemployment, also exacerbate the problem by creating an environment filled with frustration and anxiety. Addressing juvenile delinquency requires a deep understanding of these factors and their impact on young people's behaviour, which will aid the development of effective prevention and intervention strategies.

First: The Role of the Family in Juvenile Delinquency

The family is the primary social unit with which a child interacts from birth, influencing them throughout their life. The first five years of a child's life are critical for personality formation and acquiring essential social traits that affect behaviour. Consequently, families bear a significant responsibility for shaping children's characters and instilling values and morals.

Numerous studies emphasise the crucial role of the family in juvenile delinquency, highlighting the relationship between family disintegration and a child's deviant behaviour. While some studies indicate that family breakdown significantly contributes to the emergence of criminal behaviour in children, others suggest that other factors may have a greater impact. Ultimately, the family plays a fundamental role in raising and guiding children, and its influence on a juvenile's character and future cannot be overlooked, as it represents the cornerstone of any society⁴.

Second: The impact of family disintegration on juvenile delinquency

From a societal perspective, family disintegration refers to the breakdown of family relationships that may result from divorce, separation, or ongoing conflict among family members. Given the importance of the family in shaping individual behaviour, many researchers have examined the impact of family disintegration on juvenile delinquency. The results of these studies vary according to cultural contexts and methods of data collection and analysis. Research has shown that between 70% and 90% of juvenile delinquents come from families experiencing discord and lack of harmony.

When a child is exposed to a home environment of conflict and disagreement between parents, it is natural for him to seek escape from this toxic family atmosphere by seeking out friends, which may lead him to deviance. Here the family must assume its fundamental responsibility of guiding the child to remain within the family framework, teaching him at an early age to rely on himself rather than on others, so as not to become a burden on the family by taking advantage of his compassion and simplicity.

The family should also provide opportunities for the child to experience the joys of struggle and cooperation with peers outside the home. A child growing up in a home dominated by conflict and strife between parents will often seek to escape this negative atmosphere and may turn to outside companionship that could lead him to delinquency⁵.

Third: The Impact of Upbringing on the Behaviour of Delinquent Youth

⁴ Jafar Abdul Amir Al-Yasin. *The Impact of Family Disintegration on Juvenile Delinquency*, 1st edition, World of Knowledge, Beirut, 1981, p. 16.

⁵ Jafar Mohammed Ali. *Deviant Juveniles*, University Foundation for Studies, Publishing, and Distribution, Beirut, 1994, p. 52.



The way in which a child is brought up is a pivotal factor in the formation of their character and the direction of their behaviour, whether positive or negative. Parents are the primary source of reassurance and emotional support, and they are the first people from whom children receive values and life orientations. However, their role can be a double-edged sword: if they rely on strict punishment or excessive encouragement, for example, it may lead to adverse outcomes. Constant punishment can instil feelings of oppression and frustration in the child, prompting them to seek an escape from these pressures, which may manifest as delinquent behaviour. Conversely, excessive encouragement can foster a sense of entitlement or arrogance, making the child less receptive to social norms⁶.

Additionally, differential treatment among siblings can have a profound psychological impact. When a child feels that one of their siblings is favoured, they may experience feelings of injustice and resentment, creating a psychological barrier between them and their family. This can exacerbate feelings of isolation, resulting in rebellion and a quest for attention or compensation for emotional deficiencies. This may drive them towards negative peer influences or deviant behaviours as a means of coping with their frustrations.

The impact of upbringing also extends to the nature of the relationship between the parents themselves. A family atmosphere charged with ongoing disputes and conflicts between parents can negatively affect the juvenile's mental health. In such cases, the juvenile may adopt aggressive or withdrawn behavioral patterns due to feelings of insecurity in their primary environment. The absence of effective communication between parents and their children may lead the child to seek support and attention outside the family, which can expose them to risky environments⁷.

Fourth: The influence of the environment on juvenile delinquency

Sociologists argue that children's deviant behaviour is primarily related to the environment in which they live, without the intervention of complex psychological factors. They see delinquent children as products of specific circumstances characterised by social disruption and instability. Deviant behaviour is often rooted in the corrupt environment in which these children are brought up.

It is important to recognise that no two children's circumstances are exactly the same. Even when the primary factors affecting children are similar, slight differences in each child's personal circumstances play a role in determining their response to these conditions. These differences determine each child's ability to comply with social rules and respect prevailing norms, leading one to deviate while the other often remains on the straight and narrow.

