

## Algerian Legislative Mechanisms to Combat Cybercrime and Achieve Information Security

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### **Abstract:**

The development in information and communication technology and the emergence of the Internet with all its progress and services has not gone through the world safely, because as far as it has had positive effects and changed the lifestyle of societies and contributed to development and advancement in all fields, especially electronic transactions, as much as it has had an impact Negative to the lives of people and the interests of countries, all of this was manifested in the adaptation of the Internet and electronic means to be a world of crime, and thus emerged into the existence of electronic crimes of all kinds, and we will try in our discussion of this to the legislative mechanisms adopted by the Algerian legislator to limit this developed type of To crime and combat it, and the extent to which these laws are able to limit the spread of electronic crime and achieve information security?

### **key words:**

Law- The Fight Against- Crime- Electronic- Security- Information.

### **Introduction:**

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Freedom of expression is the cornerstone of any democratic society, and it is associated with some rights such as: linguistic rights, freedom of assembly, freedom of the press, the right to privacy and inviolability of correspondence, and it intersects in some aspects with other rights; Because of its distinction and prestigious position within the human rights system, it is in itself a human right. In return, a prerequisite for achieving the realization of other rights, or causing harm to them and their exercise.

In order to understand this duality, one can use the following example: The right to freedom of expression is a necessary condition for the exercise of freedom of assembly, but on the other hand it may be a source of threat to the right to the inviolability of private life. On the other hand, it is one of the collective rights that allow the individual to communicate with each other.

Freedom of expression consists of freedom of opinion, freedom of the press, the media, and information. The Human Rights Committee has clarified that the concept of information within the text of Article 19 of the International Covenant on Civil and Political Rights: It includes all information and traditional issues within the scope of freedom of expression such as religious, philosophical and political issues. It also includes information of a commercial, artistic, professional and scientific nature. And that the freedom of expression and opinions do not just presume the protection of the essence of information and opinion, but also aims to protect the manner and form of its circulation and dissemination.<sup>1</sup>

What is meant by freedom of information within the scope of the human right to freedom of expression is: "To seek, receive and transmit various forms of information and ideas, without regard to borders, through all means of expression and the media, or by any means through which opinions can be transmitted, published and circulated."

Freedom of information today is not limited to the natural person, but rather benefits from moral persons and includes receiving, transmitting and seeking information, and it is intrinsically linked to freedom of the press and the media, and states must take effective measures to prevent censorship of these means in a manner that conflicts with the right of individuals to freedom of expression.

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*1- Article 19 of the International Covenant on Civil and Political Rights was adopted and offered for signature and ratification by the United Nations General Assembly Resolution 2200 A (21st) of December 16, 1966.*

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It is known that every thought has tools for expression, as it is expressed in one of the means of expression, and every person enjoys the freedom to express his ideas, to include freedom of publication, which is the freedom of the press, communication and access to information, and it is a right of citizenship to ensure that his thought is expressed in words, writing, photography or by Radio, TV, Internet.<sup>1</sup>

During the twentieth century, there was a qualitative growth in the volume and measures of information and knowledge circulating, and this is called the information explosion or the information revolution. In recent decades, the information industry has become the main vector for demobilizing scientific progress. The emergence of the Internet had a great impact on the transmission, circulation and utilization of information within a record time anywhere in the world. The Internet contributed unparalleled in making the information revolution, as it is one of the main elements on which information technology is based.<sup>2</sup>

And In the midst of this information revolution, a new term for crime has emerged, which is known as "information crimes" or "electronic crime"; Where it is considered the most dangerous type of crime in our time, because of its great impact on the components of society, as its spread would result in severe damage to individuals, institutions and even states themselves. The national security system of any country may be penetrated by any kind of cybercriminals, as it does not require more than one person who is accustomed to cybercrime to penetrate the sites of security agencies, and to see their secrets and privacy.

It is worth noting that cybercrime is a new and emerging criminal phenomenon that calls for raising the alarm, It targets the assault on data with its broad technical connotations, directed at violating the right to information, Its attacks extend to stored computer data and information transmitted through Internet systems and networks.

