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الموقع على المنصة:

Tel/Fax :

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هاتف/فاكس:



جامعة محمد بوضياف - المسيلة  
كلية العلوم الاجتماعية والانسانية



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-----المراسلات-----

مجلة العلوم الاجتماعية والإنسانية - جامعة محمد بوضياف - المسيلة، الجزائر

الهاتف/الفاكس: 035353393 (+213)

البريد الإلكتروني: [JOSSH@UNIV-MSILA.DZ](mailto:JOSSH@UNIV-MSILA.DZ)

جميع الحقوق محفوظة لجامعة محمد بوضياف - المسيلة

رئيس تحرير المجلة: د. رواجية أحمد

## أعضاء هيئة تحرير المجلة

الايمل	الجامعة الاصلية / الدولة	المحرر المساعد
<i>ibrahim.morzouglal@gmail.com</i>	جامعة مسيلة الجزائر	د. ابراهيم مرزقلال
<i>mounir.guendouz@univ-msila.dz</i>	جامعة مسيلة الجزائر	د. منير قندوز
<i>ghezal2003@yahoo.fr</i>	جامعة مسيلة الجزائر	د. غزال عبد الرزاق
<i>khouni_dif@yahoo.fr</i>	جامعة مسيلة الجزائر	د. خوني ضيف الله
<i>harouz28@gmail.com</i>	جامعة مسيلة الجزائر	حروز عبد الغني
<i>moussasaid34@gmail.com</i>	جامعة مسيلة الجزائر	د. بن سعيد موسى
<i>y.hadid@yahoo.fr</i>	جامعة عبد الحق بن حمودة جيجل	يوسف حديد
<i>kouider.doubbakh@univ-msila.dz</i>	جامعة مسيلة الجزائر	قويدر دوباخ
<i>gaoubaa1980@yahoo.fr</i>	جامعة زيان عشور الجلفة	قوبع عبد القادر
<i>khelassimourad@yahoo.fr</i>	جامعة أم البواقي الجزائر	خلاصي مراد
<i>gherbaouiomar@gmail.com</i>	جامعة مسيلة الجزائر	غرباوي عمار
<i>zaoui.fekrouni@univ-sba.dz</i>	جامعة جيلالي الياس سيدي بلعباس	فكروني زاوي
<i>essa.ahmed1975@gmail.com</i>	<i>Universiti Sains Malaysia</i>	<i>Essia Ries Ahmed</i>
<i>elhamessaoudi@gmail.com</i>	<i>Sultan Qaboos University (Mascate-Oman)</i>	<i>El-Haoues Messaoud</i>
<i>dr.fatma24@gmail.com</i>	جامعة الإمام عبد الرحمن بن فيصل / م ع السعودية	أبو الحدي فاطمة
<i>a.daoudi@bham.ac.uk</i>	<i>University of Birmingham/uk</i>	<i>Daoudi Anissa.</i>
<i>taharchaouch@yahoo.fr</i>	<i>Universidad Veracruzana</i>	<i>Malik Laurent Tahar Chaouch</i>
<i>mohamedelamrani73@yahoo.fr</i>	<i>Université Sidi Mohamed ben Abdellah, Fès, Maroc</i>	<i>Mohamed El Amrani</i>
<i>ashraf-salih@hotmail.com</i>	<i>-University of Ibn Rushd-Netherlands</i>	<i>Salih Ashraf</i>
<i>qusai.ibrahim@pass.ps</i>	جامعة الاستقلال - فلسطين	قصي ابراهيم
<i>e.thqrleh@yahoo.com</i>	جامعة الأمير سطام بن عبد العزيز - السعودية	القاله ذكريات
<i>akhiarhoum@gmail.com</i>	جامعة العلوم الاسلامية بالعيون	ولد اخيارهم عبد الرحمان
<i>mohamedmihoub@hotmail.fr</i>	جامعة العلوم الانسانية والاجتماعية بتونس	<i>Mohamed Ait mihoub</i>
<i>sana.abbas@psuad.ac.ae</i>	جامعة السورين ابوظبي - الامارات العربية المتحدة	ثناء عباس
<i>fatma.moumni@yahoo.fr</i>	جامعة قفصه - تونس	المومني فاطمة
<i>drsaharabdo@yahoo.com</i>	جامعة الأمير سطام بن عبد العزيز - السعودية - كلية التربية ع السعودية	سحر عبد محمد السيد
<i>amer.qobbaj@najah.edu</i>	جامعة النجاح الوطنية - نابلس - فلسطين	عامر أحمد القبيج

hazemattr25@gmail.com	قسم التخطيط الاجتماعي، كلية الخدمة الاجتماعية، جامعة حلوان/مصر	حازم مطر hazemmatter
أمناء التحرير		
امانة التحرير: بوقرة أم السعد oumesaadb@gmail.com		

اللجنة العلمية

عباس فتحي	رواجعية أحمد
ن بوزيد لخضر	جويبة الكامل
سحر عبد محمد السيد	دحماني محمد
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## أهداف المجلة

تطمح المجلة إلى تحقيق جملة من الأهداف يمكن اجمالها في نشر الدراسات والبحوث الأصلية المبتكرة في تخصصات العلوم الاجتماعية والإنسانية، وتشجيع الأساتذة على الانخراط في حركية البحث العلمي وإنتاجه، وهو ما يدعم مسيرة الجامعة ودورها، ويدعم تواصل الباحثين وتوثيق الروابط بينهم من أجل تطوير البحث العلمي.

