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Crimes Committed by Neighborhood Gangs via the Internet Space

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Abstract

The growing integration of information and communication technologies into contemporary social life has created new opportunities for criminal groups to organize, communicate, recruit, finance their activities, and intimidate individuals beyond the conventional boundaries of physical space. Against this background, this article examines the legal treatment of crimes committed by neighborhood gangs through cyberspace under Algerian legislation, with particular reference to Law No. 20-03 relating to the prevention and combating of neighborhood gangs. It seeks to identify the legal concept of neighborhood gangs, determine the principal forms of criminal conduct perpetrated through information and communication technologies, and analyze the distinctive system of aggravated penalties established by the Algerian legislature for technology-assisted offenses. The analysis demonstrates that the legislative framework extends criminal liability to a wide range of digitally facilitated activities, including the organization and leadership of neighborhood gangs, encouragement and glorification of their activities, electronic financing, trafficking in white weapons through online platforms, and acts of retaliation, intimidation, and threats directed against victims, witnesses, and related persons. Particular attention is given to Article 29 of Law No. 20-03, which introduces enhanced punishment where information and communication technologies are employed in the commission of neighborhood-gang offenses. The study further highlights the role of supplementary penalties, particularly confiscation, as well as provisions governing recidivism, incitement, attempted offenses, and failure to report criminal activity. It concludes that Algerian legislation has developed a relatively comprehensive punitive framework combining the regulation

of neighborhood criminality with mechanisms for combating cyber-enabled crime. Nevertheless, its effectiveness depends on strengthened reporting mechanisms, enhanced cyber-investigative capacities, and the effective implementation of the relevant legal provisions.

Keywords: Neighborhood Gangs; Cybercrime; Information and Communication Technologies; Aggravated Penalties; Algerian Criminal Law.

Introduction:

The Algerian legislature enacted Law No. 20-03 relating to the prevention and combating of neighborhood gangs, in response to the phenomena witnessed within residential neighborhoods characterized by the continuous and organized commission of crimes. While this legislation mandated the tightening of penalties for acts perpetrated by individuals constituting a neighborhood gang, it introduced a distinct provision establishing a doubled intensification of penalties when such acts involve the use of the internet space through information and communication technologies. Accordingly, this study examines the definition of neighborhood gangs, the forms of crimes committed by this group through the illicit use of the internet space, and the aggravated forms established by the Algerian legislature for these offenses.

Section I: The Concept of Crimes Committed by Neighborhood Gangs via the Internet Space

To determine the legal nature of crimes committed by neighborhood gangs via the internet space, we shall first define neighborhood gangs in the first subsection, while the second subsection addresses the various forms of crimes committed by these gangs through the internet.

Subsection I: Definition of Neighborhood Gangs

A neighborhood gang consists of two or more persons, a factor that renders their acts significantly more dangerous due to the plurality of perpetrators. This plurality is typically met with a certain vulnerability on the part of the victim in resisting the aggression directed against them. Furthermore, the mere multiplicity and cooperation of perpetrators in committing crimes generate terror and fear among neighborhood residents, thereby justifying the tightening of penalties for this category of offenses.[1]

Moreover, the legislature established a specific definition for neighborhood gangs, defining them as any group under any designation whatsoever, composed of two (02) or more persons belonging to one or more residential neighborhoods, which commits an act or several acts for the purpose of creating an atmosphere of insecurity within residential neighborhoods or any other spatial scope, or for the purpose of imposing control over them through moral or physical aggression against others, endangering their lives, freedom, or security, or infringing upon their property, while carrying or displaying apparent or concealed white weapons. Aggression may also take a non-material form—

namely moral aggression—which causes fear and terror to others, such as threats, insults, defamation, intimidation, or other forms of verbal abuse.[2]

Subsection II: Forms of Crimes Committed by Neighborhood Gangs via the Internet Space

The Algerian legislature promulgated under Law No. 20-03 a set of acts constituting the crime of a neighborhood gang, as well as the penalties prescribed for these various crimes, and specified the grounds for aggravating this type of offense.[3] However, in addition to the prescribed aggravation, it doubled the severity of the penalty for acts utilizing information and communication technologies. Consequently, these offenses are classified as crimes related to information and communication technologies.[4] The forms of these crimes addressed by this law, alongside their prescribed penalties, are examined below. .[5]

- **Branch I: Misdemeanor of Organizing a Neighborhood Gang Using Information and Communication Technologies**

This misdemeanor encompasses recruiting more than two persons or contributing to their affiliation in a group under a certain designation with the aim of establishing a neighborhood gang, using one of the information and communication technologies—such as utilizing an information system aimed at collecting informational data of persons affiliated or seeking affiliation with a neighborhood gang.[6]

- **Branch II: Misdemeanor of Heading or Leading a Neighborhood Gang Using Information and Communication Technologies**

This misdemeanor covers any person who heads or exercises any form of leadership over a neighborhood gang using information and communication technologies, such as transmitting instructions to affiliates via electronic communications, or utilizing any information system capable of processing data containing information that contributes to the commission of one or more of the crimes set forth in the aforementioned Law No. 20-03.

