

Neighbourhood Gangs in New Cities - An Exploratory Reading of Decree 20-03 on Preventing and Combating Neighbourhood Gangs”.

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Abstract:

The Algerian legislator, similar to comparative legislators, has adopted the idea of creating new cities in order to overcome urban crises and alleviate pressure and population congestion in large cities. This has been done through the enactment of laws, the most important of which are Law 08-02 on the conditions for the establishment of new cities and Law 02-06 on the guiding principles for the city. The legislator has consistently adopted an urban policy for the construction and preparation of new cities. The success of these cities depends on the existence of economic, urban and environmental criteria, especially social criteria, which is the focus of our study. One of the most important of these criteria is the absence of neighbourhood gangs in new cities, which are often the result of the transition from old cities and constitute a significant obstacle to population attraction, threatening the safety and stability of residents. In view of the seriousness of this problem, the Algerian legislator addressed it with Ordinance No. 20-03 on the Prevention and Combating of Neighbourhood Gangs, issued in 2020. This ordinance contains legal provisions aimed at curbing this crime, which we will systematically and legally analyse in order to assess their effectiveness in combating it.

Keywords: Ordinance 20-03, neighbourhood gangs, new towns, law 02-06.

Introduction

After independence, the authorities faced significant challenges, in particular a severe housing crisis. One of the causes of this crisis was the economic development policy, which concentrated state efforts on the coastal regions. Urban patterns, consisting of a mix of environmental, social and economic characteristics that interact with each other,

result in a diverse urban character, influenced in particular by social and family characteristics. This leads to the emergence of rural, semi-urban or urban patterns.

New housing estates were built next to factories, which grew into large cities. The state relied on housing programmes that focused solely on housing needs, especially as Algerian cities grew rapidly, tripling their population in twenty years. According to 2004 statistics, the urban population accounted for 59% of the country's population, while the rural population accounted for 41%. In particular, the central cities are more congested than those in the east and west, leading to a widespread housing crisis.

In an effort to address the housing crisis, the Algerian government implemented an urban policy by creating new cities as part of an urban policy. These cities were designed to attract residents by providing adequate housing to meet basic needs and improve the quality of life. The aim was to redistribute the population more evenly across the high plateaus and southern regions, which cover a large part of the country but have a low population density compared to the densely populated north, especially Algiers. To address these challenges, Algeria began to restructure its strategic dimensions by establishing a modern legislative framework aimed at achieving balanced and sustainable urban development. This included the enactment of Law 01-20 on regional planning and sustainable development, Law 02-08 on the conditions for the establishment of new towns and Guideline Law 06-06.

The success of new cities depends on the existence of economic, commercial and social standards, the latter being fundamental to the relationships between residents. When these standards are disrupted by social problems that threaten security and stability, problems arise, including gang-related crime, which undermine the attractiveness of new cities to residents.

There is a clear difference in the nature of crime between urban and rural areas, as evidenced by the higher crime rates in large cities compared to smaller towns and rural communities. This difference is attributed to social fragmentation in urban areas, weak social ties and a lack of religious awareness and moral values¹.

We will therefore examine this issue from a legal perspective in the light of Order 20-03 on the prevention and control of gang violence. This will involve analysing the legal provisions relating to the mechanisms for preventing this crime and the procedural mechanisms for prosecuting and punishing it, taking into account the aggravating circumstances introduced by the aforementioned decree. We therefore ask the following

¹- Makhlouki Malika, "Mechanisms for Preventing Neighborhood Gang Crimes under Order No. 20-03: Between Reality and Aspiration," *Journal of Law, Society, and Authority*, Vol. 12, No. 2, 2023, p. 120.

question To what extent does the Algerian legislator organise measures to prevent and deter the crime of gang violence in the light of Decree 20-03?

Section One: The Nature of New Cities

The Algerian legislator has sought to establish a strategy for the creation and preparation of new cities in order, on the one hand, to control urban expansion and limit the pace of chaotic construction and, on the other hand, to combat the visual pollution that distorts the facades of large cities. New cities are an effective centre for social and economic balance in achieving sustainable development.

First: The concept of New Cities

To define new cities, it is necessary to address the definition of new urban communities and to identify the elements that constitute new cities.

1. Definition of New Cities:

Different terms are used to describe new urban communities, such as “new community” or “new cities”. The latter term is applied to a wide range of communities that differ in terms of functional objectives and size, which inevitably affects the political, economic and social conditions of the state or region in which they exist. New cities are parts of existing larger cities, with their own traditions and social, economic and cultural structures. They are integrated communities created through plans and programmes to address issues in rural or urban societies. Population issues and increasing pressure on resources and services are some of the most critical challenges facing society.

New cities are also defined as communities that have the characteristics of the old community in terms of establishing the necessary social, economic and political systems for their sustainability, created through planned human will to achieve economic and social objectives to overcome the problems posed by the old community¹.

The sociologist “Lafour” defines a new city as part of the urban phenomenon. In reality, a city cannot be understood without considering its relationship with the village, since the city absorbs surplus labour and products from the countryside, creating a power dynamic between the village and the city. Modern perspectives also see the new city as a new urban settlement, born out of regional needs identified through national studies, aimed at solving specific urban, economic, political, social, environmental and demographic problems. Its residents enjoy high standards of service. The location, type

¹- Mustapha Aoufi, Sana Rwabhi, "New Cities: Yesterday's Dream and Tomorrow's Crisis," Journal of Research in Human and Social Sciences, Qasdi Merbah University, Ouargla, Vol. 11, No. 1, 2019, p. 71.

and size of the new city will be determined on the basis of numerous studies, from national to local level¹.