## شروط النشر

تحرص المجلة على نشر الأبحاث المرسلّة اليها والتي تستوفي في الشكل والمضمون الشروط العلمية الآتية:

- أصالة المادة المقدمة للنشر وعدم صدورها في أي منشور سابق، وألا تكون مستلة من رسالة جامعية.
- تقديم نص البحث بصفة حصريّة على البوابة الوطنية للمجلات العمية انطلاقاً من رابط المجلة فيها

<https://www.asjp.cerist.dz/en/PresentationRevue/394>

- ضرورة كتابة المقال ضمن قالب المجلة المخصص لهذا الغرض والمتوفر على حساب المجلة المذكور آنفاً مع الالتزام

بجميع الشروط الواردة فيه لاسيما

- إرفاق البحث بملخص باللغة العربية وآخر باللغة الفرنسية لا يتجاوزا معا الصفحة واحدة، إذا كان المقال

باللغة الفرنسية أو الإنجليزية يكون الملخصين بالعربية والفرنسية.

- ضرورة كتابة عنوان المقال باللغات الثلاث (عربي انجليزي فرنسي)

- ضرورة ارفاق المقال بملخص موسع (Abridgedsummary) باللغة الإنجليزية في حدود 450-500 كلمة.

- التقيد بمنهجية البحث كما اقتره وتذييله بالبيبلوغرافي، وقائمة المراجع مرتبة.

- الهوامش تكون في آخر البحث.

- بالنسبة للجداول والاشكال (خاصة الكبيرة والمعقدة) ترسل في صيغة صورة دقيقة ضمن الملحقات بالاضافة

إلى شكلها الاصلي داخل المتن كي يمكن التحكم فيها

- للمجلة حق رفض نشر البحث أو طلب تعديله بناء على تقرير المحكمين.

- لا ترد الأبحاث إلى أصحابها سواء نشرت أم لم تنشر.

- الأبحاث تعبر عن آراء أصحابها، ولا تعبر بالضرورة عن رأي المجلة.

- لا يزيد عدد صفحات البحث عن 30 صفحة ولا يقل عن 15 صفحة (طبعا ضمن قالب المجلة الذي يكون

بحجم (C5)

- يلتزم الباحث بتقديم إقرار كتابي (أصلي) يثبت فيه التزام مقاله بشروط المجلة

- يحصل الباحث الذي نشر له مقالا، على شهادة نشر متى طلبها، ولا تتكفل إدارة المجلة بطبع نسخة من العدد

لصالح الباحث.

## بخصوص التحكم

- تخضع كل البحوث إلى التحكم السري من قبل محكمين مختصين.

- تعرض الدراسات والبحوث على محكمين اثنين على الأقل لتقديم الخبرة حولها وتعتبر هذه التقارير أساس

القبول أو التأجيل أو الرفض لأي بحث أو دراسة مع العلم أن المجلة يمكنها أن تطلب إدخال التعديلات التي

تراها مناسبة بناء على تقارير المحكمين.

رئيس التحرير

أ.د. رواجية أحمد

## إفتتاحية العدد

يسر هيئة التحرير ان تضع بين قرائها الاعزاء من الباحثين في العلوم الاجتماعية والانسانية وبقية التخصصات والميادين عددا جديدا من المجلة، ضمن جهود إدارتها في تنفيذ خطة تصحيح المسار وبنائها وفق أسس علمية جادة تمكنها من ولوج أشهر قواعد المجلات العالمية المتميزة، والحصول على معامل تأثير أكثر تميزا.

يصدر هذا العدد متزامنا مع احياء شعبنا الجزائري لذكرى عيدي الاستقلال والشباب تزامنا مع تعانیه غزة وفلسطين الغالية من عدوان همجي غاشم.

إن هذا العدد ليس إصداراً نمطياً، وإنما تنوعت البحوث العلمية والموضوعات حيث تضمن هذا العدد ثلاثين بحثاً متنوعة من ناحية الموضوعات ومن ناحية الجهات الناشرة ومن ناحية لغات النشر، فمن ناحية الموضوعات ضم العدد مواضيع متنوعة بين علم النفس والتاريخ والآثار، وكذا علوم المعلومات والاعلام والاتصال والمكتبات وقد غلب على هاته الموضوعات طابع الحداثة والاصالة والعناية بالدراسات الميدانية والابحاث المتخصصة .

إضافة الى المقالات المنشورة بالعربية تضمن هذا العدد ثلاث مقالات باللغات الاجنبية : احدى عشر مقال باللغة الانجليزية في إشارة واضحة الى انفتاح المجلة على لغات البحث العالمية التي تؤهلها مستقبلا للارتقاء الى مصاف الريادة في العلوم الاجتماعية والانسانية محليا ودوليا .

نأمل أن يكون هذا العدد حافزا للباحثين من داخل الوطن وخارجه ، للمشاركة والإسهام بإنتاجهم العلمي ليكون رافدا من روافد المعرفة المتجددة .

وختاما تتقدم ادارة المجلة ب خالص الشكر والتقدير للسادة أعضاء هيئة التحرير والهيئة الاستشارية على الجهد والاثراء والتقييم لمختلف الاعمال العلمية الواردة للمجلة ، وكذا لجميع الباحثين والقراء وكل من يسهم في تطوير مستوى المجلة، وخاصة من خلال المشاركة بالمقالات والبحوث.