- **Branch III: Misdemeanor of Encouraging and Praising Neighborhood Gangs Using Information and Communication Technologies**

This misdemeanor includes encouraging the formation of a neighborhood gang, or encouraging the acts committed by its members, regardless of whether the perpetrator of this act is a member of the gang or not. It also includes supporting the works or activities committed by a neighborhood gang by praising them through the republication of ideas promoted by the latter, utilizing information and communication technologies. An example of this is publishing informational data containing information or ideas related to a neighborhood gang.[7]

- **Branch IV: Misdemeanor of Financing Neighborhood Gangs**

Financing in this misdemeanor departs from its traditional physical form, manifesting instead through electronic means—such as the use of electronic payment cards, whether executed through lawful or unlawful methods. Examples of unlawful payment methods include virtual currencies circulating in certain jurisdictions, such as "Bitcoin".[8]

- **Branch V: Misdemeanor of Trafficking in White Weapons Using Information and Communication Technologies**

The set of acts constituting this misdemeanor consists of offering a white weapon for sale or purchase, or purchasing it for the purpose of sale or storage via the internet space—such as utilizing commercial electronic websites—or using such platforms to offer services of manufacturing, .[9] repair, distribution, import, or transport specifically designated for white weapons, provided that the perpetrator knows these acts are for the benefit of a neighborhood gang, or knows that the purpose of using them is to commit one or more neighborhood gang crimes.[10]

- **Branch VI: Misdemeanor of Aggression Committed by Neighborhood Gangs Using Information and Communication Technologies**

This offense targets victims of crimes committed by neighborhood gangs, witnesses thereto, reporters thereof, members of their families, .[11] or persons related to them, through acts of retaliation using information and communication technologies.[12]. Examples include unauthorized access to the victim's private data to publish it over the internet with the intent of causing harm, or transmitting intimidation or threatening messages via the victim's email.[13]

Section II: The Particularity of Aggravating Penalties Prescribed for Neighborhood Gang Crimes via the Internet

The Algerian legislature enacted the penalties prescribed for crimes committed by neighborhood gangs and specified the forms of aggravation. However, pursuant to Article 29 of Law No. 20-03 relating to the prevention and combating of neighborhood gangs, it doubled the minimum limit of custodial penalties if the circumstance of using information and communication technologies to commit the crime is met. Based on this aggravation, the prescribed penalties are as follows:

- **Subsection I: Penalty Prescribed for the Misdemeanor of Organizing a Neighborhood Gang**

The perpetrator committing one or more acts constituting the misdemeanor of organizing a neighborhood gang using information and communication technologies is punished with a custodial penalty ranging from a minimum of six (06) years to ten (10) years of imprisonment, in addition to a financial fine ranging from 300,000 DZD to 1,000,000 DZD.[14]

- **Subsection II: Penalty Prescribed for the Misdemeanor of Heading or Leading a Neighborhood Gang**

By way of exception to the provision of Article 29 of Law No. 20-03 relating to the prevention and combating of neighborhood gangs, the minimum limit of the penalty prescribed for the misdemeanor of heading or leading a neighborhood gang using information and communication technologies is raised to fifteen (15) years instead of twenty (20) years of imprisonment. Thus, the custodial penalty ranges from fifteen (15) years to twenty (20) years of imprisonment, alongside a financial fine ranging from 1,000,000 DZD to 2,000,000 DZD. The rationale behind lowering the minimum limit of the penalty for this specific crime is to align the minimum limit with its maximum limit, which runs counter to standard penal application principles.

- **Subsection III: Penalty Prescribed for the Misdemeanors of Encouraging, Praising, and Financing Neighborhood Gangs**

The minimum limit of the penalty prescribed for either the misdemeanor of encouraging or supporting the activities or works of a neighborhood gang using information and communication technologies, or the misdemeanor of electronic financing of a neighborhood gang, is raised to imprisonment ranging from four (04) to five (05) years, in addition to a financial fine ranging from 200,000 DZD to 500,000 DZD.[15]

- **Subsection IV: Penalty Prescribed for the Misdemeanor of Trafficking in White Weapons**

Regarding the misdemeanor of trafficking and dealing in white weapons directed at a neighborhood gang through its various aforementioned acts committed using information and communication technologies, the minimum limit of the penalty is doubled, making the prescribed penalty range from ten (10) to twelve (12) years of imprisonment, in addition to a financial fine ranging from 500,000 DZD to 1,200,000 DZD.

