

Criminal Liability of Parents for the Offense of Emotional Neglect of Children Resulting from Social Media Addiction

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Abstract

This study examines the legal challenges raised by parents' addiction to social media and its impact on the child's right to emotional care. The analysis is conducted in light of the Algerian Penal Code and Law No. 15-12 on Child Protection.

The article aims to frame the phenomenon of parents' "digital mental absence" as a new form of emotional neglect. This approach goes beyond the traditional understanding of neglect, which usually focuses on material needs such as food, clothing, and housing.

The main research problem concerns whether the current punitive provisions can adequately cover the material element of this conduct. The issue becomes more complex because psychological harm is often intangible and difficult to prove.

Using a comparative analytical method, the study concludes that the Algerian legal system provides general protection for children in situations of danger, particularly under Article 11 of Law 15-12. However, it lacks precise procedural mechanisms to identify and regulate what may be described as parents' digital neglect.

The study recommends strengthening the role of psychological and social expertise as an essential means of proof. It also suggests introducing digital behavioral rehabilitation among judicial protection measures in order to reduce the effects of this silent form of harm.

Keywords: Emotional neglect offense; Social media addiction; Criminal liability of parents; Digital material element; Penal Code; Algerian Child Protection Law 15-12.

INTRODUCTION

The family is the primary social unit. Algerian law grants it special protection. This protection stems from its role as the natural environment for a child's growth and upbringing. In recent years, digital technology has entered many aspects of daily life. This development has raised a complex legal issue. It concerns what may be called "digital emotional neglect." This form of neglect may arise from parents' excessive use of social media.

At first glance, this behavior may appear as a form of personal freedom. Yet it may involve a material element of neglect. This element appears through emotional abandonment and through the failure to provide the care and guidance necessary for the child's psychological well-being. Islamic teachings also emphasize the dignity of the human being. They recognize the psychological and social needs of individuals. For this reason, marriage was legislated and family relations were regulated on the basis of mercy, affection, and cohesion among family members. Within this framework, one of the most important relationships is the one that

ensures the material and emotional needs of children. Children are the fruit of the family. Any harm to these relations may lead to what is known as family neglect.

It is also known that believers wish their good deeds to continue through righteous offspring, as stated in the Qur'an (Surah Al-Furqan, verse 74). The Prophet Muhammad (peace be upon him) said: "When a person dies, his deeds come to an end except for three: ongoing charity, beneficial knowledge, or a righteous child who prays for him." Historical reports also mention that when Al-Ahnaf ibn Qays entered upon Muawiyah ibn Abi Sufyan, Muawiyah was angry with his son Yazid. Muawiyah asked him about children. Al-Ahnaf replied: "Our children are the fruits of our hearts and the support of our backs. We are for them a humble earth and a protective sky. Through them we face the hardships of life. If they ask, give to them. If they become angry, reconcile with them. They will then grant you their affection and effort. Do not be harsh with them. Otherwise they will grow tired of your life, wish for your death, and dislike your presence" (Al-Bayhaqi, 1959).

Imam Al-Ghazali also emphasized the moral responsibility of parents. He stated: "The child is a trust in the hands of his parents. His pure heart is a precious jewel. It is simple and free from any imprint. It accepts any form that is placed upon it. If he is accustomed to goodness and taught properly, he will grow upon it and attain happiness in this life and the next. His parents and teachers will share in that reward. If he becomes accustomed to evil and is neglected like an animal, he will suffer and perish, and the responsibility will fall upon those who care for him. Protecting him requires education, discipline, and the teaching of good morals" (Al-Barghash; Al-Ghazali, p. 72; Zarman, n.d., pp. 311–312).

The rapid development of information and communication technologies has affected societies across the world. Its influence has also reached families. In many cases, it has produced negative consequences. These effects appear in the form of emotional distance among family members and various forms of emotional neglect. Such neglect may seriously harm a child's psychological and intellectual development.

In response to these risks, many legal systems have attempted to protect the family. Algerian legislation is no exception. It has adopted several legal provisions that criminalize acts which threaten family stability or undermine its cohesion. The Algerian Constitution states that the law holds parents responsible for fulfilling their duty of educating and caring for their children. Other legal texts reinforce this principle, including the Family Code and the Penal Code.