And The term electronic crime refers to any crime that a computer may be used to commit, and that may be the target, It can be defined as:

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1- *Al-Fatlawi Suhail Hassan, Human Rights, House of Culture for Publishing and Distribution, 2007, p 155.*

2- *Momani Nahla Abdel Qader, Information Crimes, House of Culture for Publishing and Distribution, 2008, p 34.*

- *Yahyiaoui Noura Ben Ali, Protection of Human Rights in International and Internal law, House of Homa, 2006, p 23.*

“any violation committed against individuals or groups with a criminal motive, and the intention to harm the reputation of the victim, her body, or her mentality, whether directly or indirectly, and that is done by using modern means of communication such as the Internet "chat rooms or e-mail, Or groups..etc".<sup>1</sup>

And Through this research paper, we will try to address the aspect related to combating this type of crime by means of national legislation and the extent of its effectiveness in achieving information security. And What is the ability of the internal laws to deal with the special nature and unique technical characteristics of the methods used in cybercrime?

And Before discussing the legislative mechanisms to achieve information security, an important point related to moral values and the protection of children from the risks of exploitation via the Internet must be addressed.

### **Section I: Freedom of Expression on The Internet, Protection of Security, and Moral Values**

That the exercise of this freedom is linked to public security, in the sense that published articles should not lead to hatred and encourage racism and violence, especially issues related to the country's security matters, such as circumstances that are difficult, as happened when the Supreme Council for Media was abolished, Thus, the authorities banned the publication of news of a security character, which led to a conflict between two rights: the right to give and receive information and the right to security on which the right to life is based.<sup>2</sup>

Where the state may prevent access to information or its dissemination under the pretext of protecting national security or public order, even outside times of public emergency and wars. As it is clear, this exception may be subject to public authorities within the state for abuse or abuse, especially as it falls within the discretionary margin of states, for example: publishing military information on the state's military capabilities and weapons on the Internet.

As for freedom of expression on the Internet and the protection of health and public morals, it is no longer a secret for anyone today that the usual prevention of audio, read or viewing materials to protect children's

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1- Shafiq Hussein, *New Media and Cybercrime, Leaks, Espionage, Electronic Terrorism, House of Fikr and art for Printing, Publishing and Distribution, 2015, p16.*

2- Shattab Kamal, *Human Rights in Algeria: Between the Constitutional Truth and the Missing Reality, House of Khaldounia, 2005, p 248.*

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morals; is facing great challenges as a result of the tremendous technical developments in the field of informatics. And satellite communication technologies. Therefore, it is natural to subject the Internet to restrictions aimed at protecting children and adolescents.<sup>1</sup>

Whereas, the globalization of the Internet has led to its transformation into an open arena for practicing all possible types of crime, including acts that violate public morals and ethics, which vary from one country to another, especially since every user or subscriber in the Internet can obtain data prohibited by the laws of his country, and in the same Time will not be prohibited by the source laws of this data.

In light of the dangers arising from publishing and displaying pornographic materials via the Internet using digital technology to display pornographic images that violate public morals, and ethics, the legislator must intervene quickly to ensure and protect exposure to these images, and If the latter targets a large segment of consumers, regardless of their age or gender; The need becomes urgent to protect children from the risk of exposure to this pornography, because of the material and moral harm it poses to these children.<sup>2</sup>

Where the depiction of children in disturbing sexual positions may occur on real children, or it may fall on virtual children according to what is known as false pictures, where the images of children are fixed on naked bodies and in disturbing sexual positions, which constitutes an infringement of childhood and public morals, and an assault on the image The person, and exploiting him materially.

