



Criminalization of Electronic Begging in Algerian Legislation

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ABSTRACT

This study addresses a very important topic represented in electronic begging as a dangerous and emerging global phenomenon based on deception and fraud, which has developed instantaneously using internet technologies and various modern methods, as a result of the misuse of technology, where the electronic beggar takes the digital space as a tool to achieve illegal goals, and to appeal to users through social media platforms, and due to the seriousness witnessed by this crime, it has become necessary to search for mechanisms to deter the electronic beggar from different age groups, including children, women, and the elderly, who is begging to reduce this criminal phenomenon of a social nature, the Algerian legislator has criminalized any criminal behavior that would exploit others to obtain material benefits similar to comparative legislation, and to impose deprivation of liberty penalties under the provisions of the Algerian Penal Code with its amendments.

INTRODUCTION

Due to the digital transformation and the subsequent huge changes in the social life-style, the individual has been looking for ways to earn money regardless of its legitimacy, as cybercriminal phenomena known as 'electronic begging' have spread, using modern fraudulent methods in a virtual space that witnesses a remarkable presence of electronic beggars.

In fact, this new method of begging became a global phenomenon in 2009 as an independent sector on the internet, where it is easy for anyone to own a certain domain for advertising and electronic begging¹ and to be treated as a virtual job that is completely contrary to social values and threatens the stability of security and public order within societies, especially the youth of their nationality by impersonating users of various social media platforms with anonymous identities, according to recent statistics.

What is the purpose behind attracting this group, which uses false justifications, except to earn money through illegal means and to finance organized groups as the most dangerous forms of crime, as a large percentage of people suffer from the exploitation of these organized criminal groups, especially children, as the beggar child is vulnerable to delinquency and exploitation under the weight of difficult economic conditions,² and the Algerian legislator has given special legal protection to this vulnerable group under the provisions of Law No. 15-12 of July 15, 2015 on Child Protection.³

This has become a necessity for the intervention of the Algerian legislator, as in other

comparative legislations, and its regulation of the provisions criminalizing electronic begging in the Algerian Penal Code, without sufficing with articles 195 and 196 of the Penal Code, He neglected to mention the deterrent aspect of the crime of electronic begging, which has been developing with the development of social media platforms in recent times.

Purpose and Objectives

The purpose of this study, which includes a recent research topic in identifying the current phenomenon of cyber begging, is to address whether the provisions of the Algerian Penal Code are sufficient to criminalize the dangerous social phenomenon 'cyber begging', which has been and continues to be on the rise as a result of the development of social media technologies and its comparison with the legislative frameworks of other Arab countries (Saudi Arabia, the United Arab Emirates, and Jordan). The study aims to analyze the current legal framework, assess its effectiveness in addressing cyber begging, and identify potential areas for legislative reform in Algeria, in order to develop a legal framework for the crime of cyber begging as a distinct cybercrime in the Algerian criminal code.

Research Problem

Through this study, we seek to identify the legal texts regulating the crime of electronic begging under Algerian law by evaluating the basic aspects contained in the Algerian Penal Code, which prompts us to pose the problem of the study as follows: Are the legal texts contained in the Algerian Penal Code sufficient to criminalize the phenomenon of electronic begging? Shouldn't the Algerian legislature develop a strategy to curb this particular cybercriminal phenomenon?

To address this problem, we have decided to divide the subject of the study, which is very

- 1 Al-Hashlamon, R. M. A. (2021). Electronic Begging and its Social and Economic Impact on Jordanian Society from the Perspective of a Sample of Facebook Users. *Journal of Humanities and Social Sciences*, 5(4), Arab Foundation for Science and Research Publishing, Palestine, 64-66.
- 2 Salah Rizk, A. G. Y. (2015). Crimes of Economic Exploitation of Children: A Comparative Study. Mansoura: Dar Al-Fikr wa Qanun, 1st ed., 238-247.
- 3 Algeria. (2015). Law No. 15-12 of 15 July 2015 on Child Protection (begging and child endangerment provisions). *Official Journal*, No. 39, promulgated on July 19, 2015.

important in our real life, into two main axes, as follows:

- The Conceptual Framework of Electronic Begging;
- Elements of the Crime of Electronic Begging and the Punishment Prescribed for it.