The constant digital flow that occupies parents' attention may therefore lead to a legal characterization of the offense of family neglect in its broad moral sense, as provided for in the Algerian Penal Code (Articles 330 and following). This issue gives the present study particular importance.

The legal problem addressed in this research concerns the proof of emotional harm resulting from what may be called parental digital mental absence. This issue becomes more complex in a digital environment. The question is whether existing punitive provisions are sufficient to address this new form of neglect. Unlike traditional forms, this type of neglect leaves no visible physical traces. Instead, it leaves psychological effects that may hinder the child's development. The study therefore seeks to analyze the causal relationship between parents' digital addiction and criminal liability for the offense of neglect.

Accordingly, the central research question may be formulated as follows: To what extent are the punitive provisions of Algerian criminal legislation sufficient to characterize parents' digital mental absence as a form of emotional neglect, given the difficulty of establishing the material element of this emerging behavior?

A related question also arises: What is the relationship between parents' addiction to social media and the offense of emotional neglect toward their children?

To address these questions, the study examines the following elements:

1. The concept of the offense of emotional neglect of children.
2. The concept of social media addiction.
3. The relationship between parents' social media addiction and the offense of emotional neglect toward children.

First: The Concept of the Offense of Emotional Neglect of Children

One of the most serious offenses that threatens the stability and cohesion of the family is the offense of emotional neglect of children. This neglect may come from the father or the mother. Any failure by parents may weaken the family structure and harm its stability. For this reason, many legal systems have adopted rules to protect children from such conduct. Algerian legislation has also addressed this issue by recognizing what is referred to as the offense of emotional neglect of children.

1. Emotional Neglect of Children in Islamic Jurisprudence

(Al-Ulwan, 1976, p. 154; Al-Khashan, 2009, p. 147; Ben Al-Sheikh, 2022–2023, pp. 175–181) Islam has given great attention to the well-being of the child. This attention is not limited to physical care such as nutrition, health, and hygiene. It also extends to the child's psychological development and emotional stability. Islamic teachings emphasize the need to raise children in a healthy family environment. Such an environment should be based on understanding, cooperation, and harmony among family members. Psychological and social needs are essential for a child's sound mental and emotional development (Zarman, n.d., p. 305).

From this perspective, Islamic law gives great importance to the emotional and moral dimension of child upbringing. This concern is equal to its attention to the material needs of the child. Although Islamic jurisprudence does not provide a specific definition of emotional neglect, it clearly warns parents against any failure in their responsibilities toward their children. It stresses the duty to provide love, compassion, care, and proper upbringing. These elements represent essential psychological needs that shape the child's personality and development.

The Prophet Muhammad (peace be upon him) emphasized this responsibility when he said: "Honor your children and improve their manners." He also said: "If one of you disciplines his child, it is better for him than giving charity every day with half a measure to the poor" (Ibn Al-Qayyim, n.d., p. 330).

Many of the forms of moral corruption observed among children today may be linked to parental neglect. When parents fail to guide and educate their children during childhood, the consequences appear later in their lives. In such cases, the children neither benefit themselves nor contribute positively to society.

2. Emotional Neglect of Children in Law

A. The Concept of Neglect

Neglect is considered a negative form of conduct. It results from the offender's failure to fulfill a legal duty. This failure may occur intentionally or unintentionally. In such cases, the conduct does not directly lead to the criminal result. The offender may have foreseen the possible consequence, or should have foreseen it, yet did not accept it. At the same time, the offender could have prevented the occurrence of the harmful outcome (Shukri, n.d., pp. 68–69; Ali Qusayr, p. 264).

B. The Offense of Emotional Neglect of Children in International and Algerian Law

Children require constant care and protection during all stages of their lives. This care plays a central role in shaping their future and guiding their development.

B.1. Emotional Neglect of Children under the Convention on the Rights of the Child

The Convention on the Rights of the Child stresses the need to ensure appropriate care and supervision for children. Its preamble recognizes that children require special protection. It states that the child, because of physical and mental immaturity, needs special safeguards and care, including appropriate legal protection before and after birth.