Juvenile delinquency is attributed to the influences of the environment, in particular inadequate parental care or, in some cases, its negative effects. The deeper truth, however, lies in the shortcomings of parents in properly educating and guiding their children. Fostering a sense of responsibility in parents is more effective than blaming external factors for children's upbringing.

In order to understand the behaviour and tendencies of individuals, it is crucial to examine their relationship with the environment in which they grow up. For example, juvenile delinquency is often a result of the negative environment in which they were brought up. The presence of a child in an unstable family environment can be a fundamental factor in creating the conditions for deviant behaviour. However, other factors also contribute to delinquency, such as the child's response to these circumstances.

The family is the primary environment in which a child grows up, and numerous studies have shown that it is the optimal place to provide psychological and cultural support for children⁸.

⁶ Jafar, Ali Mohammed. *Protection of Juveniles in Conflict with the Law and at Risk of Delinquency: A Comparative Study*, Majd University Foundation for Studies, Publishing, and Distribution, Beirut, 2014, p. 72.

⁷ Omar Ahmed Hamshari. *Socialization of the Child*, 1st edition, Printing and Publishing House, Amman, 2003, p. 336.

⁸ Rania Mohammed Atiyah Al-Heshlamoun. *The Impact of Social and Economic Environment on Juvenile Delinquency (Field Study on Juvenile Rehabilitation and Training Centers under the Ministry of Social*



Fifth: The impact of school on juvenile delinquency

School is a primary social institution that significantly influences the development of children's behaviour. Rather than being merely an educational setting, it reflects the values and culture of society, operating according to objectives derived from these values. These objectives include community resources, future aspirations and the needs of students at various educational stages. Through a specialised team of teachers and administrators, the school fulfils its role of educating and nurturing children on behalf of parents who may lack the time to fulfil this role due to their daily commitments.

The school has several key functions, including:

1. Cultural transmission: It presents knowledge and experiences of adults in a structured manner that is suitable for children's varying capabilities.
2. Cultural Purification: The school aims to refine cultural heritage by removing elements that could hinder a child's development, fostering positive behaviours and attitudes instead.
3. Creating a Balanced Social Environment: This contributes to the child's personality development, helping them to adapt to larger society and contribute to its growth.

Outside of school, children are surrounded by various social environments comprising diverse groups, each with its own systems and objectives that influence the formation of its members' personalities. This varied influence can make it difficult for children to adapt to society, particularly when these influences conflict or are imbalanced.

When a child moves from their family environment, which forms their primary group, to new environments such as friends or clubs, they may find it difficult to adapt because of their attachment to their original group. However, school provides an environment that helps the child to open up to and interact with the outside world, which helps to develop their social skills⁹.

Within the school, the child experiences a different authority from that of the family, namely the authority of the school system and its rules. They will be punished if they break these rules. This experience serves as an initial test of the child's ability to adapt to a larger society governed by strict rules that may be new to them. A child may be surprised to find that his or her parents are unable to protect him or her from such punishment, leading to a realisation of the power of laws governing the world outside the family. This experience is a critical juncture in the child's personality development and can significantly influence their future behaviour.

Sixth: The influence of peer groups

Peer groups are small entities characterised by strong social bonds among their members. They often consist of individuals who share similar social backgrounds and agree to exclude outsiders. While schoolmates or neighbours can exert external influence, peer groups often exhibit a strong sense of unity, granting them the ability to impose their own rules and authority.

When this group engages in behaviours that contradict societal values and norms, it begins to lose the control it had at the beginning.

The influence of peer groups is particularly evident in creating an environment where individuals feel greater freedom, especially if they experience pressure at home or at school that inhibits their ability to express their desires. In such cases, children find a sense of liberation and belonging when they join these groups.

Children have a strong need for play and social interaction with peers during their leisure time, especially if their families do not provide adequate recreational opportunities. If families do not guide children in

Development in Jordan). Faculty of Social Sciences, Mu'tah University, Jordan, Journal of Education, Al-Azhar University, No. (581, Part Two), January 2020, p. 354.

⁹- Abd al-Qader Qawasmiya. Juvenile Delinquency in the Context of Algerian Legislation, National Library Foundation, Algeria, 1992, p. 228.



choosing good friends, the street becomes a natural stage for their spontaneous activities, full of temptations that can lead them to undesirable behaviours.