One of the most important definitions is that of the International Telecommunication Union, which describes new cities as innovative cities that use information and communication technologies to improve the quality of life, the efficiency of urban operations and services, and competitiveness, while meeting the economic, social, environmental and cultural needs of present and future generations².

For the Algerian legislator, Article 03/4 of Law 01/20 on Town Planning and Sustainable Development defines a new town as “A fully programmed urban settlement, built on vacant land or on the basis of existing residential cells, aimed on the one hand at restoring the balance of the urban environment and on the other at redistributing the population, taking into account the cultural and social specificities of each region”³. The legislator later refined this definition in Law 02/08 on the conditions for the creation and preparation of new cities, stating in Article 02 that they are “Any human settlement of an urban nature, built on vacant land or based on several existing housing nuclei, which constitutes a centre of social and human balance, providing available employment, housing and equipment opportunities”⁴. Article 03 of Law 06/06, which includes the Urban Guidelines, defines it as: “An urban settlement with a population size that provides administrative, economic, social and cultural functions.”⁵

2. Elements of new city formation:

Population concentration: Due to rapid population growth and its pressure on the economy, especially in large cities, priority has been given to the creation of new cities close to the cities to absorb some of the excess population⁶. The density of population in this new area is therefore intended to meet current needs while safeguarding the rights of future generations. This density varies from one country to another. In Algeria, the population of programmed new towns was determined on the basis of the function of each town. Cities designed to curb urban sprawl have a population of between 150,000 and 200,000 inhabitants, such as the new cities of Bouinan and Sidi Abdallah.

¹- Mohammed Mahmoud Abdullah Youssef, "The Impact of Industrial Expansion in New Cities on Population Settlement: A Case Study of the Cities of 10th of Ramadan and Sadat," Master's Thesis, Faculty of Economics and Political Science, Cairo University, 2008, p. 39.

²- Shabab Hamida, "The Legislative Framework for New Cities in Algeria: The Case of Sidi Abdallah," Journal of Urban Planning and Construction, Ibn Khaldun University, Tiaret, Vol. 4, No. 1, 2020, p. 143.

³- Law No. 01/20 dated December 12, 2001, on Territory Planning and Sustainable Development, Official Gazette No. 77 dated May 14, 2002.

⁴- Law No. 02/08 on the Conditions for Establishing New Cities dated May 5, 2008, Official Gazette No. 34.

⁵- Law No. 06/06 containing the Guiding Law for Cities dated February 20, 2006, Official Gazette No. 15 issued on March 12, 2006.

⁶- Mustapha Aoufi, Sana Rwabhi, previous reference, p. 77.

Meanwhile, the new cities designed to achieve regional balance, such as Boughezoul and Iedghassen, have a population density estimated at between 50,000 and 400,000. The cities in the south, which are responsible for sustainable development, have an initial population density of between 0 and 80,000, with future expansions planned¹.

Urban character: Urban character refers to the creation of a space where social, economic and human resources are balanced, providing opportunities for employment, housing and facilities. Not every collection of people qualifies as a new city.

Location: The selection and definition of a suitable location is necessary after carrying out various studies, including feasibility studies, taking into account all the factors of geographical distribution of the population², as well as the social, administrative, cultural and political elements that attract the population. The legislator has stipulated that the primary basis for the establishment of new cities should be vacant land. There are several reasons for this requirement: firstly, to limit the growth and expansion of large cities; secondly, the establishment of a new city based on a previous vision on vacant land facilitates the realisation of this programme. Vacant land supports the creation of an organised city in terms of urbanisation and balanced structuring, ensuring the availability of housing, administrative buildings, markets, schools, hospitals, recreational areas and green spaces. These facilities should be logically distributed, bringing services closer to residential areas to improve the quality of life for citizens, while factories are planned away from residential areas to protect the environment and public health. In addition, vacant land allows for the preservation of agricultural land³.

Functional balance: Article 2 of Law 02-08 clearly defines the function of the new city, stating: "New cities are a centre of social, economic and human balance, providing opportunities for employment, housing and facilities". The text indicates that the new city is a centre where a variety of factors interact, not just a collection of people. In addition, the social dimension, which includes work, housing and leisure, must be present⁴.

2. Reasons for the shortcomings of the population policy:

1. Natural environmental factors:

These are location-related factors that hinder the development of new cities. Most new cities are located in somewhat desert-like areas with harsh climates characterised by

¹- Ben Mbarek Radia, "The Conceptual Framework for New Cities," *Journal of Real Estate Law*, University of Blida, Algeria, pp. 27-28.

²- Abdelmalek Ashouri, "New Cities between Spatial Distribution and Balanced Development in Algeria," *Journal of Social Research*, Abdelhamid Mehri University, Constantine 2, Vol. 13, No. 1, 2017, p. 249.

³- Ktif Karima, "Motivations for Establishing New Cities through Law 02/08," Master's Thesis, Faculty of Law, Constantine 2 University, 2012-2013, p. 26.

⁴- Ben Mbarek Radia, previous reference, p. 28.

high temperatures, dust and sand storms, and low humidity. In addition, geographical isolation is a major problem, as many new cities suffer from inadequate infrastructure networks such as water supply, sewerage and electricity. They also lack essential transport and communication networks. These deficiencies act as a significant barrier to attracting population, leaving these cities highly isolated, especially in the early stages of their development. The availability of water plays a crucial role in determining the locations and centres of new cities, as well as their growth and development. Access to water is a fundamental requirement for living, working and farming in these cities¹.

2. Social-environmental factors:

Socially, new cities face challenges due to inadequate services, which have a significant impact on development rates, whether they increase or decrease. The availability of services is a key factor in stabilising the population of these cities. Adequate services help to attract residents, facilitate the establishment and development of new cities in line with societal movements in economic and social development, and ultimately address the issue of population growth².