This convention was adopted by the United Nations General Assembly on 20 November 1989. Algeria ratified it through Legislative Decree No. 92-06 of 17 November 1992 (Official Gazette No. 83, 18 November 1992).

Article 19 of the same convention also requires States Parties to take all appropriate legislative, administrative, social, and educational measures. These measures aim to protect the child from all forms of violence, harm, or abuse. They also include protection from physical or mental injury, neglect, negligent treatment, exploitation, and sexual abuse. Such protection must be ensured when the child is under the care of parents, legal guardians, or any other person responsible for the child.

In this context, child neglect refers to the failure to meet the child's physical and psychological needs. Emotional or psychological neglect appears when the child receives no emotional support, no affection, and no attention (Khaldia, 31/12/2017, p. 69).

Mental violence may also include psychological abuse or neglect. It can involve patterns of interaction that cause harm to the child. These behaviors may lead the child to feel worthless, unloved, or unwanted. They may also create a sense that the child is constantly at risk or that his or her value exists only in meeting the needs of others (Khaldia, 31/12/2017, p. 70).

B.2. The Offense of Emotional Neglect of Children under Algerian Law

The Algerian Constitution also highlights the responsibility of parents. It states that the law holds parents accountable for fulfilling their duty of raising and caring for their children (Constitution of 1996, Presidential Decree No. 96-438 of 7 December 1996, concerning the constitutional amendment approved by referendum on 28 November 1996, Official Gazette No. 76, 8 December 1996).

Within the framework of the Algerian Family Code, the legislator established several obligations for spouses. Article 36, paragraph 3, provides that spouses must preserve marital ties and respect the duties of common life. They must cooperate in the interest of the family

and ensure the care and proper upbringing of their children (Algerian Family Code No. 84-11, amended by Ordinance No. 05-02 of 27 February 2005).

Under the Algerian Penal Code, the offense of emotional neglect of children is considered one of the most serious crimes that may threaten the stability of the family. Neglect may occur on the part of the father or the mother. Any failure by either parent may weaken the family structure. For this reason, the Algerian legislator introduced legal provisions to address such conduct under the concept of the offense of emotional neglect of children.

The deprivation of children from their moral rights, such as good treatment, guidance, companionship, and proper education, may have serious consequences for their development. For this reason, the Algerian legislator intervened through Article 330 of the Penal Code (see Article 330 of the Algerian Penal Code). This provision allows for the imposition of criminal sanctions on parents when they fail to fulfill their obligations toward their children.

When adopting the Child Protection Law, the legislator also addressed situations in which children may face neglect or danger, although the law did not provide a precise definition of neglect. Article 2 states that a child is considered in danger when his or her health, morals, upbringing, or security are at risk. The same applies when living conditions or behavior may expose the child to potential harm or threaten his or her future. The law also refers to situations where the child lives in an environment that endangers physical, psychological, or educational safety. Among the situations that may place a child in danger are the following:

- Exposure of the child to neglect or vagrancy.
- Clear and continuous failure in education and care.

(Article 2, Chapter One, Law No. 15-12 of 19 June 2015 concerning Child Protection).

A review of the Algerian Penal Code shows that it does not provide a specific definition of emotional neglect of children. It also does not list the acts that constitute such neglect in a precise manner. Instead, the law adopts a broad approach. Any behavior by a parent that exposes a child to material or moral danger may be considered neglect. Article 330(3) of the Penal Code states that:

“Any parent who endangers the health of his or her children, or one of them, or who neglects their care or fails to provide the necessary supervision, shall be punished with imprisonment from six months to two years and a fine ranging from 50,000 to 200,000 Algerian dinars.”

This provision shows that the legislator did not restrict the concept of neglect to specific forms. The notion remains open. This approach may be justified because neglect is a relative concept. Its meaning may change according to social, cultural, and temporal factors. Therefore, any conduct that harms the psychological well-being of the child may be considered a form of neglect and a punishable offense. In this context, excessive use of social media by parents, when it occurs at the expense of proper child care, may be regarded as a serious form of family neglect.

Elements of the Offense of Emotional Neglect of Children

Like any criminal offense, the offense of emotional neglect of children requires the presence of three elements: the legal element, the material element, and the moral element.