Children spend most of their time playing with their peers, whether they are the same age or older, to compensate for the lack of social interaction. Friendships are often formed among delinquent children, with one child adopting the behaviours of the group, reflecting its strong influence on their relationships with potentially deviant friends. This suggests that the likelihood of a child becoming delinquent increases when they engage in activities such as gambling or theft to pass the time, especially in neighbourhoods that lack adequate recreational facilities.

Delinquency typically begins when children fail to fulfil their aspirations or struggle to fit in with the group, leading to feelings of neglect from their families and society. In this situation, children often turn to their friends in the neighbourhood, valuing their opinions and adopting their unacceptable behaviour. In addition, parental harshness can sometimes drive children to roam the streets, transforming ordinary peer groups into gangs that engage in illegal activities to pass the time, potentially marking the onset of juvenile delinquency.

CHAPTER TWO: ADDRESSING JUVENILE DELINQUENCY

It is of great importance to address juvenile delinquency in order to protect society and ensure a safe future for children who are at risk of deviant behaviour. This chapter discusses preventive measures to avoid delinquency in young people, focusing on methods aimed at correcting behaviours and providing a safe environment in which they can grow. It also covers legal protections for delinquent children, ensuring their rights and rehabilitating them in a way that preserves their dignity and reintegrates them into society. This contributes to reducing delinquency rates and ensuring fair and effective rehabilitation.

Section One: Prevention of Juvenile Delinquency

Preventing juvenile delinquency is fundamental to protecting society and maintaining stability. It aims to reduce deviant behaviours in young people and prevent them from entering a cycle of crime. Prevention involves comprehensive strategies encompassing social, educational and psychological aspects to guide children and adolescents towards positive paths. Prevention is important not only for protecting society, but also for safeguarding children's rights and ensuring a safe environment in which they can develop, helping to create a generation that is aware of its responsibilities and able to contribute positively to society.

First: Meeting the basic and social needs of young people.

Basic requirements are vital for individuals to survive and continue to engage in activities that develop their intellectual, physical and creative abilities, which is essential in a civilised society. When these needs are unmet, individuals become lethargic and ill, and their sense of responsibility diminishes. To ensure proper behaviour and steer youth away from deviance and crime, they must be provided with food, water, clothing, adequate housing, medical care, health care, and safety and reassurance.

Preventing juvenile delinquency involves not only meeting basic needs, but also addressing social needs that complement these basic needs. These social needs include:

- The importance of providing opportunities for social interaction: There should be opportunities for interaction and communication among young people and between them and other segments of society. This interaction should be positive in order to keep young people away from the risks of deviance and crime.
- Right to join social organisations: Young people should have the freedom to join social organisations and institutions, as this freedom helps them to achieve their goals and aspirations, thereby distancing them from the risks of failure and frustration that can lead to aggression and delinquency.
- Supporting young people to face challenges: Supporting young people to address the challenges they face, identify their causes and understand their impact on themselves and their communities is essential to addressing these issues.
- Encouraging young people to value each other's skills: Young people should be encouraged to appreciate each other's skills and abilities, as this appreciation fosters unity, camaraderie and love among them, helping



to steer them away from the evils of delinquency and crime and from any aggressive or harmful behaviour aimed at harming others¹⁰.

Second: Developing Socialisation Methods

Socialisation is defined as the process through which individuals learn the skills and roles they need to interact with others. This process is not confined to a single institution, such as the family, but encompasses several others, such as schools, mosques and the media. When the family fulfils its socialisation role effectively, it paves the way for other institutions to perform their functions effectively. If these institutions succeed in their educational tasks, an individual's interactions in society will be positive and well-received. Conversely, failure to fulfil these roles can lead to anti-social behaviours in young people.

A positive relationship between the family and social upbringing plays a crucial role in preventing delinquency and crime. Proper socialisation protects young people from deviating towards delinquency. In contrast, poor socialisation can push a young person towards this path. The most effective socialisation methods adopted by families and other institutions include:

- Intensive social support:

Providing continuous attention to the individual gives them a sense of care and ongoing support.

- Balancing firmness and flexibility:

It is important to strike a balance between leniency and strictness when raising individuals, providing guidance on their behaviour and helping them to build positive relationships with society.

- Eliminating factors leading to deviance:

This principle involves protecting children from harmful environments and groups, regenerating deprived neighbourhoods and providing decent housing for families. It also involves protecting family members from homelessness and deprivation, and ensuring they have access to education, healthcare and recreational facilities¹¹.