METHODOLOGY

The study applies a qualitative legal research methodology based on the analysis of the content of the provisions of the Algerian Penal Code as amended in 2009 and 2014, especially the legislative texts relevant to the subject of the research, and here we will limit this study between 2014 and 2025 in line with the amendments that occurred to the Algerian Penal Code under the aforementioned Decree No. 66-156, and describe the phenomenon of electronic begging in Algerian society, without neglecting to study the repercussions of this criminal phenomenon on children who are at risk, the Algerian legislator has taken an interest in ensuring legal protection by enacting Law No. 15-12 on child protection in particular, and this approach is complemented by comparing the components of Algerian legal texts only with some of the legislations of Arab countries (Saudi Arabia, the United Arab Emirates, and Jordan) that have the precedence in criminalizing electronic begging under special legal provisions, especially the Saudi Anti-Begging Law, Jordanian Law, and the UAE Anti-Begging Law, which dealt with the phenomenon of electronic begging and came with deterrent sanctions, unlike the Algerian legislator, who we noted the extent of his inadequacy in regulating the provisions of electronic begging.

Thus, based on these common research approaches, we can reach comparative theoretical, descriptive and analytical insights, by highlighting the absence of explicit legislative provisions in Algeria compared to other Arab countries, which embodies one of the shortcomings while identifying the legal gaps contained

in the Algerian Penal Code, and considering the extent to which its amendments respond to modern technology that has contributed to the development of traditional crime. No. 66-156 containing the Algerian Penal Code, related cybercrime laws, and secondary literature covering the period under analysis of developments 2014-2025.

1. THE CONCEPTUAL FRAMEWORK OF ELECTRONIC BEGGING

Electronic begging is one of the modern social problems that is similar to the traditional known begging, but it is committed in a modern technical way, which makes it of an electronic nature, so let's divide this topic into two demands, in the first demand, we deal with the concept of electronic begging, and the second demand we have dedicated to talking about the causes of the phenomenon of electronic begging and its forms:

1.1. The concept of electronic begging

Through this requirement, we will talk about the concept of electronic begging, where in the first section we will discuss the definition of electronic begging, while the second section will be devoted to talking about the characteristics of electronic begging:

1.1.1 Definition of electronic begging

Begging is a dangerous global social phenomenon,⁴ which spreads across all societies, where the electronic beggar uses the digital space to achieve illegal goals, and to identify

⁴ It is worth mentioning that begging means the language of begging in the sense of sharpening, asking and extracting in the sense of asking for gifts and charity, which has its origin in questioning and it is taken from the one who asked and asked what a person asks, as the Almighty said: "I have asked you, O Moses" Surah Taha, verse 36.

this emerging phenomenon, we must define it in terms of terms and law based on various comparative legislations:

Terminological and jurisprudential recognition

Begging is defined in terms of begging and asking for charity from others without financial compensation or for a symbolic financial compensation,⁵ as defined by a part of jurisprudence as “the illegal criminal behavior carried out by the offender, which is represented in begging and asking for charity from others without compensation or for a trivial fee that was not requested by that third party, which entails a penalty or precautionary measures by law”.⁶

As for electronic begging, it is a form of modern begging, which is an electronic version similar to traditional begging, asking for money behind screens using electronic methods through social media platforms such as electronic text messages and fake personal photos to bring the affection of its users in a short period of time to collect money, where the electronic beggar pretends to be financially helpless,⁷ asks for help and explains his economic conditions, taking advantage of his presence in the virtual space.⁸ with an anonymous identity without revealing his personal data, as his details cannot be identified.⁹

It is noted that the electronic beggar does

not exert any personal effort to endure hardship to obtain legitimate money, which constitutes a burden on society and negatively affects individual income, as a result of not looking for a job opportunity, and crime rates increase.

Legal definition

The definition of begging has received considerable attention in the light of comparative legislation, as Article 1/5 of the Saudi Anti-Begging Law of September 16, 2021 defines it as “a person who begs for the money of another without consideration or for an unintended consideration in cash or in kind, directly or indirectly, in public places, shops, or in modern means of technology and communication, or by any means whatsoever”.¹⁰

Referring to the UAE Anti-Begging Law No. (31) of 2021 promulgating the Crimes and Penal Code¹¹ under the provisions of Article 475 in its first paragraph, begging is defined as “begging for the purpose of obtaining a material or in-kind benefit in any form or means”.

It is clear to us through these definitions that the comparative legislation has come to criminalize this phenomenon of begging in general and electronic begging in particular, as evidenced by its reference to the occurrence of this crime in a traditional or technical, or modern way through the use of modern electronic means.¹²

As for the Algerian legislator, the provisions of the crime of traditional begging were regulated in the Penal Code No. 14-01 of February 4, 2014,¹³ but it omitted the definition of begging; this necessitates the regulation of the provisions of traditional begging and begging in its modern form with a special legal system within

5 Salah Rizk, A. G. Y. (2015). op. cit., 247.

6 Al-Sheikh, M. (2022). The Legal Framework of Criminal Responsibility for the Crime of Begging in Palestine. *Modern Journal of Legal Studies*, 2(2), Modern University College, Ramallah, Palestine, 122.