A major cause of deficiencies is the inefficiency of administrative systems. New cities often suffer from bureaucracy or dysfunction within administrative bodies, resulting in investors encountering numerous interlocking administrative obstacles that hinder the completion of their investment projects. As a result, the development of these cities and their efforts to attract residents are stalled. In addition, there are shortcomings in the economic system, reflected in limited financial resources, insufficient self-financing and a lack of construction capacity, such as a shortage of essential construction materials and skilled labour. These problems are slowing down the development process, which is falling behind the timetable set out in urban planning and development policies³.

3. Fragmentation of urban development

The lack of a conscious urban policy has led to a number of problems affecting the environment and the urban fabric, resulting in the loss of large areas of the natural environment through encroachment on agricultural and forest land. This has been exacerbated by unregulated construction and urban development that has favoured quantity over quality, leading to the proliferation of chaotic and unhealthy building practices.

Areas adjacent to urban centres have increasingly become a refuge for low-income social groups, as these groups cannot satisfy their housing needs according to the

¹- Mohammed Mahmoud Abdullah Youssef, previous reference, p. 62.

²- Mustapha Aoufi, Sana Rwabhi, previous reference, p. 78.

³- Mohammed Mahmoud Abdullah Youssef, previous reference, p. 64.

conditions and requirements of the real estate market, which, due to rising property values, are out of line with the purchasing power of most social classes. This situation has led to a series of contradictions, particularly in the case of agricultural land, where housing developments are taking place without the control of public authorities.

Such developments contribute to marginal urbanisation and the emergence of an informal real estate market characterised by speculation and poor infrastructure due to the lack of basic facilities. This chaotic development represents one of the most significant disruptions to the urban fabric, given its rapid growth rate and the diversity of architectural styles and land use patterns. These developments are carried out with total disregard for existing legislation.

Faced with the inability of public authorities to meet all housing needs, despite their best efforts, they have sometimes been forced or willing to relax regulations on illegal construction on agricultural land. The negative consequences of this include the distortion of the urban fabric and potential threats to public order, including public health, tranquillity and safety, as buildings remain in a state of perpetual construction for many years¹.

4. Non-compliance with urban planning and development plans

Despite the existence of master plans for urban development that clearly delineate areas suitable and unsuitable for development, as well as criteria for land use, the limitations of these plans have become apparent. Unfortunately, the negative effects of the lack of a coherent policy in the management of cities and their internal expansion - between planned and unplanned development - are evident, especially in bureaucratic delays and the lack of enforcement of urban planning regulations.

5. Lax administrative oversight

Lax administrative oversight, ineffective penal laws and their non-application, combined with weak urban planning frameworks, have prevented local and regional authorities responsible for housing from responding to the growing demand for housing. This situation has paved the way for illegal avenues, such as the acquisition of land through illegal subdivisions that do not respect local characteristics. As a result, property speculation has increased due to the lack of interest and intervention by the state².

Second Axis: The Algerian legislator's strategy for preventing and combating neighbourhood gangs in the light of Decree 20-03

¹- Rabia Farah, Mouna Makhlati, "The Challenge of New Cities in Algeria for Population Attraction," *Journal of Rights and Political Science*, Vol. 09, No. 02, 2022, p. 104.

²- Rabia Farah, Mouna Makhlati, previous reference, p. 105.

First: The conceptual and legal framework of the crime of neighbourhood gangs

1. Definition of neighbourhood gang crime

Neighbourhood gangs are defined as a group, regardless of its name, consisting of two or more individuals belonging to one or more residential neighbourhoods. They commit acts or series of acts to create an atmosphere of insecurity in residential areas or other spaces, or to assert control over these areas through moral and physical aggression against others. This includes endangering their life, freedom or safety, or damaging their property, while carrying or using visible or concealed weapons. Moral aggression includes any verbal attack that instils fear and terror in others, such as threats, insults, slander, intimidation or deprivation of rights¹.

Although the Penal Code does not specifically mention neighbourhood gangs, the Algerian legislature has criminalised certain acts related to this offence, such as the formation of a criminal association. However, Order 20-03 devoted a specific text to these crimes, particularly in view of their prevalence. According to this order, neighbourhood gangs are defined as “any group, regardless of its name, made up of two (2) or more persons belonging to one or more residential neighbourhoods, who commit one or more acts to create an atmosphere of insecurity in residential neighbourhoods or any other space, or to impose control over them by moral or physical aggression against others, endangering their life, freedom or security, or damaging their property, while carrying or using visible or concealed weapons”. Moral aggression includes any verbal attack that causes fear or terror in others, such as threats, insults, slander, intimidation or deprivation of rights².

The text of Article 1/02 of Decree 20-03 makes it clear that neighbourhood gangs are made up of individuals from one or more residential neighbourhoods. For a group to be called a gang, it must have at least two members. The aim of the gang is to destabilise these neighbourhoods and threaten the safety of their residents by exerting control over them. This control can be physical, such as assaulting individuals and endangering their lives, using all available means, including visible or concealed weapons³.

Furthermore, it is important to note that the reality shows that neighbourhood gang conflicts are no longer limited to a certain number of individuals or mere confrontations between a defined group. The situation has deteriorated significantly, with groups now seeking to control specific neighbourhoods or residential areas.

¹- Faisal Brahma, "Confronting Neighborhood Gangs in Algeria: Legislative Measures and Practical Procedures in Light of the French and Canadian Experiences," *Journal of Law Voice*, Vol. 9, No. 02, 2023, p. 78.