Third: promoting social and moral awareness.

Enhancing social and moral awareness is a key factor in protecting young people from delinquency and crime. This involves educating young people about the social and moral challenges they face and clarifying the socio-economic conditions in which they live.

The aim is to foster solidarity and unity among them, thereby protecting them from the dangers of delinquency and crime. Key aspects of social awareness include:

- Awareness of the consequences of crime:

Young people need to understand the harm that crime inflicts on society and the fabric of social life.

- Awareness of the relationship between difficult social conditions and crime.

Understanding the connection between complex societal issues, including national challenges, and the emergence of crime, as well as its impact on social life, is essential.

Understanding the impact of slum areas on delinquency and crime is also important.

Young people must recognise the link between the prevalence of informal settlements in cities and rising delinquency and crime rates. Without this social awareness, young people are more likely to engage in delinquent behaviours and criminal activities. Therefore, deepening their social awareness is a fundamental step in avoiding these dangers¹².

¹⁰- Ihsan Mohammed Al-Hassan, Previous Reference, p. 388.

¹¹- Jami Mohammed Nabil. Family Sociology, New University Publishing House, Alexandria, 2010, p. 43.

¹²- Ihsan Mohammed Al-Hassan, Previous Reference, p. 396.



Fourth: Providing employment opportunities and recreational services for young people

One of the most important conditions for the protection of young people and the prevention of delinquency is the provision of suitable employment opportunities in line with their qualifications. Many young people today struggle to find suitable jobs, resulting in long-term unemployment. This mismatch between the education and training they receive and the realities of the labour market, coupled with the complexity of life and the rising cost of living, creates feelings of frustration and anxiety. This situation reduces their ability to achieve an appropriate economic level and makes them more vulnerable to crime¹³.

Section Two: Legal Protection for Delinquent Children

Legal protection for delinquent children is a fundamental element of the justice system. It aims to provide a legal framework that guarantees their rights while addressing delinquency issues. The system seeks to balance community protection with consideration for the specific circumstances of children by providing legal mechanisms that help to correct their behaviour and reintegrate them into society appropriately.

Firstly, in international law:

Juvenile delinquency is a significant social issue faced by all countries, both developed and developing, making it essential to focus on providing this group with legal protection. Since 1980, the United Nations Crime Prevention and Criminal Justice Commission has been working to establish uniform standards to achieve justice for juveniles. The UN General Assembly then adopted the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, known as the 'Beijing Rules', in November 1985. These set out the minimum international standards for dealing with juveniles involved in legal conflicts.

The General Assembly also adopted the United Nations Guidelines for the Prevention of Juvenile Delinquency, known as the Riyadh Guidelines, and the Rules for the Protection of Juveniles Deprived of Their Liberty in 1990. Furthermore, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child provide multiple legal guarantees to protect children's rights within the criminal justice system¹⁴.

There is universal agreement among countries that protecting the rights of children within the criminal justice system is a fundamental and non-negotiable right. To this end, the Convention on the Rights of the Child sets out a wide range of guarantees, including:

- **Presumption of Innocence:** This is one of the fundamental principles in legal systems, which states that a person is presumed innocent until proven guilty. This means the burden of proof lies with the prosecution, which must conclusively establish the defendant's guilt in a fair trial. This principle is a cornerstone of individual rights protection, especially in criminal cases, safeguarding the accused from unjust penalties or charges.

The presumption of innocence necessitates a fair trial, providing the accused with the opportunity to defend themselves, and this right must be respected at all stages of legal proceedings. This principle is also a fundamental human right, reflecting the commitment of states to provide justice and equality before the law, thereby enhancing trust in the judicial system.

In juvenile court, a child is presumed innocent until proven guilty, which is a solid foundation for justice in the legal system. A child remains unconvicted until a judicial ruling from a fair judicial authority establishes the crime. This principle reinforces the right to innocence as a basic human right and underscores the importance of respecting children's rights throughout all legal proceedings.

- **Right to a fair trial:** Children are guaranteed the right to a fair trial by a competent court or authority, giving them the opportunity to defend themselves effectively. In addition, children have the right to the

¹³ - Ihsan Mohammed Al-Hassan, Same Reference, p. 963.

¹⁴ - Mahr Jamal Abu Tawat. International Protection of Children's Rights, Dar Al-Nahda Al-Arabiya, Cairo, Egypt, 2005, p. 234.



necessary privacy during the trial, which is essential and different from trials of adults, in order to protect the child's rights and dignity.