هيئة التحرير

## The Role of Legislation to protect Children in Cyberspace

### دور التشريعات في حماية الأطفال في الفضاء السيبراني

SAOULI Abdelmalik\*

<sup>1</sup> University: Mohamed Boudiaf M'sila (Algeria), abdelmalik.saouli@univ-msila.dz

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#### Abstract:

In this article I discussed the legal framework in which the child practices his cyber media activity in a safe condition, and under the protection of the law, because this space is open to all possibilities, it has many positives, but its negative may come upon the lives of this group and destroy it, away of the supervision of parents and relatives, this child does not know the harm of this practice, which may lead him to addiction, or harm his sanity and behavior, when he exposed to contents whose harm may be obvious or hidden, on the other hand may come across content creators, individuals or gangs he cannot escape his attack, so the legislator took into account these practices with legislation protecting this category, any transgression against them is considered a misdemeanor punishable by law.

**Key words :** 1- Children 2- cyberspace 3- protection 4- legislation..

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\* المؤلف المرسل: صاوي عبد المالك، الإيميل: [abdelmalik.saouli@univ-msila.dz](mailto:abdelmalik.saouli@univ-msila.dz)



## الملخص:

تناولت في هذا المقال الإطار القانوني الذي يمارس فيه الطفل نشاطه الإعلامي السيبراني في جو آمن ، وتحت حماية القانون ، لكون هذا الفضاء مفتوح على كل الاحتمالات ، ففيه من الايجابيات الكثير ، ولكن سلبياته قد تأتي على حياة هذه الفئة فتدمرها ، بعيدا عن رقابة الوالدين والأقربين ، حيث لا يدري هذا الطفل ضرر هذه الممارسة التي قد تؤدي به إلى الإدمان ، أو تضرر بسلامة عقله وسلوكه ، عندما يتعرض لمحتويات قد يكون ضررها واضح أو خفي ، ومن ناحية أخرى قد يصادف صناع محتوى أفرادا أو عصابات لا يقدر على الإفلات من النيل منه ، لذلك أحاط المشرع هذه الممارسات بتشريعات حامية لهذه الفئة ، واعتبار كل تجاوز في حقهم جنحة يعاقب عليها القانون.

الكلمات المفتاحية : 1- الأطفال 2- الفضاء السيبراني 3- الحماية 4- التشريعات

## - Introduction:

By the twenty-first century, which called the era of technological well-being, it also considered that we are living in an era of painful pleasure. As much as this civilization has created conditions of comfort and happiness for humanity, as much as it has flooded them with pain at various levels, it finds those who count the advantages of its things, so it hardly finishes them until those who count its disadvantages come out, and between these and those, the human being of this age must adapt, balancing its interests and its disadvantages to achieve its goals

Technology is one of these tools that have created an unparalleled abundance in our world. We do not say that it has saved us, but rather that it has lavished us with its advantages to the extent of oversupply. This has reflected many of its negative effects on human health and social life..., where we find those who sit in their chair from the beginning of the day to the end of it , not because they are employees in an administrative institution, but because they are researchers, students, doctors or engineers ..., and it is necessary to be in that position – throughout this period - because most of the roles they play are done from their chair, in ..front of the computer screen, and they have no choice but to do so

Technology is one of these tools that have created an unparalleled abundance in our world. We do not say that it has saved us, but rather that it has lavished us with its advantages to the extent of oversupply. This has reflected many of its negative effects on human health and social life..., where we find those who sit in their chair from the beginning of the day to the end of it , not because they are employees in an administrative institution, but because they are researchers, students, doctors or engineers ..., and it is necessary to be in that position – throughout this period - because most of the roles they play are done from their chair, in front of the computer screen, and they have no choice but to do so.

With this logic and reality, can we not consider this person gambling with his healthy life and destroying his social relations? This is for the human being who performs his work in this way, so how if he enters the stage of addiction? Is he no worse than he is, and how can he indulge in some of the pleasures that this life produces?, not to become a victim of this technology, which necessitates saving him with legislation that protects him from this behavioral deviation.

To this end, various negative effects combine to make him a victim of this technology, intentionally or unintentionally.

In these brief phrases, we are talking about a qualified person, in his full physical and mental strength, but he has only become vulnerable to the effects of this technology, which has achieved for us a cultural luxury, a temporal abundance, and an infinite virtual network of relationships, so its advantages have confused us with its disadvantages, but how if the meaning is insufficient to realize these risks and continues to demand its pleasures to the point of addiction, can not its pain someday turn on him to come on his health, relationships, and mental and cultural abilities?

That is what I will pose in this problem:

**Problematic:**

From the above in the introduction, this technology, as much as it has provided us with opportunities, the needs it has provided us with, and the space it has achieved for us, we find that it has negatively affected the social system, family stability, as well as other aspects of life - health and economic...

The father and the guardian have become inside the family, and under one roof he lives a life of isolation from his children, among whom technology has imposed a virtual wall that is difficult to penetrate, to find out what that boy and that teenager holding his device in a corner of the house, and in front of the eyes of his family members, but he sails in the unlimited space in terms of geography and contents, despite the availability of blocking and barrier programs, but the mental agility of these people makes them exceed these controls and restrictive instructions, so they swim in the world of risk, joining some transnational criminal networks, and committing felonies that may rob them of their freedoms and bodies, as well as their money .