²- Fawziya Hamel, "Neighborhood Gangs under Order No. 20-03," *Journal of Legal and Political Thought*, Vol. 6, No. 1, 2022, p. 116.

³- Same reference, p. 16.

1. Definition of neighbourhood gangs under Algerian law

According to the Algerian law on the prevention and suppression of neighbourhood gangs, published in the Official Gazette, Order No. 20-03 of 30 August 2020, a neighbourhood gang is defined as “any group, whatever its name, composed of two or more persons belonging to one or more residential neighbourhoods. They commit one or more acts aimed at creating an atmosphere of insecurity in a neighbourhood or other space, or at exerting control over it through moral or physical aggression against others, endangering their life, freedom or safety, or damaging their property, while carrying or using visible or concealed weapons. Moral aggression includes any verbal attack that instils fear or terror in others, such as threats, insults, slander, intimidation or deprivation of rights.

The same law defines a “white weapon” as any cutting, piercing or blunt tool, device or object that can cause harm or injury to a person or pose a threat to public safety, as specified in the laws and regulations on weapons¹.

2. Elements of neighbourhood gang crime

The formation of neighbourhood gangs is the first and most crucial stage in the life and success of a gang, leading to the execution of its criminal plans. Many legislatures have criminalised this formation phase because it is a significant threat to the success of the gang, even if it has not yet resulted in direct harm to protected interests.

Like other crimes, neighbourhood gang crime consists of three elements: legal, material and moral.

A. The legal element

The question of qualifying gang formation as a crime in its own right has received a great deal of attention from contemporary researchers. The first criterion is that the need to criminalise the formation of a gang must be consistent with the effectiveness required to combat this type of crime. The second criterion is the need for this criminalisation to respect criminal law².

Thus, the criminalisation of gang formation is conceived as a means of prosecuting all gang members, whether they have committed a crime or not, which is the approach taken by the Algerian legislator in Decree No. 20-03 on the fight against neighbourhood gangs.

In accordance with the legal principle that there is no crime or punishment without a text, the Algerian legislator, in Decree No. 20-03, has criminalised the acts specified in

¹ Slim Mazhoud, "The Concept of Neighborhood Gang Phenomenon in Algeria: Factors of Presence and Treatment," *Journal of Facts of Psychological and Social Studies*, Vol. 6, No. 2, 2021, p. 14.

² Flihi Kamal, "Addressing the Neighborhood Gang Phenomenon in Algerian Law: A Reading of Order 03/20," *Journal of Academic Studies*, Vol. 08, No. 03, 2021, p. 490.

Article 02, which reads as follows “Any group, whatever its name, composed of two (2) or more persons belonging to one or more residential neighbourhoods, which commits one or more acts aimed at creating an atmosphere of insecurity within residential neighbourhoods or any other spatial area, or at imposing control over them by moral or physical aggression against others, endangering their life, freedom or security, or damaging their property, while carrying or using visible or concealed weapons”.

From the text of this decree, it is clear that the crime is committed simply by forming a group of individuals belonging to one or more residential neighbourhoods in order to impose their control over one or more neighbourhoods, posing a threat to their security and stability. They may resort to aggression against individuals, either materially or morally, regardless of the means used. This indicates that neighbourhood gang crimes are formal crimes that are inherently dangerous, and the legislator does not wait for actual harm to occur before punishing them.

The Algerian legislator punishes anyone who creates, organises or joins these gangs with knowledge of their activities and objectives, as well as anyone who finances or supports them by any means. The Algerian legislator’s decision to criminalise the mere formation of such a gang is seen as a preventive measure, reflecting the seriousness of the offence and its consequences¹.

B. The material element

The material element is considered to be the most important component of a crime, as it makes the offender’s intention to commit the crime public. The material element is defined as the external physical conduct that the law criminalises. In other words, it includes everything that constitutes the crime and is tangible and physical in nature. There is no crime in law without a material element. The forms of material conduct that constitute the crime of gang formation can be summarised as establishing, organising and encouraging others to join the gang.

- Establishment of a gang

The establishment of a gang is the first building block in the formation of a gang. This is done by proposing the idea to potential members and convincing them, which indicates a convergence of the founders’ wills towards a common goal. The Algerian legislator used the term “establishment” in Article 21 of Decree No. 20-03, which reads as follows “The creation or organisation of a neighbourhood gang”. The penalty for creating a neighbourhood gang in the same article is three to ten years’ imprisonment².

- Organisation of the gang

¹- Fawziya Hamel, previous reference, p. 119.

²- Flihi Kamal, previous reference, pp. 491, 493, 492.

Organisation is the process of organising the gang and bringing its members together according to a specific and integrated organisational structure that enables the gang's criminal plans to be carried out. Organisation is seen as a more advanced step in the establishment of the gang, involving the division of roles and responsibilities among its members, creating a structured hierarchy that clarifies the duties of each member. The structure typically includes a leader, vice presidents and members. The organisation should be continuous over a reasonable period of time, requiring a well-prepared plan and the necessary physical resources to carry it out, while ensuring maximum confidentiality, particularly with regard to the leaders of the gang. The Algerian legislator has therefore increased the penalties for anyone who leads a neighbourhood gang or has any responsibility within it

- Executing members

Executing members are at the bottom of the hierarchy. This does not mean that they are unimportant; in fact, they are considered to be the most important core of the gang. Their job is to carry out all the orders of their direct leaders. Their number depends on the nature of the gang and its needs, and they usually operate without any sense of conscience, disregarding any norms or laws imposed by the state or society. Article 21 of Decree No. 20-03 defines an executing member as follows:

- Anyone who joins or participates in a neighbourhood gang, knowing its purpose.
- Anyone who recruits one or more persons for a neighbourhood gang.
- Support and Assistance Members

The role of this category is to provide any form of support to gang members, which can also be referred to as 'logistical support'. This support can be material or moral, such as praising the gang's actions. Article 23 of Decree No. 20-03 outlines the forms of assistance and support that gangs can receive, including:

- Encouraging or knowingly financing a neighbourhood gang by any means.
- Supporting, directly or indirectly, the activities or actions of a neighbourhood gang or disseminating its ideas.
- Providing a meeting place or hiding place for one or more members of a neighbourhood gang.
- Deliberately concealing a member of a neighbourhood gang, knowing that he has committed one of the offences referred to in this Order or that he is wanted by the judicial authorities.
- Deliberately preventing the arrest of a member of a neighbourhood gang or assisting him in evading arrest¹.

¹- Flihi Kamal, previous reference, p. 492.
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C. The moral element

Crimes committed by neighbourhood gangs are considered intentional crimes, which require the presence of both general and specific criminal intent. General criminal intent refers to the perpetrator's will to commit the criminal act with the knowledge that it is punishable by law. In the case of neighbourhood gangs, this is represented by the mere agreement of a group of individuals to commit the offences listed in Order 20-03.

Specific criminal intent refers to the perpetrator's aim to achieve a specific purpose through the crime. This is expressed by the legislator in Article 02 of Decree 20-03, which reads as follows "To commit one or more acts aimed at creating an atmosphere of insecurity in residential neighbourhoods or any other spatial area, or to impose control over them by moral or physical aggression against others..."¹.

The attitude of the Algerian legislator, as reflected in Decree No. 20-03, clearly indicates that a specific intent is required for the crime of forming a neighbourhood gang. This decree was issued specifically to combat neighbourhood gangs, and not other types of gangs, with the aim of creating or controlling an atmosphere of insecurity in residential neighbourhoods, whether through physical violence (use of weapons) or moral violence (verbal abuse and insults), among other means, in order to intimidate and frighten others².

II. Legal mechanisms to combat neighbourhood gang crime

1. Mechanisms for the prevention of neighbourhood gang crime

A national strategy for the prevention of neighbourhood gangs has been established, which includes, in particular, the adoption of vigilance, warning and early detection mechanisms for neighbourhood gangs, as well as public awareness of the dangers of gang membership and the effects of the use of information and communication technology to promote and disseminate their ideas. It also emphasises the need to strengthen institutional cooperation and provide balanced security coverage for residential neighbourhoods. There is also a need to develop a general policy for housing programmes that takes into account the requirements of crime prevention and control. To implement this strategy, the Algerian legislator has set up two bodies for the prevention of neighbourhood gangs: a national committee and a local committee. These are made up of various ministerial departments at central level, the security services, civil society and specialists in sociology, criminology and psychology for the national

¹- Fawziya Hamel, previous reference, p. 120.

²- Flihi Kamal, previous reference, p. 493.

committee, and a local committee made up of representatives of various agencies and security services and criminology experts at local level¹.

A. The National Committee for the Prevention of Neighbourhood Gangs

One of the mechanisms for the prevention of neighbourhood gangs outlined in Decree No. 20-03 is the establishment of a “National Committee for the Prevention of Neighbourhood Gangs”, which submits an annual report to the President of the Republic. This report includes an evaluation of the implementation of the national strategy for the prevention of neighbourhood gangs, together with its proposals and recommendations for improving and upgrading the national mechanisms in this field. Article 8 of Decree No. 20-03 states: “The National Committee for the Prevention of Neighbourhood Gangs, referred to in the text as the National Committee, is established under the authority of the Minister of the Interior...”².

The Committee has the following tasks:

- Develop and submit to the government a draft national strategy for the prevention of neighbourhood gangs, and monitor its implementation by the relevant public authorities, civil society and the private sector.
- Collect and centralise data on neighbourhood gang prevention.
- Define standards and methodologies for neighbourhood gang prevention.
- Develop national expertise in this area.
- Propose any measures that would ensure effective prevention of neighbourhood gangs.

The Committee shall be responsible for:

- Issue opinions or recommendations on any matter relating to neighbourhood gang prevention.
- Ensure the exchange of information and coordination between all stakeholders in the field of neighbourhood gang prevention.
- Propose and evaluate legal and administrative instruments for the prevention of neighbourhood gangs.
- Propose measures or actions to improve their effectiveness.
- Monitoring and evaluating the activities of local neighbourhood gang prevention committees and coordinating their activities³.

The detailed specification of the committee’s structure and operating procedures was left to organisational regulations. In fact, executive decree no. 21-123 was issued to define the composition of the national committee and the local committee for the

¹- Faisal Brahmi, previous reference, p. 87.

²- Flihi Kamal, previous reference, p. 485.

³- Article 8 of Order No. 20-03 dated 11 Muharram 1442 (August 30, 2020) concerning the Prevention and Combating of Neighborhood Gangs, Official Gazette No. 51.

prevention of neighbourhood gangs and their operating procedures. Articles 02 to 08 of this decree describe the composition and functioning of the national committee.