The Material Element

The material element of this offense is based on three main components:

1. The legal status of the offender and the victim.
2. The neglectful conduct itself.
3. The harmful consequences that result from such neglect.

The Status of the Offender and the Victim

For this offense to exist, the offender must be one of the child's legal parents, namely the father or the mother. Consequently, the offense does not apply to adoptive parents or persons who assume care through guardianship (Bousqi'a, 2012, p. 161). This position reflects the fact that adoption is prohibited both under Islamic law and Algerian law (Article 46 of the Algerian Family Code), while guardianship remains a separate legal arrangement that raises certain legal questions.

The law also provides that the offense may occur whether or not parental authority has been removed by a court decision. It also applies regardless of whether the parents live together. The legal provision does not specify which parent exercises custody or parental authority over the child.

As for the victim, Article 330(3) of the Algerian Penal Code indicates that the victim is the legitimate child of the parents who has not yet reached the age of majority, which is 19 years according to Article 40 of the Algerian Civil Code.

Criminal Acts in the Offense of Emotional Neglect of Children

According to Article 330(3) of the Algerian Penal Code, the acts that constitute the offense of neglect may take two forms. Some acts have a material nature, while others have a moral or psychological nature.

The present study focuses on acts of a moral or psychological character. These acts include the failure to provide the necessary supervision and care for children. Examples may include expelling children from the home or leaving them to spend long periods in the street without supervision or guidance. These examples appear in Article 330(3) only as illustrations and not as an exhaustive list (Mubaraka, 2010–2011, p. 47).

The legislator used broad expressions such as lack of supervision and failure to provide care. These terms allow the provision to include any parental conduct that may cause emotional or psychological harm to children (Bousqi'a, 2012, p. 161). For the offense to be established, these acts must be repeated. They must also expose the child's health, safety, or moral integrity to a serious risk.

Serious Consequences Resulting from the Act of Neglect

The offense requires the presence of harm or at least a serious risk. In other words, the child must be exposed to real harm as a result of the parents' behavior. Such harm may affect the child's health, safety, or moral development.

The trial judge has wide discretion in assessing the seriousness of the risk. The legislator did not establish a precise legal standard for determining the degree of danger or harm.

However, a reading of the legal provision shows that the law does not strictly require the actual occurrence of harm. The text refers mainly to exposure to danger, which means that the existence of risk alone may be sufficient.

The Moral Element of the Offense of Emotional Neglect of Children

The legislator did not expressly require the presence of criminal intent for this offense. Nevertheless, the offender must be aware of the nature of the conduct and the potential consequences it may have for the child (Saad, 2002, p. 22; Hafidha, p. 258).

The legislator used the term neglect, which is considered a form of fault. It refers to non-intentional conduct that results from a failure to exercise the necessary caution and care (Meshri, 2008, pp. 425–426).

Prosecution and Penalty

Prosecution for the offense of emotional neglect of children is not subject to any procedural restriction. The Public Prosecutor may initiate criminal proceedings without waiting for a complaint from the victim.

The law provides for a penalty of imprisonment from six months to two years and a fine ranging from 50,000 to 200,000 Algerian dinars. In addition, the court may impose a supplementary penalty. This may include the deprivation of certain national or civil rights for a period ranging from one to five years.

Second: Social Media Addiction

1. The Meaning of Social Media Addiction

Social media addiction refers to the excessive and compulsive use of social networking platforms. It represents a form of psychological and behavioral dependence on these digital platforms. In many studies, it is described as a type of internet addiction disorder.

In psychological terms, a disorder refers to excessive use that negatively affects personal, family, or professional life. This definition reflects the view of the psychologist Mark Griffiths, who considers addiction to digital platforms a behavioral pattern that harms different areas of life.

Social media addiction may also be defined as an uncontrollable desire to continue using social networking platforms. Individuals who experience this condition find it difficult to reduce their time online. They spend long periods in the virtual environment and often fail to notice the passage of time. As a result, they may neglect other important responsibilities or activities in their daily lives (Sara Hamri, p. 612).

2. The Concept of Social Media Platforms

Social media platforms are systems of electronic networks. These networks allow users to create personal profiles or pages. Through these profiles, individuals can interact with other members within a digital social system.