Although legislators - globally, regionally and locally - have realized these risks, and have surrounded these behaviors with controlling and deterrent legislation, the problem that arises is whether the perpetrator is a minor (being a child or a young person under the legal age of puberty specified in Algerian law 18 years), so how to deal with this category? At a time when most parents are ignorant of the techniques of cyber work, these children may be victims, where they get involved, do with them, and in their name, and find themselves facing crimes of high caliber.

Here, the following question can be asked:

What is the role of legislation in protecting children in cyberspace?

- 1-The rights of the child in various domestic and international conventions.
- 2- Crimes against the morality and presentation of the child in cyberspace.
- 3-The rights of the child to litigation and compensation for damage before the juvenile room.

4. The rights of the child victim to rehabilitation and reintegration.

**Terminology of study:**

1-The concept of the child.

Cyber Space

Protection of children

- Juvenile justice

Former

**The first axis: Conceptual approach:**

**First: The Concept of the Child:**

1- Definition of the child Language: The word child: singular: collected by children and feminine child.

Child: A child is a child or newborn until adulthood. (Ibrahim & Ahmed Hassan, 1985, p 560)

The child opens the door: the licenses and blessings of everything and the child with the small fraction of everything or the newborn. (Mohammed Al-Din Mohammed, 2005, p 1023)

The feminine of a child is a girl at s the same meaning, that is, the small of everything and collected by children, which is the newborn, and it may be one or all because it is a gender name.

(Ismail, 2007, p 673)

Even in other languages, they are mentioned in the same sense:

In French, the word child is derived from the Latin word, meaning one who has not yet spoken: enfan

(Dekeuwer, 2001 p 03)

Four names can be identified for the child, which indicates this level of age (young age): mental deficiency and weakness of breath, namely: child – juvenile – boy – minor.

A: As for the child and the boy, they are almost synonymous: the child is the young one who has not dreamed or reached puberty, and the boy is the young one before weaning, and its meaning may extend metaphorically to childhood . (Belkacem, 2011, p 07)

B: Minors and juveniles: These are descriptions related to the minor during a certain age, and they are commonly used in the legal aspect, such as the legislator's saying: Imprisonment of juveniles or minors in various local and international legislation. (Munther Arafat, 2001, p 42)

2: Definition of childhood idiomatically: Childhood is considered as the first age in which it is a state of weakness in general, complete or partial, so it needs others to carry out its affairs such as feeding, dressing, etc. In the first stage after the fetus, then it begins to do its affairs little by little until it is better managed, as we consider it an adult, and parents play the optimal role at this stage in ensuring its survival. (Saliha, 2010, p 12)

### 3-Procedural definition of childhood:

It is the stage after the fetus (the separation of the child from its mother) by birth to adulthood with the appearance of signs of this, and if it reaches an adult, it is full of capacity, and if it does not guide, it is the fool (incompetent).

Psychologists have considered the child as a fully created and formed human being because of his mental, emotional, physical and sensory abilities until he matures by sexual puberty with the first ejaculation in males and the first menstruation in females. (Khaled Mustafa, 2012, p 19)

### **Second: Cyberspace:**

It is a virtual domain of computer systems connected to the Internet, where information is stored, communicated between them and made available to everyone who requests them. It includes various processes and transactions for everything that is electronic and is governed by a legal system related mainly to intellectual property, cybercrime and various commercial operations. (Najwa, 2015, .. <https://seconf.wordpress.com/>)

As much as cyberspace allows for seamlessness in various transactions, on the other hand, it is a space that is difficult to control. As the Secretary-General of the United Nations, Antonio Guterres, says: The world is not ready for new challenges in the field of cyberspace, and strongly emphasizes the issue if a war breaks out between two countries, there are not international agreements on it because there is no understanding of how international humanitarian law applies to cyber conflicts or how the concept of self-defense can be applied in these circumstances, because cyber attacks will erupt before armed conflict. (Antonio Guterres, 13/09/2018 14.51Sputink)

It is here that the term cyber security can be accessed.

**Third: Cyber security:**

Defined as a set of organizational, technical and procedural tools and practices aimed at protecting computers and networks and the data inside them from hacking, damage, change or disruption of access to information or services. It is a global trend, whether at the level of countries or even government organizations or companies . (Khaled Al-Ghathbar - Professor of Information Security at the Faculty of Computer and Information Sciences at King Saud University. 01-Nov-2017)

In short, cyber security aims to:

- 1- Protect networks and IT systems.
- 2- Protecting technology systems and their hardware or software components.
- 3-Protecting networks and the data they contain.

**Forthly: Child Protection:**

A-Protection is a language: Whoever protects, protects, protection in the sense of payment and prevention is said to: protect the thing if he defends it, and prevent others from it, and protect the people in the sense of their victory, and protect the place in the sense of: preventing others from accessing it, and protect it with a thousand: that is, I made it protected, no one approaches or dares to approach it.

(Ahmad, 2nd Edition, p. 153.)

B - Protection idiomatically: The term protection from the French meaning - protection- it is from prevention and caution, and this is what fits with this topic.

1- In the legal framework: the most important meanings are:

(a) In the framework of civil law: These are the civil rights decided by the Algerian project for the child and subject to internal laws of a civil nature, from birth to puberty and adulthood – such as the right to nationality – name – filiation – and others . These rights are not matched by duties and are guaranteed under the Civil Code, the Code of Civil and Administrative Procedure, as well as the Family Code.

(Abdel Rahman, Warda, p. 09).