According to article 02 of decree no. 21-123, the National Committee is chaired by the Minister of the Interior or his representative and is composed of 24 members, as follows:

- A representative of the Minister of Justice.
- A representative of the Minister of Religious Affairs.
- One representative of the Minister of National Education.
- One representative of the Minister of Higher Education and Scientific Research.
- One representative of the Minister of Vocational Education and Training.
- One representative of the Minister of Culture.
- One representative of the Minister responsible for Youth.
- One representative of the Minister responsible for Posts and Telecommunications.
- One representative of the Minister for National Solidarity and Family Affairs.
- One representative of the Minister for Town Planning.
- One representative of the minister responsible for communications.
- One representative of the Minister of Health.
- One representative of the Minister of Employment.
- A representative of the General Directorate of National Security.
- One representative from the National Gendarmerie Command.
- A representative of the National Office for Drugs and Addiction.
- A representative of the National Institute of Public Health.
- One representative of the Supreme Youth Council.
- Two representatives of national associations working in the field of violence prevention and social issues.
- Two recognised experts in criminology.
- An expert in sociology.
- An expert in psychology¹.

In addition, the Committee may set up thematic working groups and invite any person who can contribute to its work on the basis of their expertise. Regarding the conditions of appointment and membership, article 03 of the same decree states that its members are appointed by decision of the Minister of the Interior, on the basis of proposals from the authorities, agencies, associations or organisations they represent, for a period of three (3) years, renewable. If a member's term of office is interrupted, a new member will replace him/her in the same way until the end of the term. Furthermore, the article

¹- Executive Decree No. 21-123 defining the composition of the National and Local Committees for the Prevention of Neighborhood Gangs and their operational methods, issued on March 29, 2021.

stipulates that the member representing the ministerial sectors must be a senior civil servant¹.

On the administrative side, the National Committee shall meet in ordinary session four (4) times a year and in extraordinary session as required at the invitation of the Chairman. The Chairman prepares the agenda for the meetings and sends it to the members at least fifteen (15) days before the date of the meeting, although this period may be reduced to not less than eight (8) days for extraordinary meetings. The National Committee also draws up and approves its Rules of Procedure. In addition, the Committee is assisted by a secretariat managed by the relevant departments of the Ministry of the Interior. The periodic reports and activity summaries of the Committee for the Prevention of Neighbourhood Gangs are submitted to the Prime Minister for evaluation and follow-up².

B. The local neighbourhood gang prevention committee

The local committee has the following responsibilities

- Implement the national neighbourhood gang prevention strategy at the local level.
- Early identification of neighbourhood gang activities and reporting to the relevant authorities.
- Developing awareness programmes and promoting awareness campaigns about the risks of neighbourhood gangs and their impact on society. This includes proposing to local authorities the organisation of cultural, media or awareness-raising activities to educate the public about the dangers of neighbourhood gangs and how to prevent them, involving civil society in these efforts.
- Study and analyse neighbourhood gang activities at the local level, together with the factors and conditions surrounding them, in order to adopt a local policy for the prevention of neighbourhood gangs.
- Request studies from relevant local authorities on phenomena or issues related to neighbourhood gangs and provide them with all related data and statistics.
- Prioritise neighbourhood gang prevention programmes that address the most relevant issues among young people.
- Implementing the National Committee's directives regarding its activities and those related to focusing on specific forms of neighbourhood gang crime.
- Report to the relevant judicial authorities any actions that may constitute an offence under this Order.

¹- Nasser Waqas, "A Review of Legislation on the Prevention and Combating of Neighborhood Gangs in Algeria," *Journal of Global Politics*, Vol. 5, No. 3, 2021, pp. 730, 731.

²- Yazid Bouhlit, "Preventive Measures against Neighborhood Gangs in Light of Order No. 20-03," *Journal of Legal and Political Research*, Vol. 07, No. 02, December 2022, p. 216.

- Making proposals to local authorities or the National Committee for the establishment of public facilities or measures to prevent neighbourhood gangs.
- To prepare periodic reports and an annual report to be sent to the National Committee on the status of neighbourhood gangs in the province and what has been done to prevent them¹.

According to Article 10 of Decree No. 21-123, the local committee for the prevention of neighbourhood gangs, chaired by the governor or his representative, is composed of 17 members, as follows:

- A representative of the Directorate of Education.
- One representative from the Directorate of Vocational Training.
- One representative from the Directorate of Town Planning.
- One representative from the Directorate of Employment.
- One representative from the Directorate of Religious Affairs and Endowments.
- One representative from the Directorate of Youth and Sport.
- One representative from the Directorate of Culture.
- One representative from the Directorate of Health.
- One representative from the Directorate of Social Action and Solidarity.
- One representative of the National Gendarmerie.
- A representative of the local security services.
- A representative of local associations working on violence prevention and social issues.
- A representative of the neighbourhood committees elected by the Provincial People's Council.
- A specialist in criminology.
- A specialist in sociology.
- A specialist in psychology.

Similarly to the National Committee, the Local Committee can call upon any qualified person to assist in its work. The members of the local committee are appointed by decision of the governor, on the basis of proposals from the authorities, agencies, associations or organisations they represent, for a renewable term of three years. If a member's term of office is interrupted, he or she is replaced by a new member in the same way until the end of the term, as stipulated in article 11 of decree no. 21-123².

¹- Article 13 of Order No. 20-03 dated 11 Muharram 1442 (August 30, 2020) concerning the Prevention and Combating of Neighborhood Gangs, Official Gazette No. 51.

²- Nasser Waqas, previous reference, pp. 732, 733.

It can therefore be said that Decree No. 20-03 has given the national and local neighbourhood gang prevention committees extensive powers to combat and eradicate these gangs. In reality, however, these committees often carry out their duties by producing reports in offices, without directly engaging with the neighbourhoods to assess the tangible reality. Moreover, no statistics have been collected to prove the effectiveness of this relatively new structure¹.

2- Procedural mechanisms to deter neighbourhood gang crime

The Algerian legislator has attached great importance to the procedural provisions of Decree No. 20-03, particularly those relating to criminal proceedings.