Users may connect with others who share similar interests, hobbies, or goals. These connections may exist between people who already know each other in real life. They may also develop purely in the virtual environment without prior personal contact (Manal Hamad bin Mohammed Al-Nasser, 2019, pp. 255–256; Halima Mezghrati & Sara Hamri, p. 611).

3. The Harms of Social Media Addiction

The advantages and disadvantages of social media remain the subject of continuous debate. While these platforms may satisfy certain needs of users, experts have identified several risks associated with excessive use.

Among the most important negative effects are the following:

- A significant decline in individual performance in various areas of life over long periods.
- A link between heavy use of digital media and poor mental health, including depression, anxiety, feelings of loneliness, social isolation, and low self-esteem.
- Research findings suggesting that the effects may be more pronounced among women than men.
- Differences in the level of impact depending on the type of platform used.
- A decline in social interaction skills and difficulty in communicating with others, including family members and children.
- A higher likelihood of psychological and emotional disorders, such as anxiety and the fear of missing out.
- Negative effects on sleep patterns, which may influence mood and emotional stability, including that of parents.
- A negative impact on relationships with family members and friends when use becomes excessive.
- Changes in mood that may lead to emotional indifference or apathy (Social Media Addiction, ar.m.wikipedia.org, accessed on 11 March 2023 at 12:05).

Third: The Relationship Between Social Media Addiction and the Offense of Emotional Neglect of Children

This issue has become one of the most pressing topics in digital sociology and contemporary criminal law. The virtual world has gradually moved from being a simple form of entertainment to a strong competitor that draws parents away from their natural family roles.

Algerian law does not punish social media addiction as an act in itself. Instead, it punishes the legal consequences that may result from such behavior. The connection between digital addiction and the offense of emotional neglect can be explained through three main elements.

1. Digital Addiction as a Material Act (Causal Conduct)

The excessive involvement of parents in digital media may create a state of mental absorption. In this situation, parents become deeply engaged with digital platforms. As a result, they may neglect their parental duties. The mobile phone is no longer a simple entertainment device. It becomes an obstacle that prevents parents from fulfilling their legal obligation of supervision.

2. Emotional Neglect as an Omission (Material Element)

According to Article 330(3) of the Algerian Penal Code, neglect may occur through failure to act. The offense arises when parents refrain from exercising the supervision required by law. In the context of digital addiction, parents who are constantly absorbed in social media may commit an offense of omission. They fail to provide emotional support and moral guidance to their children. In legal doctrine, this situation may be described as silent neglect.

3. The Causal Link Between Screen Use and Harm

For criminal liability to arise, it is necessary to establish a causal relationship. It must be shown that the parents' continuous engagement with digital platforms is the direct cause of the risk faced by the child. Such risks may include behavioral deviation, psychological disorders, or exposure to online exploitation or blackmail due to the absence of parental supervision.

4. Forms of This Relationship in Light of Algerian Legislation

The relationship between social media addiction and emotional neglect may appear in several forms within Algerian law.

A. Disruption of the Function of Necessary Supervision

Article 330 of the Penal Code requires parents to provide necessary supervision. Social media addiction may weaken this supervision. Even when parents are physically present, they may be mentally absent. In such situations, the child may be considered to be in a state of constructive abandonment.

B. Violation of Emotional Security (Child Protection Law 15-12)

This research also links parental social media addiction with Article 11 of the Child Protection Law. According to this provision, a child may be considered in moral danger when the surrounding environment prevents healthy psychological development. When parents are dominated by the virtual world, the child's environment may become emotionally unstable and harmful.

C. Failure in Digital Supervision

Parents who are addicted to social media often lose control over the digital content consumed by their children. This situation may amount to a failure of supervision. If such negligence exposes the child to moral or psychological risks, the law may consider it a punishable form of neglect.

The connection between social media addiction and the offense of emotional neglect in Algerian legislation lies in the transformation of the virtual world into a barrier that prevents parents from fulfilling their constitutional and legal duties toward their children. When the Algerian legislator criminalized the failure of supervision in Article 330 of the Penal Code, the law did not restrict the means through which such neglect may occur. This approach allows the interpretation that excessive digital immersion may constitute a form of serious fault that can give rise to criminal liability. This is especially the case when such mental absence leads to a decline in the child's emotional well-being, which is protected under Child Protection Law No. 15-12.