- Independence and neutrality of the court: The independence and neutrality of the court means that the judiciary must operate free from any political or social influence, ensuring that judges are not influenced by external pressures. This principle is essential to the delivery of justice, as it provides confidence that judicial decisions are based solely on the law. The court must also be neutral, meaning that it does not show bias or favour one party over another. This independence and neutrality provides an environment conducive to fair trials, particularly in juvenile cases, where the court is concerned to protect the rights of the child and ensure a fair trial. This principle thus reflects the judiciary's commitment to the equal administration of justice to all persons, regardless of their background or circumstances.

During the investigation phase:

As emphasised in the United Nations Guidelines, delinquent children are entitled to a set of rights appropriate to their young age. These rights include:

- the right to notify parents or guardians; Parents or guardians must be informed about the child's situation to ensure they are aware of the current circumstances.
- Right to Remain Silent: The child has the right to remain silent to protect them from pressure to make statements that could incriminate them.
- Right to Legal Counsel: The child may seek legal advice to protect their interests during the investigation.

Right to privacy: The child's privacy must be respected to prevent psychological harm.

Right to Release When Possible: If feasible, the child can be released instead of being detained.

Right to legal representation: The child has the right to appoint a lawyer to represent them.

- Protection from harm: the child must be protected from any form of verbal or physical abuse during and after the investigation.
- Limitations on detention period: Children should not be detained for extended periods unless absolutely necessary; detention should be a last resort for the shortest possible time.
- Separation from adults: If detained, the child must be separated from adults to avoid negative influences.
- Provision of care and protection: Care and protection appropriate to the child's age and circumstances must be provided.
- Conduct the investigation in a child-friendly environment: The investigation should take place in an environment that takes into account the psychological and social aspects of the child offender.
- Preparation of social investigation reports: Detailed reports on the child's circumstances should be prepared to provide a better understanding of the factors leading to the child's delinquency and to assist in the development of appropriate solutions.

During the trial:

During this phase, the delinquent child is entitled to several rights that ensure their protection and legal well-being. These rights include:

- The right to a determination of the case: the case of the delinquent child must be adjudicated by competent authorities to ensure a fair judgement.
- Prompt resolution of the trial: The authorities are required to expedite their consideration of the child's case, while avoiding any leakage of information that could lead to stigma or have a negative impact on the child.

Right to appeal: The child has the right to appeal if they are dissatisfied with the judgement delivered against them.



- Right to a fair trial: The child is entitled to a transparent and objective trial.

Right to attend and participate: The child has the right to attend and participate in trial sessions, including the right to express their views on matters concerning them.

- Confidentiality of proceedings: The confidentiality of trial sessions should be maintained to prevent any negative impact on the child's psychological state.

- Presence of Guardian or Custodian: A guardian or custodian may accompany the child to trial sessions, providing emotional and psychological support.

Right to legal representation: The child must have a lawyer present during the session to ensure an appropriate legal defence.

Right to benefit from legal procedures: The child is entitled to benefit from all legal procedures related to the case that are carried out by the relevant authorities to guarantee their rights¹⁵.

To effectively implement these principles, adherence to the "stages of legal procedures" or "stages of juvenile justice" for delinquent children is necessary. These stages ensure the protection of the child's rights and provide a suitable legal environment, contributing to justice and promoting rehabilitation rather than punishment.

3- After the Trial

After the trial proceedings conclude, the delinquent child is granted a set of rights and guarantees aimed at protecting and rehabilitating them in accordance with their best interests. These guarantees include:

- Prohibition of the death penalty: The child cannot be sentenced to death, regardless of the seriousness of the crime committed.

- Prohibition of corporal punishment: No corporal punishment shall be used, in accordance with international standards on the rights of the child.

- Personal freedom: The child shall not be deprived of his or her personal liberty except in cases of recidivism or the commission of serious crimes.

- Protection of civil rights: The child shall not be deprived of his or her civil and political rights as defined by national and international law.

- Placement in a reform institution: Placement in a reformatory institution should be a last resort and, if necessary, for the shortest possible period of time.

- Separation from adults: The child must be separated from adults in the reformatory in order to ensure his/her psychological and physical protection.

- Equal care and treatment: The child is entitled to the same care, treatment and necessary protection as others, regardless of gender.