7 Al-Awni, H. B. M. (2024). Electronic Begging and its Impact on Social Security in Saudi Society. *Journal of the Future of Social Sciences*, Arab Society for Human and Environmental Development 18(2), Egypt, 10.

8 Habtoor, F. H. (2023). The Crime of Begging in the Saudi System: A Comparative Study. *Journal of Jurisprudence and Legal Research*, Al-Azhar University, (40), Egypt, 1482.

9 Nazzal Marji, A. S. (2022). The Position of Islamic Sharia and Emirati Legislation on the Phenomenon of Electronic Begging: A Comparative Study and Approach. *Journal of Jurisprudential and Legal Research*, (3), Al-Azhar University, Egypt, 1780.

10 Saudi Arabia. (2021). Anti-Begging Law. Decree No. M/20 dated February 9, 1443 AH (September 16, 2021), published on September 24, 2021.

11 United Arab Emirates. (2021). Federal Decree-Law No. 31 of 2021 promulgating the Crimes and Penal Code, issued on December 20, 2021, No. 712, issued on September 26, 2021.

12 Al-Sheikh, M. (2022). op. cit., 122.

13 Algeria. (2014). Law No. 14-01 of February 4, 2014 amending and supplementing the Penal Code, Official Journal. No.7, promulgated on February 16, 2014.

the provisions of the Algerian Penal Code, the latter of which ignores the regulation of the crime of electronic begging, unlike the comparative legislation, and in accordance with article 195 of Law No. 82-04 of February 13, 1982 it considered a person who used to practice begging anywhere despite the availability of the means of subsistence, or who can obtain it by work or any other lawful means.

In view of the fact that the crime of begging is committed by any person, whether fully or incompetent, and the latter refers to a child who has been exploited by others to earn money illegally, the Algerian legislature stipulates in Law No. 15-12 on the protection of the child that begging or exposing the child to begging is one of the cases that endanger the child in accordance with the provisions of article 2/2 of the same law.¹⁴

1.1.2. Characteristics of electronic begging

Electronic begging is distinguished from other traditional criminal phenomena by the following:

- The phenomenon of electronic begging is based on 'electronic fraud' and exploitation of others to achieve financial interests, where the electronic beggar selects influential phrases, designs videos and photos, and publishes them widely, to attract the affection of users to obtain financial donations;¹⁵
- Electronic begging committed on Facebook and Twitter platforms with private tweets is considered one of the crimes that cross borders are difficult to prove and do not stop at a specific country,¹⁶ as the information society does not recognize geographical borders, as borders have become intangible due to the use of the information network,¹⁷ similar to cybercrimes that are committed without the control of the security services;
- Electronic begging is considered one of the safe digital criminal phenomena for the anonymous beggar, whose real identity cannot be revealed and tracked, due to the concealment of his identity by using pseudonyms and fake photos,¹⁸ unlike some countries, including Mexico, which require the electronic beggar to reveal their real identity so that he is not a victim of deception and electronic fraud;¹⁹
- The cyber beggar uses the internet to penetrate accounts and personal data,²⁰ and conduct electronic espionage on them by impersonating false identities through several electronic applications in pages and groups to interfere in the privacy of users, getting closer to them, and identifying their financial and social status to obtain personal information such as address, credit cards, or bank balance, etc;²¹
- The reliance of fraudulent beggars on the public publication of personal facts of privacy,²² including the fabrication of disabilities, the disclosure of a serious illness and the request for treatment from it by uploading prescriptions, medical reports, fake official papers for fake accidents, electricity or gas bills, or collecting donations for the construction of a mosque, etc.²³ or to disclose the case

14 Kreidan, S. A. B. M. (2022). Criminal Policy in the Face of the Phenomenon of Juvenile Exploitation in Begging. *Journal of Media and Arts, School of Media and Arts*, 11(1), Libya, 310.

15 Al-Awni, H. B. M. (2024). op. cit., 24.

16 Jabbar-Mansour, I. (2025). Means of Management in Addressing the Phenomenon of Electronic Begging (A Comparative Study). *International Journal of Humanities and Social Sciences*, (64), Lebanon, 386.

17 Hamada-Khair, M. (2022). The crime of electronic begging and ways to confront it. *International Journal of Advanced Research on Law and Governance*, 4(2), Egypt, 73.