Protection of these public morals and morals has emerged, such as Articles 319 and 320 of the Algerian Penal Code, in addition to international efforts such as: The International Conference on Combating Sexual Exploitation of Children via the Internet, where the conference affirmed the basic principle of strengthening international cooperation in combating sexual exploitation of children, this is through intensifying international efforts in adopting the principles that call for encouraging green telephone lines for citizens to report child pornography sites via the Internet, as well as the need to combat the commercial exploitation of

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1- *Beyoni Hegazy Abdel Fattah, Events and the Internet, An in-depth study on the impact of the Internet on Events Deviation, House of Legal Books, House of Chatat Publishing and Software, 2007, p 269.*

2- *Shawabkeh Muhammad Amin, Computer and Internet Crimes, Information Crime, House of Culture for Publishing and Distribution, 2007, p 105.*

children, which requires the intervention of the legislator national to criminalize sexual trade.

It also called for the necessity of establishing minimum rules, dealing with an approximate definition of this crime, So that the intentional possession of images of children, the production and distribution, the import, export and transfer of child pornographic images, and their advertisement through computer or electronic storage methods, are taken into account and considered crimes punishable from the procedural point of view. All necessary measures must be taken to preserve the archived data, and on the European level. Where the European Union launched a communication paper on the illegal and harmful level, on a paper called green abundance, to protect minors and human infringement, and to consider it in audiovisual materials and information services, in October 1996, and it was the result of contacts for the regulation of the Internet within the European Union.

As it included solutions approved by the Council of Ministers for Communications in September 1996, and the European Parliament adopted the solutions approved by the European Commission for Communications in April 1997, including what the Green Paper concluded with the necessity to choose the challenges facing society and beyond control, as a result of the rapid developments in audiovisual materials and information services.

Among the efforts of the European Council: The necessity to combat child pornography held in December 1998, was the subject of the international meeting of Interpol experts in France in May 1998, in addition to the American legislation that represented the first effort of the US Congress, as it laid down aspects of child pornography in 1996, by issuing The Communications Ethics Act (CCDA), which criminalized the transmission of negative material to children anywhere on the Internet.

## **Section II: Information Security in The Algerian Law**

Information security means: to provide protection for information from the risks that threaten it, or the barrier that prevents its misuse, by providing tools, means, standards and measures taken to prevent information from reaching the hands of unauthorized persons through communications, and to ensure its authenticity and validity.

### **A) Information Security in the Penal Code**

The Algerian legislator rectified the legal vacuum in the field of combating cybercrime achieving information security, especially cyber

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crimes under Law 15-04 containing the amendment of the Penal Code, according to which some acts related to automatic data processing are criminalized, and these actions are as follows:<sup>1</sup>

### **1- The crime of unauthorized entry:**

This crime is based on unauthorized access to the information system; It has been indicated by article 394 bis of the Algerian Penal Code, where the penalty is: imprisonment from 3 months to a year, and a fine from 50,000 to 100,000 DZA, Anyone who fraudulently enters or remains in all or part of the automated data processing system or tries to do so, and the penalty is doubled if that results in the deletion or change the system's data or sabotage the system's works system.

### **2- The crime of information fraud:**

Involves "manipulating" the data contained in the data processing system,<sup>2</sup> It is limited to acts of insertion, deletion, and modification, by entering new incorrect data or amending the last existing one list; where the legislator decided for her the penalty of imprisonment and a fine with the possibility of doubling the penalty.<sup>3</sup>

### **3- The crime of data seizure:**

This crime is the most prevalent in the hypothetical world, as it involves designing, researching, gathering, providing, publishing, or trading in data stored, sent or processed by an information system, Or the possession, creation, publication, or use of data obtained from one of the crimes stipulated in Section Four of the Algerian Penal Code, for any purpose whatsoever. And the perpetrator is punished with imprisonment from two months to 03 years and a fine of 1,000,000 to 5,000,000 DZD.<sup>4</sup>

### **4- The Crime of vandalism and destruction of Data:**

The Algerian legislator defined it as: "Whoever enters by Cheat Data in the automatic processing system or Cheat removing or modifying the data contained in Section 05 of the Penal Code". It has approved the penalty of imprisonment and a fine for those who commit it.<sup>5</sup>

### **5- Information fraud crime:**

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1- Borzam Ahmed, *Information Crimes, a lecture given at the Judicial Council of Batna, Court of Batna, Algeria, 2006, p 14.*

2- Kheither Masoud, *Criminal Protection for Computer, Programs, Styles and Gaps, House of El Houda, 2012, p 123.*

3- See Article 394 bis 01 of the Algerian Penal Code.