- Family visits: The child has the right to receive regular visits from his or her family in order to maintain family ties.

- Education: The child has the right to education to ensure the continuity of his or her studies within the reform institution.

- Development programmes: The child shall benefit from programmes and activities aimed at developing and enhancing his/her skills during his/her detention.

- Health monitoring: The child has the right to monitor his or her health and to communicate with his or her family in the event of a health emergency or death within the institution.

¹⁵ - Nasima Attar, Turki Ilham. Legal Mechanisms for Protecting the Delinquent Minor in International and Comparative Legislation, *Journal of Law and Interdisciplinary Sciences*, 2024, p. 570.



- Community Reintegration: The child has the right to be reintegrated into the community upon release, ensuring their rehabilitation and proper return to social life¹⁶.

Second: Protection of Delinquent Children in Algerian Law

The Algerian legal framework aims to enhance the protection of delinquent children through various legal provisions in the Penal Code, the Code of Criminal Procedure and the Child Protection Law.

1. Protection of Delinquent Children in the Penal Code:

The Algerian Penal Code provides specific penal protections for delinquent children. According to Article 49, Paragraph 1 of the amended Penal Code (Law No. 14-01, issued on 4 May 2014), no criminal proceedings may be initiated against any minor under the age of 10. Paragraphs 2 and 3 of this article state that penalties for minors aged 10 to 13 are reduced, with a focus on protective and rehabilitative measures.

Additionally, the Penal Code allows for reduced penalties for minors aged 13 to 18, as follows:

- In cases involving the death penalty or life imprisonment for adults, the minor may be sentenced to imprisonment for a period ranging from 10 to 20 years.
- If the penalty involves imprisonment or detention, it is reduced to half the duration that would apply if the individual were an adult.

The Algerian law excludes custodial sentences for minor offences, but maintains disciplinary penalties or fines for minors aged 13 to 18.

2. Protection of Delinquent Children in the Code of Criminal Procedure

Algerian legislation addresses the protection of delinquent children through Articles 442 to 492 of the Code of Criminal Procedure, which deal with juvenile cases. Special procedures have been established for investigating and referring cases to the relevant authorities, which are distinct from those applied to adults.

Article 447 sets out the investigative procedures for juvenile cases, whereby the public prosecutor refers cases to the juvenile judge by requesting an investigation. Investigations into juvenile cases are mandatory and the juvenile is heard without taking an oath, which is an exception to the general rule¹⁷.

The juvenile's legal guardian must be present, and a lawyer must also be present, as stated in Article 454. Additionally, the juvenile judge may conduct a social inquiry into the delinquent child to understand the causes of their delinquency.

The aim of this legislation is to implement suitable protective measures for delinquent children, allowing for procedures such as supervised release in accordance with the relevant provisions. Juveniles over the age of 13 may face mitigated penalties such as detention, taking into account the specific circumstances of the delinquent child, and ensuring that they are not subjected to harsh measures or severe penalties. In misdemeanour cases, the juvenile judge can make decisions that align with the juvenile's circumstances, except in cases of serious crimes such as terrorism or vandalism, where the juvenile may be referred to a criminal court.

3. Protection of delinquent children in Law No. 15-12 on Child Protection

Algerian legislation is in line with international trends in child protection through Law No. 15-12 on Child Protection, which is in line with international conventions on children's rights. This law includes specific guarantees for delinquent children, divided into several chapters dealing with the rights and obligations of this group. This reflects Algeria's commitment to protecting delinquent children and promoting their rights.

Third: Protection of Delinquent Children During Criminal Procedures

¹⁶ - SoumiaYahiaoui, Jamal Ben Mami. "Legal Protection of the Delinquent Child Between Domestic and International Legislation," *Journal of Legal Studies*, Vol. 5, No. 1, January 2019, pp. 304-306.

¹⁷ - Abdullah Ouhabia. *Algerian Code of Criminal Procedure: Laws and Investigations*, 5th edition, Dar Houma, Algeria, 2013-2014, p. 298.



According to Article 48 of the Child Protection Act, a child under the age of 13 cannot¹⁸ be detained if he or she is suspected of having committed a crime or during the commission of a crime. However, there are exceptions for misdemeanours with a maximum penalty of up to 5 years' imprisonment. In criminal cases, the law requires that the child's parents or legal guardian be notified if the child is detained. In addition, a medical examination of the child must be carried out at the beginning and end of the period of detention, and the medical certificate must be attached to the proceedings. Failure to comply with this requirement may lead to the annulment of the proceedings. Furthermore, the presence of a lawyer during the detention period is mandatory, except in cases related to terrorism or drug offences, which are treated as exceptions.