18 Al-Awni, H. B. M. (2024). op. cit., 24.

19 Ibid., 26.

20 Nazzal Marji, A. S. (2022). op. cit., 1784.

21 Al-Hashlamon, R. M. A. (2021). op. cit., 63.

22 Mufleh Al-Hisban, I, Al-Damour, A. M. (2024). Novel Crimes (Informatics, Cyber, and Electronic). *Dar Al-Khaleej for Publishing and Distribution*, 146.

23 Habtoor, F. H. (2023). op. cit., 474.

of his inability to pay debts.²⁴

- The transformation of electronic begging from an individual act to a collective act carried out by organized criminal groups that violate human rights, in exchange for funds called the 'begging mafia',²⁵ which represent electronic gangs that work to attract professionals of electronic begging,²⁶ whether or people suffering from diseases or illegal immigrants and events that insult their dignity by beating,²⁷ mistreating and maiming them to collect funds through the internet.²⁸ This puts them at risk of deviation, exploitation, or other risks, and they use communication through web services to bring in large capital and carry out charitable projects.²⁹

From this point of view, we adapt the crime of electronic begging to organized crime, which negatively affects society, making the foreign investor not open investment projects in countries where electronic begging is prevalent.

1.2. The causes and forms of electronic begging

Through this requirement, we will address the motives and forms of electronic begging, which we divide into two sections, so that we can identify, through the first section, the causes of electronic begging, and the second section we have dedicated to talking about the forms of electronic begging:

1.2.1. Causes of electronic begging

The causes of electronic begging are numerous among social, economic, and political

reasons, which push individuals of different age groups to commit this new crime, so we summarize these reasons as follows:

- The misuse of electronic technical means and virtual platforms by the electronic beggar who does not communicate with the outside world, which results in the adaptation of electronic begging to cybercrime, as a result of the increase in the frequency of electronic criminal behaviors by its perpetrators;³⁰
- The desire of the electronic beggar to search for any means to bring a livelihood, even at the expense of his humanitarian and religious principles, makes him vulnerable to exploitation, and to simulate the developments of communication through cyberspace to earn money;
- The spread of social ills and the deviation of the individual's behavior that make the beggar practice begging in the virtual space out of need,³¹ especially the phenomenon of youth using drugs, is considered a direct cause of the practice of begging, as some members of society practice electronic begging to get money to buy it;³²
- Lack of family support systems (family and friends)³³ as a result of family disintegration, which leads to the deviation of the individual's behavior and the exploitation of his social or health conditions to achieve financial interests,³⁴ or to receive treatment, open a small business, or obtain housing;
- Some members of the community have succumbed to these beggars out of their favor and made it a habit in compliance with the words of Allah Almighty, "But the

24 Mufleh Al-Hisban, I, Al-Damour, A. M. (2024). op. cit., 146.

25 Agarwal, R. (2021). Child Begging – An Organized Crime?, International Journal of Trend in Scientific Research and Development (IJTSRD), 6(1), India, 374-376.

26 Al-Hashlamon, R. M. A. (2021). op. cit., 61.

27 Sahar, F. M. (2019). Novel Crimes (An In-Depth and Comparative Study of Several Crimes). Arab Center, 2.

28 Agarwal, R. (2021). op. cit., 375.

29 Al-Awni, H. B. M. (2024). op. cit., 25.

30 Nazzal Marji, A. S. (2022). op. cit., 1786.

31 Al-Awni, H. B. M. (2024). op. cit., 23.

32 Al-Sheikh, M. (2022). op. cit., 124.

33 Lanane, M. (2019). Begging and Harassment: Case Study: Wilaya of Bejaia. Journal of Social Orbits, (3), Algeria, 233.

34 Mostafa Mohamed Al-Mahrouqi, M. (2023). Milestones of Criminal Policy in the Face of Begging Crimes: An Analytical Study in Comparative Criminal Systems. Journal of Legal and Economic Research, (83), Mansoura University, Egypt, 619.

beggar does not flow" (Surah Al-Duha, verse 10), which results in a loss of trust in the real needy and a lack of social solidarity,³⁵ or rather a lack thereof, by distributing financial donations to the needy class. In fact, electronic begging distorts the image of charitable institutions and reduces their credibility, as individuals are reluctant to donate for fear of electronic fraud.³⁶

1.2.2. Forms of electronic begging

As a result of the technological wealth in various fields, people have exploited this development in negative ways due to the deterioration of economic conditions, where the electronic beggar takes multiple innovative methods to beg through the internet, through social media, by asking for money by email, WhatsApp, and Facebook,³⁷ where the forms of electronic begging vary as follows:

- **Begging through internet rooms:** The e-beggar uses the chat box to participate in the collection of money and financial aid by poker players through the internet, who pay huge profits to the beggars;
- **Begging through chat rooms:** Young people use chat rooms and transfer money via fake accounts in exchange for fake relationships;³⁸
- **Begging through live broadcasting:** The electronic beggar resorts to live broadcasting through voice or video communication through electronic platforms,³⁹ in exchange for concessions and behaviors made by the broadcaster or the supporter of the live broadcast, we give

the example of the followers through the TikTok application who are famous for electronic begging due to the advantages and financial gains with quick profit that this application provides;⁴⁰

- **Begging via email:** This type of electronic begging is the most common form, as the electronic beggar targets certain groups and sends annoying emails that deceive the sender that he needs money to face special social conditions;
- **Commenting through electronic publications:** The electronic beggar takes the opportunity of a lot of comments about a certain electronic post through virtual platforms,⁴¹ where the beggar takes advantage of some activists on social media sites in order to call for fundraising and achieve personal profit.⁴²

2. ELEMENTS OF THE CRIME OF ELECTRONIC BEGGING AND THE PUNISHMENT PRESCRIBED FOR IT

States are developing a strategy aimed at enacting legislation at the national level to combat the crime of electronic begging, as it is a major challenge for them, despite the Algerian legislator's neglect to talk about the phenomenon of electronic begging over the internet using modern methods as one of the cybercrimes punishable by law, unlike traditional begging. Let us divide this topic into two demands, and we try to adapt through the first requirement the crime of electronic begging and its elements, while in the second demand, we talk about the punishment prescribed for the crime of electronic begging.

35 Al-Hashlamon, R. M. A. (2021). op. cit., 74.

36 Sayed Al-Sayeh-Hamdan, E. (2024). The Phenomenon of Electronic Begging through Live Broadcasting via TikTok from the Perspective of Social Media Users in Egyptian Society: An Ethnographic Study. *Egyptian Journal of Media Research*, (89), 424.

37 Al-Sheikh, M. (2022). op. cit., 128.

38 Al-Awni, H. B. M. (2024). op. cit., 25.

39 Adas, N., Mahmoud, M. (2025). Confronting the Phenomenon of Electronic Begging in Palestine between Law and Society. *An-Najah University Journal for Research in Humanities*, An-Najah National University, Palestine, 2.

40 Sayed Al-Sayeh – Hamdan, E. (2024). op. cit., 414 – 415.

41 Al-Awni, H. B. M. (2024). op. cit., 25.

42 Adas, N., Mahmoud, M. (2025). op. cit., 3.

2.1 Adapting the crime of electronic begging and its elements

Through this requirement, we focus on adapting the description of the crime of electronic begging between a traditional crime and a cybercrime, and identifying the pillars on which this crime is based, through two branches:

2.1.1 Adaptation of the crime of electronic begging

The Criminal Code neglects to regulate the criminalization of electronic begging provisions, which makes it impossible to issue sentences against the perpetrators, where the electronic beggar who violates the privacy of individuals escapes punishment,⁴³ and is classified as electronic or virtual fraud, whose purpose is to seize the money of others by deception, where the cybercriminal commits acts by using computerization aimed at obtaining a financial privilege.⁴⁴

It should be noted that the adaptation of the description of the crime of electronic begging as electronic fraud falls within the framework of cybercrime as an integral part of it, which is committed as a result of the illegal use of the digital communication network (internet), with the intervention of a cybercriminal to carry out the criminal act, which results in causing damage to the victims of begging as a result of the robbery of their money in fraudulent ways⁴⁵ Consequently, electronic begging is described as a misdemeanor that includes the set of legally sanctioned acts and activities that link the criminal act to technology.⁴⁶

2.1.2 Elements of the crime of electronic begging

The crime of electronic begging is subject to the existence of three pillars, namely the “legal element”, which is the basis of criminalization and punishment, the “material element”, which is represented by the act, the result and the causal relationship, and the “moral element”, which is represented by the will that is associated with the act, which consists of the elements of science and will, as these elements will be dealt with as follows:

The legal element of the crime of begging

The rule of “no crime and no punishment except by text” is one of the basic principles stipulated in most national constitutions and legislations, where the legal or legal element of the crime requires the existence of a legal text that indicates the act constituting the crime as an illegal act that is criminalized by law without giving it any reason for permissibility and specifies the punishment for the perpetrator of such criminal act or behavior, and this is called the principle of legality.⁴⁷

The material element of the crime of begging

The material element of the traditional crime is positive material behavior that leads to the perpetrator committing a criminal activity, using methods of publishing content about the material needs of individuals or donation institutions to provide a helping hand and exploiting their affection, by begging or requesting a material donation remotely, even if by pretending to achieve financial demands, regardless of whether the offender achieves a material or in-kind benefit.