A. Prosecution of criminal cases

The general principle is that the Public Prosecutor has the power to initiate a prosecution, as he has the original jurisdiction to activate the Public Prosecutor's Office. However, there is an exception where the victim of the crime can also initiate the prosecution, as stated in article 1bis of the Code of Criminal Procedure. In addition, the legislator has given certain administrations the right to initiate prosecution.

In the case of crimes committed by neighbourhood gangs, the Algerian legislator has given the public prosecutor the right to initiate prosecution, in accordance with articles 17 and 18 of Decree No. 20-03². Article 17 states: "The public prosecutor shall automatically initiate prosecution if the offence committed in accordance with this decree threatens public security and order". Article 18 also states: "National associations active in the field of human rights and neighbourhood associations may file a complaint with the judicial authorities and establish themselves as civil parties in the crimes referred to in this decree"³.

It is clear from Articles 17 and 18 that the initiation of prosecution by the public prosecutor is based on the principle of automaticity, which requires that neighbourhood gang crimes threaten public safety and order. In addition, the prosecutor does not require a complaint from the victims of these crimes in order to proceed. The legislator has also empowered civil society, including neighbourhood protection and human rights associations and activists, to file complaints with the competent authorities and establish themselves as civil parties.

The Algerian legislature has provided for the use of special investigative methods, in addition to ordinary criminal proceedings, to combat neighbourhood gang crime. This

¹- Hamani Sajia, "Preventive Measures to Combat Neighborhood Gangs under Order No. 20-03: Between the Existing and the Desired?" *Journal of Law and Political Sciences*, Vol. 08, No. 02, 2022, p. 150.

²- Fawziya Hamel, previous reference, p. 1124.

³- Articles 17 and 18 of Order No. 20-03 dated 11 Muharram 1442 (August 30, 2020) concerning the Prevention and Combating of Neighborhood Gangs, Official Gazette No. 51.

is clearly stated in Article 20 of Decree No. 20-03, which defines special investigation methods as operations, procedures or techniques used by the judicial police to investigate serious crimes defined by law, collect evidence and identify perpetrators without the knowledge and consent of the persons concerned.

The main special investigative methods mentioned by the Algerian legislator include those listed in the Code of Criminal Procedure, as amended in 2006 by Law 06-22, specifically Articles 65 bis 5 to 65 bis 10, which include the interception of correspondence, the recording of conversations and photographic surveillance. In addition, infiltration techniques are described in Articles 65 bis 11 to 65 bis 18 of the Code of Criminal Procedure. Controlled delivery is also mentioned in the Anti-Corruption Law 06-01 in article 02, paragraph K¹

B. Penalties Applied to Perpetrators of Neighborhood Gang Crimes

Increased penalties for neighbourhood gangs

A key feature of the new law, Decree No. 20-03 on the Prevention and Control of Neighbourhood Gangs, is to increase legal deterrence through more severe penalties. The new law imposes multiple penalties on neighbourhood gangs. Anyone who belongs to them, participates in their activities or recruits one or more persons for them will be liable to imprisonment for between three and ten years, as well as substantial fines ranging from DZD 300,000 to DZD 1,000,000.

The law also imposes harsher penalties on anyone who leads a neighbourhood gang, with sentences ranging from ten to twenty years and fines of between one and two million Algerian dinars. The minimum sentence is increased to 15 years if the offence is committed in one or more of the circumstances listed in Article 29 of this decree².

The minimum penalty provided for in this decree is doubled if the offence is committed in one or more of the following circumstances:

- Recruiting a child or another person because of their vulnerability due to a physical or mental disability.
- Breaking into a private dwelling.
- Use of information and communication technologies.
- Carrying or using a firearm, incendiary devices, fireworks, flares or tear gas.
- Being under the influence of drugs or psychoactive substances.
- Involving more than twelve (12) people³.

¹- Fawziya Hamel, previous reference, p. 1125.

²- Riyad Barakat Mseika, Mohammed Al-Saghir, "Mechanisms for Preventing Neighborhood Gang Operations and Their Importance: A Reading of Presidential Order 03/20 dated August 30, 2020," *Journal of Legal and Social Sciences*, Vol. 6, No. 2, June 2021, p. 45.

³- Article 29 of Order No. 20-03 dated 11 Muharram 1442 (August 30, 2020) concerning the Prevention and Combating of Neighborhood Gangs, Official Gazette No. 51.

Anyone who incites the commission of any of the offences specified in this law shall be liable to the same penalties as the perpetrator. If a murder occurs during the violent acts, the members of the gang can be sentenced to life imprisonment. In addition, Decree No. 20-03 emphasises the penalties for those who promote weapons used in “wars” between neighbourhood gangs, with prison sentences of up to 12 years and fines of up to two million Algerian dinars. This includes anyone who manufactures knives in a legal or illegal workshop or elsewhere, or who imports such weapons and distributes, transports, sells or displays them¹.

Criminal penalties

Imprisonment from three (3) to ten (10) years and a fine from DZD 300,000 to DZD 1,000,000 shall be imposed on anyone who:

- Creates or organises a youth gang.
- Joins or in any way participates in a gang of juveniles.
- Recruits one or more persons for the benefit of a youth gang².

In addition, whoever leads a gang of youths or occupies a leading position within it shall be punished by imprisonment for a term of between ten (10) and twenty (20) years and a fine of between DZD 1,000,000 and DZD 2,000,000. The minimum penalty specified in this Article shall be increased to fifteen (15) years if the offence is committed under one or more of the circumstances specified in Article 29 of this Decree³.