(b) Within the framework of the criminal law: the penalties prescribed by law for the abuse of children, as well as the procedures to ensure the application of those penalties.

(Abdel Hamid, 2007 p 97)

2. Forms of child protection:

A: Protecting children from all forms of financial exploitation:

Most of the global legislation prohibited the work of children under the age of 18, and the Algerian legislator approved their work at the age of 16 with the permission of the legal guardian in special circumstances, such as within the framework of training and apprenticeship, according to what is stated

(Law No. 90-11 of 26 Ramadan 1410 corresponding to April 21, 1990 related to labor relations)

in the law: in Article 15, which states: "In no case can the minimum age for employment be less than 16 years except in cases that fall within the framework of apprenticeship contracts prepared in accordance with the legislation and regulation in force.

It is not permitted to employ a minor except on the basis of a licence from his legal guardian. It is also not permitted to employ a minor worker in dangerous jobs that lack the conditions of hygiene, harm his health, or harm his morals.

B: Protecting children from sexual exploitation in crimes against morality:

Various domestic legislation and international covenants have been affirmed here, in particular: the United Nations Convention (United Nations Convention on the Rights of the Child of 20/11/1989)

In Articles 19 and 34 for this type of abuse, sexual exploitation and prostitution, as stated in:

Article 34: States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse and for these purposes States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- 1-The inducement or coercion of a child to engage in any unlawful sexual activity;
- 2-The exploitative use of children in prostitution or other unlawful sexual practices;
- 3-The exploitative use of children in pornographic performances and materials.

(c) Protecting children from all forms of abduction and trafficking in them:

This has been proved by various international covenants as well, including in the same agreement to which we referred in Article 35-36-37.

In such acts, the necessary elements must be completed.

Example: Crime of indecent act:

- Its pillars:

A- Material element: This shows what is stated in Articles 334-335 of the Algerian Penal Code.

Article 334: Any person who commits or attempts to commit an indecent act against a minor under 16 years of age, whether male or female, shall be punished by imprisonment from 5 to 10 years.



Article 336: Whoever commits the felony of rape shall be punished with imprisonment from 5 to 10 years

If the rape is committed against a minor under 18 years of age, the penalty shall be temporary imprisonment from 10 to 20 years.

Article 342: Any person who incites a minor under 18 years of age to debauchery or corruption of morals or encourages or facilitates it, even in an accidental form, shall be punished by imprisonment from 5 to 10 years and a fine...

b- Moral element: This is considered one of the intentional crimes with the tendency of the will of the perpetrator through his act to prejudice the modesty of the victim.

**The second axis: Children's rights in various local and international conventions.**

**First: Juvenile Justice (Unruly Juvenile):**

The ancients merged the judiciary of the young and the old and issued the same judgments without taking into account personal peculiarities and mental and physical levels.

The first court specialized in juvenile affairs was established in the American city of Chicago in 1889 and then continued in various countries, including the Arab countries. As for the Algerian legislator, he suggested this since the early years of independence in accordance with Order 155/66 dated June 08, 1966, which contains the amended and completed Code of Criminal Procedure. The juvenile is defined in Algerian law as:

(The Code of Criminal Procedure of 1966, as amended and supplemented by Law No. 06-22 of 20 December 2006)

A juvenile delinquent is a person under the age of 18 who commits an act that, if committed by an adult, would be considered a crime (Article 446). (Mahmoud, 2008 p 90)

The juvenile, as we have already mentioned, is one of the four terms expressing a certain age stage (the first stage) similar to the term child. However, different legislations classify this stage as specific classifications. Regardless of these differences, the juvenile is

generally the transitional stage from the child to the young person, and generally in Algerian legislation it extends from 10 years to 18 years

**Second: Mechanisms to protect children from cyber risks:**

In a report issued by UNICEF, a list of risks to children's cyberspace was mapped as they are strongly targeted in this field because they are more vulnerable, as they are sexually exploited, in the field of employment and in wars, and organized crime in general. These risks can be classified into three categories:

1- Risks of content: This category focuses on exposing the child to inappropriate content regarding pornography, various forms of propaganda, racial discrimination, and Internet sites that promote unacceptable and dangerous behaviors on children's lives, which leads to self-harm such as suicide and so on.

2-: Risks of contact: This category includes various forms of contact with others that are fraught with risks such as sexual inducements and persuading him to participate in dangerous operations such as terrorism and others.

3- Risks of behavior: This category includes inciting children to create contents that are offensive to morals and a decent life, and harming the reputation of others, such as insulting, insulting, slandering and intimidating, whether these contents are produced by them or with the participation of other people and other sites, especially with the possibility of evading the punishment of the real criminal.

To spare children from these risks, UNICEF developed a set of preventive measures in a 2017 report that included a number of recommendations:

(a) Providing children with various possibilities of access to this space at reasonable prices, in high quality, and content suitable for children in a family atmosphere.

(b) Imposing protection for children from all forms of harm by adopting the strategic framework under the name: (We protect) Global, reflecting the evolving capacities of the child with the possibility for parents to intervene positively to protect children in this space.

(c) Protecting and respecting the privacy and identity of children by providing the various guarantees necessary for this, and not exploiting their virtual identities for personal gain.

(D)- Digital literacy for children – as participants, informed and safe on the Internet with special programs in schools and provide them with special capabilities in this field, as teachers and parents must do to avoid any encroachment in this field (for them or on them) .