From this perspective, several elements help explain the relationship between social media addiction and the offense of emotional neglect of children. Excessive use of social media may lead to the following consequences:

- Neglect of proper upbringing. Excessive engagement with social media consumes the time that parents should devote to their children. This situation reduces attention, guidance, and follow-up. As a result, children may lose their right to proper education, guidance, and moral direction.
- The absence of dialogue within the family. Social media addiction may reduce communication between family members. Parents may show less interest in family matters and in the psychological and material needs of their children. Such behavior may constitute a form of neglect.
- The decline of religious and moral education. Continuous engagement with social media may weaken the transmission of moral and religious values within the family. This decline may affect the ethical development of children and may lead to family neglect.

- Emotional deprivation and its psychological consequences. Lack of emotional attention may lead to psychological disturbances in children. These disturbances may appear in the form of fear, anxiety, hostility, or emotional conflict. Specialists in psychology and education agree that children have essential psychological needs. These include the need for affection, security, reassurance, freedom, success, appreciation, and respect. Children also require balanced authority that guides their behavior. When these needs are not fulfilled, children may experience deep psychological tension and harmful emotional complexes.

For this reason, emotional care plays a decisive role in human development. Mohammed Al-Khidr Hussein stated: “The soul grows through gentle education just as the body grows through proper nourishment. The growth of the body has a known limit, after which it begins to decline. The growth of the soul, however, continues throughout human life and ends only when life itself comes to an end” (Zarman, n.d., p. 307).

- Lack of continuous supervision over the child’s behavior and daily activities may expose the child to harmful influences. The social environment in which the child becomes involved, including friendships and external contacts, may have negative effects. Excessive tolerance or neglect in simple matters may later make it difficult to guide the child back to the proper path (Ben Al-Sheikh, 2022–2023, p. 181).
- Children often observe their parents spending long periods browsing social media while neglecting their family responsibilities. In such cases, parents become a model for their children in adopting the same behavior. In this regard, Ibn Khaldun emphasized the importance of good example in shaping moral values. He explained that association with righteous individuals and imitation of their conduct helps a person acquire virtuous habits and desirable traits. Human beings learn knowledge, values, and moral attitudes either through teaching or through imitation and guidance. However, habits acquired through direct experience and imitation often become more deeply rooted (Al-Zahra Fadloun).
- Loss of time. Once a user enters social networking platforms, a considerable amount of time may be spent browsing content. This often occurs at the expense of other responsibilities and activities.
- Emotional imbalance. Excessive use of social media may disturb emotional balance and direct feelings away from their natural course. This situation may contribute to unstable family relations, weaken family authority, and encourage withdrawal from real social interaction (Morsi, 2012, p. 17).
- Weakening of family, social, and professional ties. Social media addiction may lead to tension or fragmentation within these relationships (Faisal, 2001, p. 136).
- Decline in social communication within the family. In some cases, excessive use of social media contributes to the emergence of fragile family structures. Interaction among family members becomes weaker, which affects family cohesion and solidarity. This situation may generate various psychological and social problems. Emotional coldness may increase, while tension and conflicts among family members may become more frequent (Manal Hamad bin Mohammed Al-Nasser, 2019, p. 220).

- The emergence of a generation of children who experience loneliness. These children may find it difficult to form friendships. Their social skills may also weaken because they do not acquire proper communication habits from their parents.
- Influence on family values. Social media may affect values such as family solidarity and mutual respect. It may also blur traditional moral boundaries between what is considered acceptable and unacceptable in society. In some cases, it may weaken social relations among members of the community (Manal Hamad bin Mohammed Al-Nasser, 2019, p. 269).

In light of the above considerations, a clear connection can be observed between social media addiction and the offense of emotional neglect of children. This relationship may not always appear immediately or directly. However, it often produces consequences that become visible in the medium and long term.