To achieve this, it is assumed that modern technological means, including a computer connected to the internet, are used in a virtual

43 Al-Hashlamon, R. M. A. (2021). op. cit., 63.

44 Salman Abdel Jubouri, S. (2014). The Crime of Electronic Fraud (A Comparative Study). Master's Thesis, Faculty of Law, Al-Nahrain University, 17-47.

45 El Kadi, N. (2023). Electronic Begging in Algeria between Attracting Social Solidarity and Indicators of Virtual Fraud – An Analytical Study of the Opinions of a Sample of Pioneers, Social Media Sites in the Governorate of Tizi Ouzou. Journal of Humanities and Social Sciences, 9(2), University of Constantine 2 Abdelhamid Mehri, 242.

46 Hamada – Khair. M. (2022). op. cit., 65.

47 Al-Khawaldah, M. H., Al-Khseilat, A. A. (2021). The Crime of Begging. A Comparative Study of the Jordanian, French, Belgian and German Laws. Turkish Online Journal of Qualitative Inquiry (TOJQI), 12(3), Turkiye, 2149.

space, which causes harm to the offender himself and his dignity, and inflicts material and moral damage on the victim, once he asks for charity and exploits him financially, He practices this criminal behavior taking advantage of his own circumstances.⁴⁸

Based on this, the cybercrime of begging does not differ from the traditional crime of begging except in terms of the means of committing it, where the crime of electronic begging is committed by intelligent people through the use of virtual mechanisms,⁴⁹ which emphasize the direction of the preconceived intention of the perpetrator towards committing the act of virtual fraud,⁵⁰ unlike the traditional crime of begging, which is committed by people in public places.

Therefore, it is sufficient for the perpetrator to commit purely criminal behavior in the crime of electronic begging, On the basis that it is a formal crime whose commission does not require the achievement of the result or the achievement of the purpose of the criminal conduct, and because it is considered a dangerous crime that is committed as soon as the dangerous behavior is available without the requirement that a specific result be achieved, the behavior represented in begging is not productive of any criminal effect (consequence), and there is no causal link between the behavior and the criminal result that may begin and end in a short time, which may begin and end in a short time or remain continuous and related to the criminal activity.

This entails that criminal liability arises as soon as assistance is sought; without the requirement of achieving a specific result, and it follows that the importance of achieving the criminal result or not in the crime of electronic begging is that there is no need to search for the causal relationship between the result and the criminal behavior,⁵¹ which requires proving this relationship and that the money in his pos-

session resulted from the act of virtual begging, otherwise The perpetrator could not be held criminally accountable for the crime of begging.

The moral element of the crime of begging

The moral element plays an important role in determining the legal adaptation of the criminal incident, when the offender's intention to commit the crime of electronic begging is available, which results in intentional crimes, in which the moral element is verified by the existence of the general criminal intention of the knowledge and will in the offender's psyche,⁵² we can summarize the elements of knowledge and will as follows:

Science: Knowledge is a psychological state of mind that requires the offender to be aware of all the legal elements of the crime, so that the incident is given its legal description, as the offender is assumed to be aware of the material nature of the criminal act,⁵³ knowledge of the elements of the crime, its seriousness, and the tendency of his will to commit it contrary to the legal text, intending by his criminal behavior to obtain the victims' money by illegal means,⁵⁴ (However, if it is proven that the offender intended to use the property of others and return it without showing the intention to seize it, the criminal intent is eliminated because the beggar does not have the criminal intention;⁵⁵

The will: The will is an engine towards carrying out criminal behavior and achieving the criminal result, the intention and will of the offender towards collecting money,⁵⁶ which calls for the integrity of the will of the electronic beggar and its absence from defects of the will to realize the truth of his actions, and the direction of the will of the perpetrator towards committing the criminal act and achieving the result, and his intention towards exploiting the

48 Habtoor, F. H. (2023). op. cit., 1480-1482.

49 Hamada-Khair, M. (2022). op. cit., 66.

50 El Kadi, N. (2023). op. cit., 242.

51 Habtoor, F. H. (2023). op. cit., 1479-1482.

52 Al-Sheikh, M. (2022). op. cit., 132-133.

53 Wiza Belasali, W. (2020). The Criminalization of Begging by Exploiting Children in Algerian Law. Journal of Humanities, University of Mentor Constantine, 31(4), 304.