In addition, a prison sentence of between two (2) and five (5) years and a fine of between DZD 200,000 and DZD 500,000 shall be imposed on anyone who

- Knowingly encourages or finances a youth gang by any means.
- Supports, directly or indirectly, the activities or actions of a youth gang or disseminates its ideas.
- Provides a meeting place or shelter for one or more members of a youth gang.
- Deliberately conceals a member of a youth gang, knowing that he or she has committed one of the offences referred to in this Order or that he or she is wanted by the judicial authorities.
- Deliberately obstructs the arrest of a member of a youth gang or assists them in hiding or escaping⁴.

¹- Riyad Barakat Mseika, Mohammed Al-Saghir, previous reference, p. 45.

²- Article 21 of Order No. 20-03 dated 11 Muharram 1442 (August 30, 2020) concerning the Prevention and Combating of Neighborhood Gangs, Official Gazette No. 51.

³- Article 22 of Order No. 20-03 dated 11 Muharram 1442 (August 30, 2020) concerning the Prevention and Combating of Neighborhood Gangs, Official Gazette No. 51.

⁴- Article 22 of Order No. 20-03 dated 11 Muharram 1442 (August 30, 2020) concerning the Prevention and Combating of Neighborhood Gangs, Official Gazette No. 51.

Imprisonment for a term ranging from five (5) to twelve (12) years and a fine ranging from DZD 500,000 to DZD 1,200,000 shall be imposed on anyone who forces a person to join a youth gang or prevents them from leaving it by using force, threats, incitement, gifts, promises, inducements or any other means¹.

Without prejudice to more severe penalties provided for by applicable law, anyone who participates in a fight, rebellion or gathering of youth gangs during which violent acts result in the death of a member shall be punished by imprisonment of between five (5) and fifteen (15) years and a fine of between DZD 500,000 and DZD 1,500,000. The penalty is life imprisonment if the brawl, rebellion or gathering results in the death of a person who is not a gang member. If the brawl, rebellion or gathering referred to in this article results in injury, the penalty shall be imprisonment for a term of two (2) to seven (7) years and a fine of DZD 200,000 to DZD 700,000. The minimum penalty specified in the first paragraph of this Article shall be doubled if the fight, riot or assembly takes place at night².

Imprisonment from five (5) to twelve (12) years and a fine from DZD 500,000 to DZD 1,200,000 shall be imposed on anyone who manufactures or repairs a white weapon in a legal or illegal workshop or elsewhere, or imports, distributes, transports, sells, offers for sale, purchases with intent to sell or stores white weapons for the benefit of a youth gang, knowing their purpose³.

In addition, imprisonment from six (6) months to two (2) years and a fine from DZD 60,000 to DZD 200,000 or one of these penalties shall be imposed on anyone who is aware of the attempt to commit an offence referred to in this Decree or its actual commission and does not report it to the competent authorities⁴.

In addition, a penalty of one (1) to five (5) years' imprisonment and a fine of DZD 100,000 to DZD 500,000 shall be imposed on anyone who takes revenge, intimidates or threatens, by any means or in any form, victims, witnesses, informants, their family members and anyone closely associated with them⁵.

Conclusion

¹- Article 23 of Order No. 20-03 dated 11 Muharram 1442 (August 30, 2020) concerning the Prevention and Combating of Neighborhood Gangs, Official Gazette No. 51.

²- Article 24 of Order No. 20-03 dated 11 Muharram 1442 (August 30, 2020) concerning the Prevention and Combating of Neighborhood Gangs, Official Gazette No. 51.

³- Article 25 of Order No. 20-03 dated 11 Muharram 1442 (August 30, 2020) concerning the Prevention and Combating of Neighborhood Gangs, Official Gazette No. 51.

⁴- Article 27 of Order No. 20-03 dated 11 Muharram 1442 (August 30, 2020) concerning the Prevention and Combating of Neighborhood Gangs, Official Gazette No. 51.

⁵- Article 28 of Order No. 20-03 dated 11 Muharram 1442 (August 30, 2020) concerning the Prevention and Combating of Neighborhood Gangs, Official Gazette No. 51.

At the conclusion of the study, we arrive at a number of findings and suggestions, which we present as follows:

Findings

- The impact of neighbourhood gang crime: The Impact of Neighbourhood Gang Crime on the Attraction and Settlement of Residents in New Cities.
- Creation of Order No. 20-03: The introduction of mechanisms for the prevention of neighbourhood gangs, represented by the national and local committees.
- Tougher penalties: Increasing the minimum prison sentence if the offence is committed under one or more of the circumstances specified in Article 29 of Decree No. 20-03.
- Influence of migration: The phenomenon of neighbourhood gangs is directly linked to the relocation of inhabitants from old towns to new ones, aggravated by the lack of a security apparatus, especially when the relocation takes place before the completion of new towns and their facilities, in particular police stations and the gendarmerie.
- Penalties as a deterrent: Impose prison sentences and fines to deter perpetrators of neighbourhood gang crimes, thereby limiting the scope of these crimes in cities based on Decree No. 20-03.
- Significance of the legal framework: The significance of Order No. 20-03 in establishing a legal framework for neighbourhood gang crimes by providing more deterrent procedural rules than those found in the Penal Code related to the formation of criminal associations.

Proposals

- Activation of committees: The need to strengthen the work of the national and local committees for the prevention of neighbourhood gangs by increasing their powers in the fight against such crimes.
- Compliance with sanctions: The commitment to effectively enforce the penalties outlined in Order No. 20-03 in order to deter offenders.
- Increased security presence: Increasing the security presence in new residential areas by providing security patrols to instill fear in criminals and thwart their criminal plans, while ensuring the safety of residents.
- Tackling the root causes**: Working to identify and effectively address the root causes that lead to gang crime in neighbourhoods.

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