(e) Benefiting from the private sector in this field, as the owners of major companies in this field must take all necessary measures to protect childhood. It is especially related to communication and interaction institutions such as: Face book and Google.

(f) The participation of children in various processes, knowing their preferred needs and fields, and building local and global strategies in this context, with the need for equal opportunities between the sexes and between different social groups.

(Islam Hegazy ,2018, Assistant Professor of Political Science – Cairo University <http://www.unicef.org/publications> )

The Third Axis:

The most important legislation regulating the life of the cyber child -globally, regionally and locally –

First: The Child in Islamic Law:

The Islamic Sharia, through its two main sources of Sharia, used several words for the child, namely: boy - boy - boy - boy. -

1-But when the children among you come of age, let them (also) ask for permission, as do those senior to them (in age): Thus does Allah make clear His Signs to you: for Allah is full of knowledge and wisdom. 40., **(59 Al-Nour)**

2-The boy: The Almighty said: O Yahya, take the book with strength and give him judgment as a boy

**(12 Maryam)**

3- The boy: god almighty said “so they set off until they met a boy and killed him, he said: have you killed a pure soul for another soul ? You have done something reprehensible “  
**(74 kehf)**

4-The boy: The Almighty said: Women in the city, the woman of the dear, who tries to have her boy for himself, have passion for her, for we see her in clear error. **(30 yousef)**

5- Son: Allah says: Mothers breastfeed their children two complete years for those who want to breastfeed **(233 Cow-)**

In addition to this, the Sunnah of the Prophet added other words, for example: the word of the young man, about Aisha – may Allah be pleased with them – about the Prophet (peace and blessings of Allah be upon him) said: (He raised the pen from three: about the sleeping man until he wakes up, about the young man until he grows up, and about the crazy man until he wakes up). **(Narrated by Ahmed)**

6- As for the child in Islamic jurisprudence:

Jurists dealt with the subject of childhood through the axis of assignment, and when a person is legally charged based on the subject of eligibility and eligibility in three sections:

A: Ineligible:

He is not legally mandated, and he is not held accountable for his actions. The child who is not held accountable for his actions is incapacitated and is under the age of discrimination set by the fundamentalists at seven years of age, as mentioned in the hadith. ‘AbdAllāh ibn ‘Amr ibn al-‘A’s (may Allah be pleased with them) reported that the Prophet (may Allah's peace and blessings be upon him) said: ((Pass your children in prayer when they are seven years old, beat them on it when they are ten years old, and separate them in beds));

**(Narrated by Ahmed and Abu Dawood, it is true)**

His/her guardian shall bear the acts issued by him/her, whether they are purely beneficial or harmful, purely harmful or between benefit and damage.

B: Incompetent: That is, it is still inexpensive, but it can behave and be accepted by the wise Sharia, including: the fool and the special boy, and the special boy is the one who has reached the age of seven to the age of puberty.

As for his actions, they are in three ways:

\* Purely harmful: not carried out.

\*/purely beneficial to be implemented.

\*/ Circle between benefit and harm: It shall be subject to the permission of its guardian.

(Wahba, 1986, p 163)

C: Full capacity: It is the one whose actions are correct, taking into account the following:

\*- Puberty: It is a group of physiological phenomena that appear on the human being that move him from the world of childhood to the world of youth and masculinity and be in charge of Sharia rulings and can marry and the most prominent of these signs: wet dreams and the appearance of thick hair on the face for men and in other places and menstruation for females.

But puberty is related to adulthood.

\*Adulthood: It is the maturity that appears on men and women after puberty and is confirmed by good behavior and management of things, and if not, it is foolish.

The Almighty said: "And recite unto the orphans even when they have attained to marriages, for if any of them is rich, let him know righteously; and if any of them is poor, let him who is poor, let him eat according to the knowledge; and if you do not eat them in excess and in vain, let them grow up; and if any of them is rich, let him know righteousness; and if any of them is poor, let them eat according to the knowledge."

Accordingly, a person may reach adulthood when he is not an adult, and we do not consider the subject of adulthood until after puberty. A woman who has not had

menstruation does not mean that she does not fast, but there are other signs that appear (physiological), otherwise we resort to considering the age between 13 to 18 years. Depending on health status (physical and environmental). (Abdelkader,, wEd p 601)

**Second: Declaration of the Rights of the Child of 1924:**

Approved by the General Council of the International Federation for Child Relief in its session on February 23, 1923 and then the final vote by the Executive Committee in its session on May 17, 1923 and signed by the members of the General Council in February 1924.

- According to the Declaration of the Rights of the Child, called the Geneva Declaration, men and women throughout the country recognize that humanity must give the best to the child and affirm their duties, regardless of gender, nationality or religion.

1-The child can be in a position to be physically and spiritually empowered.

2-The hungry child must be fed, the sick must be treated, the retarded child must be encouraged, the deviant child must be returned to the right path, and the orphan and the abandoned must be shown and rescued.

3-The child must be the first to receive assistance in times of distress.

4. The child must be in a position to earn a living and be protected from all exploitation.

5-The child must be raised in an atmosphere that makes him feel that he must make his best qualities in the service of his brothers.

(Convention on the Rights of the Child (UN): Forty-fourth session /Geneva February 2007 – General Comment No. 10/2007)

**Third: the rights of the child in juvenile justice:**

Article 2: Non-discrimination between children in conflict with law.