54 Adas, N., Mahmoud, A., op. cit., 3, 4.

55 Habtoor, F. H. (2023). op. cit., 1484.

56 Al-Sheikh, M. (2022). op. cit., 134.

victims, by putting pressure on their psyche,⁵⁷ using software and information technology or the internet through various means of communication,⁵⁸ but the moral element of the crime of electronic begging is not achieved Unless the offender's will is proven, but he is forced to commit the criminal conduct under the influence of physical or moral coercion.⁵⁹

2.2 The penalty prescribed for the crime of electronic begging

In this demand, which is also divided into two sections, we will deal with the position of the Algerian legislator regarding the penalty prescribed for the crime of electronic begging through the first section, and the position of the comparative legislation in the second section:

2.2.1 The position of the Algerian legislator

The Algerian legislature addressed the phenomenon of begging by stipulating the criminalization and punishment of begging in the Algerian Penal Code,⁶⁰ where it addressed the provisions of the crime of traditional begging in its fourth section entitled "Begging and the child" under the title of Chapter One, Felonies and Misdemeanors against Public Objects, under Chapter VI, Felonies and Misdemeanors against Public Security, Article 195 of Law No. 82-04 of 13 February 1982⁶¹ that "anyone who is accustomed to practicing begging anywhere shall be punished by imprisonment from (1) months to (6) six months, even though he has the means of subsistence or can obtain them by work or in any other lawful way".

It is clear from the text of this article that the criminalization of the phenomenon of begging

in the Penal Code is sufficient to give the act a criminal character, as begging is considered a crime punishable by a specific legal provision, but it stipulates the following:

- Linking the character of criminalization to habituation and the repetition of practicing criminal behavior, so that he is a profession regardless of the place, whether private or public, or whether or not he initiates trial proceedings. In the sense of violation, if a person is arrested or caught begging for the first time and legal proceedings have been taken against him, his social, health, psychological, and economic status must be studied to reveal the reasons that led him to commit this criminal behavior.⁶²
- The existence of the means of coexistence in the person who commits this act, or can obtain them through work or through another project.
- The beggar receives money free of charge, meaning that the person's receipt of money as a result of the display of commercial materials denies the crime of begging.⁶³

Based on the text of article 196 bis of the same law, which states that the offences stipulated in the aforementioned article do not affect the category of juveniles who have not yet reached the age of eighteen (18), except with regard to measures of protection and refinement, it is clear that the Algerian legislator has explicitly or implicitly referred to the penalties imposed on the crime of traditional begging, which explains his neglect to pay attention to the seriousness of the crime of begging in its modern form.

However, the Algerian legislature criminalized this conduct in the Penal Code, as amended and supplemented by Law No. 14-01 of February 4, 2014 containing the amended Penal Code, when the crime was committed by using or exposing a minor to begging, as article 195 bis stipulates that anyone who begs for a minor under the age of 18 or exposes him to begging

57 El kadi, N. (2023). op. cit., 242.

58 Hamada-Khair, M. (2022). op. cit., 66-67.

59 Habtoor, F. H. (2023). op. cit., 1484.

60 Algeria. (1966). Penal Code, Ordinance No. 66-156 of June 8, 1966, Official Journal. No. 49, promulgated on June 11, 1966.

61 Algeria. (1982). Law No. 82-04 of February 13, 1982, amending Ordinance No. 66-156 containing the Penal Code. Official Journal, No. 7, 336.

62 Habtoor, F. H. (2023). op. cit., 1477.

63 Al-Sheikh, M. (2022). op. cit., 125.

shall be punished by imprisonment from six (6) months to two (2) years, and the penalty will be doubled when the perpetrator is an asset of the minor or any person who has authority over him.

This is the same meaning referred to in article 303 bis 04 in its second paragraph of Law No. 09-01 of February 25, 2009,⁶⁴ which includes the Algerian Penal Code, which focuses on the crime of exploiting others in begging, and increases the penalty in the case of begging with a child, where begging with children is considered an inevitable consequence of human trafficking crimes, where children trafficked are exploited by criminal gangs. With the aim of committing other crimes, including electronic begging with the aim of earning money for organized groups.

Accordingly, we conclude that the Algerian legislature is relatively interested in the phenomenon of begging in its new dress through virtual platforms by asking for help from others to obtain financial benefit, which calls for tightening penalties to curb this criminal phenomenon, which is still increasing.