4- See Article 394 bis 02 of the Algerian Penal Code.

5- See Article 394 bis 02 of the amended and supplemented Algerian Penal Code.

Stipulate in the Penal Code in Article 394 bis 02: "Everyone who cheats, Designing, researching, collecting, presenting, publishing, or commodity data stored, processed, or transmitted through the information system. and Acknowledged the penalty of imprisonment and a fine for the perpetrators."

#### **6- Crimes related to Internet activities:**

Stipulated in the articles of Section Four bis of the Algerian Penal Code, especially Article 394 bis 2/2: "Acts of possession, disclosure and publication that occur on automatic data, with the aim of unfair competition, espionage, terrorism, incitement to immorality, and all unlawful acts". (This is a broad term that could include any business within the scope of this type of cybercrime).

The penalty for this is: Imprisonment and a fine in addition to a complementary penalty, which is: Closing down sites are the subject of these crimes.<sup>1</sup> And the confiscation of the devices, programs and means used, with an increased penalty if the crime targets national defense or the bodies and institutions subject to public law.<sup>2</sup>

Moreover; The Algerian legislature has decided to protect people from infringing on the sanctity of their private lives, by capturing, recording or transmitting private or secret calls or conversations, or pictures in a private place without the permission or consent of the owner.<sup>3</sup>

Besides natural persons; The Algerian legislator has approved the principle of accountability of the legal person in accordance with Article 51 bis 04-15. and Article 394 bis 04 of the Penal Code: "In the event that a legal person commits an offense against the automated data processing system, he shall be punished with a fine equivalent to five times the maximum fine prescribed for a natural person." According to the private nature of the legal person.<sup>4</sup>

In addition to the issuance of Law No: 16-02 dated 08 June 2016, as amended and supplemented the Penal Code. Article 87 of it stipulates: thereof to the "Punished with temporary imprisonment from 05 to 10 years and Financial penalty: 100,000 dinars to 500,000 dzd, every Algerian or foreign resident in Algeria Legally or illegally, Travels, or

1- See Article 394 bis 06 of the amended and supplemented Algerian Penal Code.

2- See Articles 152, 394 bis 01, 394 bis 02 of the amended and supplemented Algerian Penal Code.

3- See Article 303 bis, of the amended and supplemented Algerian Penal Code.

4- See Article 51 bis of the Penal Code 04-15, and article 394 bis 04 thereof.



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tried to travel to another country, with the intention of committing or masterminding terrorist acts. And the last paragraph added: "He uses information and communication technology to commit the aforementioned acts".

and Article 87 bis 12 stipulates: "Punished with temporary imprisonment, from 05 years to 10 years and a fine from 100,000 to 500,000 DZD, Whoever who uses information and communication technology to recruit people for the benefit of a terrorist, association, organization, group or organization whose purpose or activities fall under the provisions of this section. Or organize its affairs, support its business or activities, or spread its ideas."

and Article 394 bis 08 states, without "prejudice to the stipulated administrative penalties: "shall be punished by imprisonment from one to three years and a fine from 2,000,000 to 10,000,000 DZD, or only one of these two penalties, the Internet service provider within the meaning of Article 02 of Law 09-04, at dated: 05 August 2009, Included the special rules for the prevention and control of crimes related to information and communication technology, does not work despite his excuses, from the national body stipulated in the aforementioned law, or the issuance of a court ruling obliging him to immediately intervene to withdraw or store the contents Which Peruse to her, or make render her inaccessible whene her Includes contents, that constitute legally stipulated crimes. for establishing technical arrangements allow storing or withdrawing the contents related to the crimes stipulated in Paragraph A, or making access to them impossible".<sup>1</sup>

### **B) Information Security in the Criminal Procedures Law:**

The Algerian legislator, through Article 37 of the Code of Criminal Procedure, has given local jurisdiction to the Procurator of the Republic in information crimes, stipulated the inspection in Article 45, paragraph 07 thereof. And on arrest for consideration of In the crime infringing processing systems in the text of Article 51, paragraph 06 thereof, and the interception of correspondence, recording of votes and taking pictures in Article 65 bis 05 to 65 bis 10, as for the investigation and trial procedures, the same procedures of the traditional crime shall be applied to it.