Article 3: The best interests of the child (right to life, survival and development) the legal age of juveniles extends from 16 to 17 to 18 and to 21 extended for some countries.

Ensuring a fair trial (Article 40) and the non-application of juvenile justice in a certain manner (non-retroactivity of laws) .

Article 12: The right to be heard.

4. The right to effective participation in the proceedings

- Notify the child directly of the charges against him.

The right to legal assistance.

- Parents attending court.

- The presence of witnesses.

- Right of appeal

- Respect for the privacy of the child.

### **The third axis: the child in international charters:**

#### **First: the universal declaration of human rights:**

The child is part of human perfection, which was the subject of the Universal Declaration of Human Rights, as stated in its article 07.

Article 07: All are equal before the law and without discrimination in equality and in the protection of the law and in Article 08: Allowing everyone to have access to justice.

In Article 11: The principle in man is innocence unless proven guilty.

Article 25: It is necessary to take special care of motherhood and childhood, whether the child is the result of a legitimate or illegitimate marriage.

Article 26: Everyone has the right of education ....Parents also have the right to test their children's education style.

#### **Second: the international covenant on civil and political rights:**

Second paragraph: In no case can the death penalty be imposed for crimes committed by persons under the age of 18, nor can it be carried out against pregnant women: Article 06.

Article 10: Important measures for children in detention have been approved, mainly the need to separate adult defendants from juvenile defendants, the need to expedite the

consideration of juvenile cases as soon as possible, and the need for the prison system in underdeveloped countries to include a system for minors in detention appropriate to their age and the need to raise them before their promise. This necessarily follows a distinguished judicial system for the category of minors based on the principle of preventive educational justice and not deterrence.

**Third: the international covenant on economic and social rights:**

Article 27: The third paragraph of it included: which requires special measures for protection and assistance in order to take care of all children and adolescents from economic and social exploitation or anything that would prejudice their morals and health and expose them to the danger that hinders their natural development and that States must set a minimum age for work and the inadmissibility of the employment of child labor and that any violation is punishable by law.

-It also stipulates: The right to education, especially compulsory primary education for all.

**Fourth: Convention on the Rights of the Child (United Nations) Thirty-third session:**

1-Definition of the child: It is every human being under the age of 18 years unless he reaches the age of majority earlier under the law applicable to him in Article 01

Adolescence: It is a period characterized by rapid physical, cognitive, and social changes, including the completion of sexual and reproductive development, and gradually building the ability to behave and perform adult roles.

Protection from all forms of abuse, neglect, violence and exploitation

In accordance with Articles (19/32/36/38) of this Convention.

From what is stated in this agreement: Not to sexually exploit adolescents and employ them in prostitution and pornography, which puts their lives at risk (in terms of health, unwanted pregnancy and unsafe abortion, in accordance with Article 39 of this agreement).



States parties have a duty to enact urban laws on all forms of sexual exploitation, and adolescents in such a situation should be treated as victims and not as offenders.

The Convention obliges Member States to make a number of recommendations:

1- Creating a safe and supportive environment for adolescents (within families and schools ...)

2- Creating a tendency to access information, especially what matters to their health and living conditions.

3. Protect adolescents from all forms of work that endanger their lives.

4. Protecting adolescents from various forms harmful to their lives – such as early marriage – and female genital mutilation

**Fifth: Algeria's Reservations on the Convention on the Rights of the Child (United Nations):**

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Algeria's reservation:

Especially on paragraphs 1 and 2, where he called for taking into account the main pillars of the Algerian legal system, in particular:

1-The Constitution: which states in Article 2: that Islam is the religion of the state and in Article 35: that there is no prejudice to the sanctity of freedom of belief and the sanctity of freedom of opinion.

2-Law No. 84/11 dated: 09 June 1984, which includes the Family Law, which stipulates that the upbringing of the child takes place in accordance with the religion of his father.

Second reservation: On articles: 13/16/17.

Application of articles: 13/16/17, taking into account the interest of the child and the need to preserve his physical and mental integrity, and in this context, the Algerian government will interpret these articles taking into account:

The provisions of Law No. 90-7 of April 03, 1990 containing the Media Law, especially Article 24, which stipulates that: The director of the publication, which is intended for children, must seek the assistance of an educational advisory body.

Article 26 of the Media Law stipulates that national and foreign periodicals and specialized publications of any kind and purpose must not include illustrations, stories, information or entries that contradict Islamic morals, national values or human rights, or call for racism, intolerance and treason ... These patrols should not include any advertisement or advertisement that would encourage violence and delinquency.

Sixth: Definition of the child in international conventions:

1. Convention on the Rights of the Child 20/11/1989: Every child under the age of 18 unless he or she has reached the age of majority earlier (Article 01).

2. African Charter on the Rights and Health of the Child (Article 02): A child is every human being below the age of 18 years.

Algeria ratified the African Charter on the Rights of the Child by virtue of Presidential Decree No. 03-242 signed in July 2003, which includes the ratification of the African Charter on the Rights of the Child and Welfare in Addis Ababa in July 1990 (Official Gazette No.

41/09 July 2003, p. 03). Algeria also ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in its first article, which reads as follows:

"States Parties shall take all feasible measures to ensure that their armed forces who have not attained the age of 12 years do not take a direct part in hostilities. The maximum age of the child is 18 years, and international humanitarian law intervenes to implement this law:

Algeria ratified this Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict adopted in New York on: 05/05/2000 by Presidential Decree: No. 06/300 dated 02/09/2006 – Official Gazette No. 55 dated: 06/09/2006 .