2.2.2 The position of comparative legislation

In this section, we will discuss the presentation of the various provisions of the comparative legislation regarding the determination of the penalty imposed on the perpetrators of the crime of electronic begging:

Electronic begging in the Kingdom of Saudi Arabia

The Saudi legislator considered cases of asking for aid through social media to be classified as a crime, as Article 02 of the Saudi Anti-Begging Law stipulates that “begging in all its forms and forms, regardless of its justifications, is prohibited”, it is working to challenge this criminal phenomenon by allocating platforms for donations and establishing charitable associations, and has also assigned tasks to the

Ministry of Human Resources and Social Development in accordance with Decree No. 203 of April 22, 2017, and adopting organizational measures to combat the phenomenon by studying the social, economic and psychological status of the electronic beggar, directing him to government charitable institutions or appointing him to work to obtain financial compensation, in response to the pretexts that push him towards begging.⁶⁵

Electronic begging in Jordan

The Jordanian legislature has worked to protect communities from the repercussions of electronic begging, as it granted the Jordanian Ministry of Social Development, in a decision issued in 2019⁶⁶ with all the powers that enable it to pursue all unlicensed donations through social media, in cooperation with the Ministry of Finance and Endowments, and other concerned authorities.⁶⁷

Electronic begging in the Emirate of Abu Dhabi

Article 51 of Federal Decree-Law No. (34) of 2021 on Combating Rumors and Cybercrimes stipulates that anyone who commits the crime of begging using information technology means shall be punished by imprisonment for a period not exceeding three (3) months, and a fine of not less than 10,000 dirhams, and the second paragraph of the same article stipulates that anyone who uses information technology means to seek help from federal or local government entities, or one of their officials, in a bad way, or contrary to the truth, shall be punished with the same penalty.⁶⁸

64 Algeria. (2009). Law No. 09-01 of February 25, 2009 on the Algerian Penal Code. Official Journal, No. 15, promulgated on March 8, 2009.

65 Saudi Arabia. (2017). Ministerial Resolution No. 203 of April 22, 2017, Ministry of Human Resources and Social Development, Referenced at: El Kadi, N., op. cit., (2023), 243.

66 Jordan. (2019). Ministry of Social Development Decisions on the control of unlicensed online donations and electronic begging.

67 El Kadi, N. (2023). op. cit., 242-243.

68 United Arab Emirates. (2021). Federal Decree-Law No. 34 of 2021 on Combating Rumors and Cybercrimes, issued on December 20, 2021, No. 712, promulgated on September 26, 2021.

CONCLUSION

At the conclusion of this study, we say that electronic begging is a new face of traditional begging based on deception, which has spread very quickly in most countries of the world, and is distinguished from it in that it is committed in a modern technical manner, and among our findings are the following:

- The lack of an explicit legal provision criminalizing the phenomenon of electronic begging, similar to traditional begging, is a legal loophole in Algerian legislation;
- We adapt the crime of electronic begging to be an electronic crime based on electronic fraud, given the means by which the crime is committed through the internet;
- The multiplicity of ethical, social, economic, and political reasons that drive the commission of the crime of electronic begging.
- The expansion of the personal scope of the perpetrators of the crime of electronic begging from a single natural person to organized criminal groups (undercover gangs) that use begging money to achieve illegal ends and collect profits at the expense of others.
- Among the recommendations we suggest:
- The Algerian legislature has enacted special legal provisions to combat the crime of electronic begging by making a legislative amendment that criminalizes acts of begging committed using social media platforms;
- The Algerian legislature explicitly stipulates the penalties that criminalize electronic begging and the severity of the punishment for deprivation of liberty that is commensurate with the gravity of the crime committed;
- We call for the use of various technical and technological means to raise smart awareness among communities about the seriousness of the crime of electronic begging and to report it, using smart applications similar to some Arab countries, including the United Arab Emirates, through a smart application 'Combat Begging';
- Raising awareness about the misuse of the internet in committing the crime of electronic begging through awareness programs;
- Encouraging humanitarian work and activating the role of charitable institutions and voluntary bodies, to care for needy social groups with limited income and facilitate the procedures of benefiting from these charitable institutions;
- Influenced by Arab International Experiences and cooperation in unifying programs to combat electronic begging locally, regionally, and internationally;
- Spreading the culture of reporting on entities that invest in needy families and defaming them through published videos and photos;
- Using artificial intelligence technologies to prevent illegal campaigns calling for the commission of cybercriminal behaviors;
- Intensifying joint efforts on the intervention of the justice agencies to monitor and follow up on electronic beggars;
- We call for periodic research on the issue of cyber begging, which is of a transnational nature and has become one of the threats facing societies across the world, due to the nature of cybercrime, which is witnessing continuous development.

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