5. Challenges in Proving Digital Emotional Neglect under Algerian Law

The procedural and substantive difficulties faced by the judiciary in cases of digital emotional neglect can be summarized as follows:

- a) Absence of physical evidence (external manifestation): In traditional family neglect cases, judges rely on tangible signs such as bruises, malnutrition, or expulsion from the home. In contrast, in cases of digital addiction, the child may appear materially “well-provided for” but is emotionally “broken.” Algerian law adheres to the principle of legality of evidence, which renders proof of a parent’s “mental absence” largely discretionary, subject to the judge’s evaluation. This may lead to inconsistencies in judicial rulings.
- b) Difficulty in establishing causation: Legally, it must be proven that the psychological harm suffered by the child (e.g., social withdrawal or academic failure) is solely due to parental preoccupation with digital devices. In practice, the defense may argue that other factors—such as school, peers, or television—contributed to the outcome. This makes isolating criminal responsibility to “digital addiction behavior” alone challenging under Article 330 of the Penal Code.
- c) Privacy and constitutional protection of personal life: Investigating these offenses faces constitutional obstacles. Accessing “usage logs” or “hours spent online” by a parent could be deemed an infringement on the confidentiality of communications and the right to private life, which is constitutionally protected unless explicit judicial authorization is granted. Such authorization is rare in routine family neglect cases.
- d) Technical nature of evidence: The Algerian judiciary primarily relies on conventional reports. Proving digital addiction requires digital expertise (analysis of usage data) and psychological expertise (assessment of emotional neglect effects). These methods remain underutilized in cases involving minors and family law, where superficial social investigations are often deemed sufficient.
- e) Proposed solutions to overcome evidentiary obstacles:
 - Empowering child protection delegates: Expand the authority of child protection officers to prepare “environmental” reports monitoring digital behavior within the family when complaints arise.

- Cumulative psychological assessment: Treat repeated complaints from the child or school as evidence of emotional neglect and, in some cases, shift the burden of proof to the parents to demonstrate active supervision.
- Extended testimonial scope: Broaden the range of witnesses in family courts to include close relatives who can attest to parental digital overindulgence and its impact on children.

CONCLUSION:

Addressing the crime of digital emotional neglect in Algeria requires a shift from a rigid legal approach focused on physical evidence to a more flexible law that safeguards psychological well-being. Article 330 of the Penal Code will remain ineffective unless supported by modern, scientific methods of proof that recognize that the “screen” may sometimes inflict greater harm than physical neglect.

1. Findings:

From this study, we reached the following conclusions:

- Societal development is contingent upon the presence of a righteous and well-raised generation, which, in turn, depends on a family fulfilling its role in meeting both the material and emotional needs of its children.
- Emotional neglect of children is one of the most serious crimes affecting the psychological and emotional development of the child.
- Criminalization of emotional neglect under Article 330/3 of the Algerian Penal Code provides legal protection to children against any harm that threatens their security, health, and psychological or physical well-being.
- Initiation of public prosecution in cases of emotional neglect does not require a complaint from the harmed party. The Public Prosecutor may act upon receiving information about an act of neglect from any source.
- Forms of emotional neglect are described in general terms, not exhaustively. The law grants judges discretionary power to determine what constitutes a risk of neglect, taking into account the best interests of the child in all decisions.

1. Recommendations:

- The study recommends activating the role of psychological and social expertise as a fundamental means of evidence. It also suggests incorporating “digital behavioral rehabilitation” into judicial protection measures to mitigate the effects of this silent form of violence.
- Establish family guidance centers staffed with psychological and social specialists to raise awareness about the dangers of neglect on children’s morality, upbringing, and personality development, as such neglect constitutes a fully realized criminal act.
- Conduct awareness campaigns for parents and young people preparing for marriage, fostering a sense of responsibility and trust in caring for children. These campaigns should be implemented through educational institutions, mosques, and media channels—including those that may have contributed to the neglect.

- Develop alternative punitive policies to imprisonment that achieve the same protective objectives.
- Utilize digital intervention technologies to reduce social media addiction, such as the “SMART” system, which implements strict controls on practices that exploit human psychology and brain function, significantly limiting free choice. This includes preventing certain features like infinite scrolling and autoplay. (The system was proposed by U.S. Senator Josh Hawley on July 30, 2019.)

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