- **Subsection V: Penalty Prescribed for the Misdemeanor of Aggression Committed by Neighborhood Gangs**

Concerning the unlawful acts constituting the misdemeanor of aggression—comprising acts of retaliation, threat, and intimidation committed by a neighborhood gang via the internet—the minimum limit of the penalty is doubled, setting the penalty at imprisonment from two (02) to five (05) years, and a financial fine ranging from 100,000 DZD to 500,000 DZD.[16]

It is noteworthy that in the event of recidivism in committing the aforementioned crimes, the penalty becomes double the penalty prescribed for the misdemeanors set forth in Law No. 20-03 relating to the prevention and combating of neighborhood gangs.[17] Furthermore, identical penalties prescribed for the principal offender in their aggravated form are imposed on anyone who incited the commission of these crimes using information and communication technologies.[18] In addition, penalties prescribed for the completed crime are applied to anyone who attempts to

commit one or more of the aforesaid offenses.[19] Nevertheless, the Algerian legislature established a penalty of imprisonment ranging from six (06) months to two (02) years and a financial fine ranging from 60,000 DZD to 200,000 DZD, or one of these two penalties solely, for any person who has knowledge of the commission of these crimes or the attempt to commit them and fails to report them.[20]

Subsection VI: Supplementary Penalties

As a distinct characteristic of this category of crimes, supplementary penalties represented by the mandatory confiscation of the means utilized and the funds acquired as a result of committing the aforementioned crimes are compulsory. Furthermore, the competent judicial body may impose one or more of the supplementary penalties prescribed in the Algerian Penal Code addressed previously.[21]

Conclusion:

In conclusion, it becomes vividly evident that the Algerian legislature has adopted a rigorous and proactive legislative strategy pursuant to Law No. 20-03 to confront novel forms of neighborhood gang criminality within the residential perimeter. This deterrent orientation was not limited to curbing physical violence in neighborhoods alone, but extended to besieging digital activities across the internet space and modern information and communication media. This deterrent particularity manifests in two core aspects: expanding the scope of digital criminalization to encompass all preparatory and accessory gang activities—ranging from organization, leadership, and digital financing (such as virtual currencies), to promotion, praise, electronic trafficking in white weapons, and retaliation against victims and witnesses across cyberspace—and through the doubled intensification of penalties. Under Article 29, the legislature doubled the minimum limit of custodial penalties and raised financial fines once a crime is coupled with technological means, while rendering supplementary penalties (such as mandatory confiscation) an essential tool to dry up the financial and logistical sources supporting these gangs.

Consequently, it can be affirmed that this legislative integration between combating urban criminality and addressing cybercrime reflects a profound awareness of the dangers of exploiting technology to terrorize citizens and undermine public security. Nonetheless, the success of this legal framework remains contingent upon activating reporting mechanisms, developing judicial police apparatuses to keep pace with cyber offenses, and maintaining a permanent equilibrium between penal rigor and safeguarding the stability of both human and digital society.

Footnotes

1. Ahmed Fathi Sorour, *The Mediator in Criminal Law - Special Part* (Cairo: Dar Al-Nahda Al-Arabiya, 2013), 1133.
2. Article 02 of Law No. 20-03 of 11 Muharram 1442, corresponding to August 30, 2020, relating to the prevention and combating of neighborhood gangs, *Official Gazette of the Algerian Republic*, Issue 51, p. 05.
3. Article 29 of Law No. 20-03, relating to the prevention and combating of neighborhood gangs.
4. Article 02, Paragraph (a) of Law No. 09-04 of 14 Sha'ban 1430, corresponding to August 05, 2009, embodying specific rules for the prevention and combating of crimes related to information and communication technologies.
5. Article 02, Paragraph (b) of Law No. 09-04, *ibid.*
6. Article 21 of Law No. 20-03 relating to the prevention and combating of neighborhood gangs.
7. Article 02, Paragraph (c) of Law No. 09-04, *ibid.*
8. Matthew Kien-Meng Ly, "Coining Bitcoin's 'Legal-Bits': Examining the Regulatory Framework for Bitcoin and Virtual Currencies," *Harvard Journal of Law & Technology* 27, no. 2 (Spring 2014): 589.
9. Article 26 of Law No. 20-03 relating to the prevention and combating of neighborhood gangs.
10. Shabib Nasser Mohammed Al-Zabran, "Websites and Their Role in Spreading Religious Extremism and Methods of Confronting Them from the Perspective of Specialists" (Master's Thesis, Naif Arab University for Security Sciences, 2011), 01.
11. Article 26 of Law No. 20-03, *op. cit.*
12. Abdullah bin Nasser bin Ahmed Al-Omari, Master's Thesis (Deanship of Graduate Studies, Naif Arab University for Security Sciences, 2010), 22; Abdel-Hadi Fawzy Al-Awadi, *Legal Aspects of Email* (Cairo: Dar Al-Nahda Al-Arabiya), 13.
13. Article 28 of Law No. 20-03 relating to the prevention and combating of neighborhood gangs.
14. Article 21 of Law No. 20-03, *op. cit.*
15. Articles 22 and 23 of Law No. 20-03, *ibid.*
16. Articles 26 and 28 of Law No. 20-03, *ibid.*

17. Article 37 of Law No. 20-03, *ibid*.
18. Article 36 of Law No. 20-03, *ibid*.
19. Article 31 of Law No. 20-03, *ibid*.
20. Article 27 of Law No. 20-03, *ibid*.
21. Articles 32 and 34 of Law No. 20-03, *ibid*.

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