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*1- Law No. 02-16 of June 19, 2016, containing the Penal Code, amending and supplementing Ordinance 66-156 of June 08, 1966, which includes the Penal Code, Official Gazette, No. 37, issued on: June 22, 2016.*

Exceptional rules have been stipulated in the inspection, whereby it is permissible to inspect residential and non-residential stores, at every hour of hours the night and day, as a preview inspecting crimes that affect automatic data processing systems based on prior permission from specialist procurator of the Republic.<sup>1</sup>

With the possibility of judicial police officers conducting searches inside homes Without the suspect being present, and without witnesses.<sup>2</sup> With obligatory the prior permission from procurator of the Republic when it comes to the case of flagrante delicto or the preliminary investigation. In addition to that, the possibility of using special methods to investigate these crimes. The matter is related to:

- \* Interception of correspondence made by means of wired and wireless communication.
- \* Capture, fix, broadcast and record speech and take pictures of people in public places. Of course, with the requirement of prior authorization of the judicial authority.<sup>3</sup>
- \* Leakage: It is the practice of specialized persons who they are harnessed to delude the suspect that they are participating with him in committing the crime.<sup>4</sup>
- His the amended penal Procedures Law in 2006 stipulated the possibility of extending the period of the period of detention, which is set to 48 hours, once, when it comes to investigating crimes of infringing on systems for automatic data processing in case of flagrante delicto.<sup>5</sup>

### **C) information security in private laws:**

Due to the extension of the threat of cybercrime in all areas of life, it was necessary to stipulate it even in special laws, including:

#### **1- Industrial property laws:**

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1- See Article 47, Paragraph 2 of Ordinance 66-155, Issued in dated June 08, 1966, which includes the Code of Procedures penal, as amended by Article 11 of Law No. 06-22, Issued in dated: December 20, 2006, Official Gazette, No. 84, Issued in: December 24, 2006.

2- See Article 45, last paragraph of the Procedure penal code.

3- See Articles 65 bis 05 to 10 bis of the Procedure penal code.

4- See Article 65 bis 11 of the Procedure penal code.

5- See Article 51, paragraph 4 of the Procedure penal code.

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The legislator has touched on the regulation of trademark provisions in Ordinance No. 03-06 related to trademarks,<sup>1</sup> by registering the program under a trademark name for it, but the matter is related to the protection of the name only without the content and it is a protection that may be effective by simple and not complex copying. As for computer information programs, the Algerian legislator explicitly excluded them from the field of patent protection.

### **2- Literary property laws:**

With the remarkable development in the field of communication in recent times, the means of transporting intellectual production in various forms have developed with it. The Algerian legislature has expanded, through Order 97-10 amended and supplemented by Order 03-05 of the list of protected literature, as it incorporated media applications within the original works that were expressed in database works and computer programs that enable managed to do activity scientific, or any activity to obtain On a special result of the information, that read with a machine.<sup>2</sup>

Penalties are also increased for those who violate the rights of authors, especially authors of Informatics works.

### **D) Information Security in the Law on Combating Media and Communication Technology Crimes:**

Law No. 09-04 was promulgated in Algeria, Includes rules for prevention and control of crimes related to information and communication technology, whereby it is permissible to monitor electronic information in terrorism-related matters in violation of public order. This law aims to protect the automatic data processing systems from crimes, and it also has a scope for investigation. Given the confidentiality of communications, the seriousness of potential threats, and the importance of the protected interests, the requirements of the protection of the public order or its requirements can monitor electronic communications, collect and record their content, and carry out inspection or seizure Within information systems.

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1- Ordinance No. 06-03, Related to trademarks, The historian in: 19 July 2003, Official Gazette No. 44, issued on: 23 July 2003.