Seventh: Definition of the child in Algerian law:

1- Algerian law did not use the word child in the issuance of Law 15/12 dated 15/06/2015 related to child protection. (Official Gazette of the Algerian Republic No. 39 dated 19 June 2015, p. 04.)

Algerian law used the word minor and juvenile (under the age of majority), and used it in the Code of Criminal Procedure, (No. 06-22 Minutes of December 20, 2006 Amending and Complementing Order No. 33-155 Corresponding to 08/06/1966)

Where it stipulated: The protection of child victims in felonies or misdemeanors, but the word minor is most often used 16/02/2014, as amended and supplemented by Order 66/156 corresponding to 08/06/1966.

Whereas the Penal Code states: "It cannot be the subject of criminal prosecution for a minor who has not completed 10 years. Only protection and discipline measures shall be imposed on a minor who is between the ages of 10 and less than 13 years. However, in the articles of violations, he shall be subject to reprimand only.

A minor aged from 13 to 18 years is subject to either protection measures, discipline, or reduced penalties, but this is done by referring to Article 02 of Law 15/12 on Child

Protection, which stipulates that (a child is every person who has not reached the age of 18 years).

As a reminder, the Algerian legislator has set the age of distinction between 13 years according to Article 42 of the (BC).

Official Gazette No. 31 dated 13/05/2007 p. 03: Amends and completes Order No. 75-58 dated 26/09/1975 after it was limited to 16 years.

What is noted is that there is a difference between what is stated in the Civil and Criminal Law on the subject of (age of majority): Civil Law (s . LLC c) The minor has completed 19 years of age in Article 04 thereof.

Family Code a. C) It is also set at 19 years in Article 07 thereof.

(Order No. 05/02 dated: 27/02/2005, p. 18, amended and supplemented by Law No. 84/11 dated 09/06/1984.)

While Law 15/12: relating to the protection of the child made 18 years the age of majority in all cases, whether delinquent or in mortal danger (delinquent: the perpetrator of the misdemeanor ...)

Moral hazard: Being a member of some network (aggressor or abused) .

If he is a victim: In the crime of exploitation of minors, he sets it at 19 years in Article 380 of the Algerian Penal Code (s .ayin in the crime of beating and intentional wounding against a minor, he made it 16 years old. Article 269 S.A.J).

2- Child Protection Labor Law: ( Law No. 09/11 of 21/04/1990) Related to labor relations stipulation in Article 15: It is strictly prohibited for the minimum age for employment to be less than 16 years (except within the framework of apprenticeship contracts) and this shall be with a written license from his legal guardian .

It is not permitted to employ a minor worker in dangerous jobs that lack the conditions of hygiene, harm his health, or harm his morals.

3- Child and adolescent protection: In addition to what we have referred to in terms of child protection articles, we have strengthened the legal system with other provisions for child protection, including: Order No. 72/03.

(Order No. 72/03 of 10/02/1972 on the protection of childhood and adolescence)

Article 01: Minors who have not fully completed 21 years of age and whose health, morals or upbringing are at risk and whose lives or behavior are detrimental to their future may be subjected to measures of protection and educational assistance. The state of moral danger that the juvenile is aware of may be reported, whether by his guardian, the public prosecutor, the head of the Municipal People's Assembly or specialized delegates.

The juvenile judge, upon receiving the file of the juvenile in moral danger, shall take the necessary measures stipulated in Article 50 of the order, namely:

- Keeping the minor in his family.
- Return the minor to his parents or one of them.
- Handing the minor over to a relative or a trusted person.
- Placement in a vocational training center or a specialized institute.
- \* The juvenile judge may abide by the guarded liberty system...

\* Article 60 of the order also stipulates that the juvenile judge shall assign the minor to the assisted childhood center or any specialized centers, by the juvenile judge when he chairs the committee for the re-education of juveniles stipulated in Article 126 of the Law on the Organization of Prisons and Social Reintegration or by the international reports received by the directors of institutions on the development of the minor's status within the institution.

As for the social reintegration of minors, the General Command of the National Gendarmerie has, since 2012, established a team specialized in social mediation. This team works primarily to reintegrate juveniles and minors who have been involved in various criminal cases in the educational institutions from in which they were expelled or training centers and the family environment. This strategy, which was initiated by the interests of the

National Gendarmerie, comes in light of the increasing and diverse deviations among the events, as well as the exploitation of minors and their involvement in criminal cases, the phenomenon that has taken on serious dimensions for society and children, including crimes related to child abuse, theft and child labor.

The Algerian law regarding reintegration has been stipulated in several articles, especially Article 128/129/130/131 (Law 15 of 28 Ramadan 1436 corresponding to 15 July 2015 on child protection in Algeria)

Juvenile re-education and reintegration centers and juvenile wards of penal institutions shall be subject to the provisions of the Law on the Organization of Prisons and the Social Reintegration of the Detainee.

### **Conclusion**

At the conclusion of this article, we would like to emphasize the role of child in society, it is the future of any country, therefore it must be protected from any violation, whether it is about his body, mind, or psychological aspect, to ensure his safety, we must also teach him the various arts of life, we train him to meet all his needs independently and freely, under the supervision of his family members, adequate legal protection these activities are carried out in the family, school and social environment, as well as protecting it in cyberspace, which is considered today as the most dangerous space for everyone, if it is not used in interest of the value system of society.

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