The law also makes the legal guardian of the delinquent child civilly liable for any damage caused by the child to others. In addition, the law prohibits the placement of a delinquent child in a penal institution, even temporarily, unless absolutely necessary. In such cases, the child is placed, if necessary, in a rehabilitation centre for the reintegration of juveniles or in a special juvenile wing within penal institutions.

EXECUTION PHASE

During this phase, the judgements and decisions against delinquent children are recorded in the criminal record number 2, with the aim of protecting the child, as provided for in article 107 of law no. 15-12 on the protection of children.

MEDIATION

Algerian legislation allows for mediation in all cases where a delinquent child commits a crime or misdemeanour, except for crimes. Mediation can be initiated by the delinquent child or his legal guardian, or at the request of the public prosecutor. The aim of mediation is to save the child from punishment that could push him or her further into delinquency, and to focus on his or her rehabilitation and education to ensure proper reintegration into society¹⁹.

CONCLUSION:

This research on juvenile delinquency reveals that it is a complex phenomenon requiring an in-depth understanding of the associated psychological, social and legal dimensions. Juvenile delinquency is defined as deviant behaviour exhibited by adolescents, prompting an exploration of the various familial, social, environmental and psychological factors that lead to its emergence.

The findings emphasise the importance of prevention and early intervention in addressing juvenile delinquency, and of providing legal protections that offer children comfort and stability. Legally speaking, it is evident that both international and Algerian legislation offer a framework for safeguarding the rights of children and adolescents, prohibiting discrimination and promoting their fundamental rights. However, there is still room for improvement in the effectiveness of these laws, and in ensuring their proper implementation, by establishing clear mechanisms for monitoring and supporting cases of juvenile delinquency.

Overall, collaboration among various stakeholders, including families, educational institutions, and legal entities, is crucial to reducing juvenile delinquency. Through these joint efforts, the goals of prevention and rehabilitation can be achieved, contributing to a safer and fairer society for children and young people.

Based on the discussion of juvenile delinquency, several recommendations and proposals can be made to effectively address this phenomenon.

- Enhancing Educational Programs: Educational programs should be developed to foster critical thinking and sound decision-making skills among adolescents, emphasizing the importance of moral and social values.
- Providing Psychological and Social Support: Establish specialized centers to provide psychological and social support to adolescents and their families, offering counseling and appropriate assistance to handle pressures and challenges.

¹⁸ - Article 48 of Law No. 15-12, dated July 15, 2015, concerning child protection, Official Gazette of the People's Democratic Republic of Algeria, No. 39, issued on July 19, 2015.

¹⁹ - SoumiaYahiaoui, Jamal Ben Mami, Previous Reference. pp. 315.



- Improving Family Environment: Raise awareness among families about their crucial role in shaping their children's behavior through workshops and seminars on positive parenting and effective communication.
- Activating the Role of the Local Community: Encourage local communities to participate in awareness and prevention programs for juvenile delinquency by creating social support networks that include individuals and institutions.
- Implementing Effective Legal Mechanisms: Strengthen existing laws related to the protection of children's and adolescents' rights and ensure their effective enforcement, alongside providing rehabilitative programs for delinquent adolescents instead of harsh penalties

These recommendations contribute to creating a safe and supportive environment for young people, reducing juvenile delinquency and strengthening their rights to protection and care.

Focusing on the legal aspects of addressing juvenile delinquency, the following recommendations can be made:

- Strengthen legislation: Review and update juvenile protection laws to ensure alignment with international standards, such as the Convention on the Rights of the Child, to provide a robust legal framework that protects the rights of juveniles and enhances delinquency prevention.
- Provide flexible legal mechanisms: Establish flexible legal mechanisms that allow for the use of rehabilitative measures rather than deprivation of liberty, facilitating the reintegration of juveniles into society rather than alienating them.
- Activate the role of specialised courts: It is advisable to create specialised courts for juvenile cases, staffed by judges trained to deal with juvenile delinquency matters, to ensure a deeper understanding of the issues and to enable more appropriate solutions.
- Training of legal officers and personnel: Organise specialised training courses for police officers, judges and lawyers on how to handle juvenile delinquency cases, focusing on the rights of juveniles and their psychological and social needs.

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