2- See Article 57 of Ordinance 97-10, It includes Law on Copyright and Related Rights, The historian in March 06, 1997, the Official Gazette, No. 13, issued on: March 12, 1997, amended by Order No. 03-05 of July 19, 2003, Official Gazette No. 44, issued in: July 23, 2003.

Electronic communications can also be monitored to prevent acts described as crimes of terrorism, sabotage, and crimes that affect the security of the state, or provide information about a possible attack on an information system in a manner that threatens state institutions or national defense, also to the requirements of the investigation of a case, so that it is difficult to reach a conclusion without resorting to electronic monitoring.

And for the public Prosecutor at the Algerian Judicial Council is authorized to grant judicial police officers a minimum period of 6 months, which can be extended, on the basis of a report indicating kind of the technical arrangements used.

This law stipulated in its third chapter the procedural rules own for the inspection process in the field of crimes related to information and communication technologies in accordance with applicable global standards, with the possibility of resorting to the assistance of the competent foreign authorities in order to inspect the information systems located abroad, in application of the principle of reciprocity. As well as withholding data and data, preventing access to data on the content of the offense, and saving traffic data according to Article 10 of Law 09-04. in addition to the obligations of Internet service providers to prevent access to data contrary to public order, which constitute a crime, by pulling their contents, and to establish technical arrangements to prevent access to it according to Article 12 of Law 09-04.

Chapter five of this law also stipulates the establishment of a national commission for the prevention and control of crimes related to information and communication technology, which will coordinate and activate the prevention of media crimes and assist the judicial authorities and judicial police services in their investigations regarding crimes, on media-related crimes according to Article 14 of the same law.

And the Algerian courts have jurisdiction if the crimes are committed outside the Algerian territory, when the perpetrators are foreigners, and are targeting state institutions, and international judicial assistance may be requested on the condition that sovereignty is not violated, reservation procedure with either by fax or e-mail.

In addition to the aforementioned; A joint ministerial decision dated: December 17, 2017 was issued defining the internal organization of the structures of the National Authority for the Prevention of Crimes Related to Media and Communication Technology, including the interests of the

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Public Administration, the Human Resources, and the Financial, the Prevention and Security Bureau.

There is also the Preventive Control and Electronic Vigilance Directorate, which includes the Electronic Control Department, and the Follow-up, Analysis and Cooperation Department.

Attached to it are the Technical Operations Center and Supplements, the Electronic Surveillance Department, the Activities Coordination Office, the Communications Control Office, Office for monitoring wired and wireless communication networks, the Internet Network Monitoring Office, and there is administration Follow-up, Analysis and Cooperation Department, the Information Collection Office, the Prevention and Follow-up Office, and the Communication and Cooperation Office.

The Technical Operations Center includes: Office of Telephone Surveillance Systems, Office of Internet Surveillance Systems, Office of Geolocation Systems, Communications Surveillance, and Technical Support Office.

The Regional attaché includes: the General Administration Office, the Electronic Surveillance Office, the Follow-up Department, Analysis and Cooperation, the Information Collection and Exploit Office, the Prevention and Follow-up Office, and the Communication and Cooperation Office. and The Technical operations center includes: Office of Telephone Surveillance Systems, the Office of Internet Monitoring, the Office of Geospatial Systems and Communications Surveillance, and the Technical Support Office. It includes the regional attaché, the office of administration, control, follow-up and analysis, and technical operations. As for the Coordination Directorate, it includes: Interest of Judicial Studies and Experiences, the Department of Media and the Studies and Experiences, the Office of Digital Technologies and the Database, and the Studies Office. It includes the Media System Department, the Research Office, the Media Network Administration Office, and the Media System Security Office.<sup>1</sup>

Presidential Decree 19-172 dated 06 June 2019, that determines the composition of the National Authority for the Prevention of Crime Related, to Information and Communication Technologies and combat it,

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*1- See the Joint Ministerial Decision of December 17, 2017, Specified for internal organization of the structures National Authority for the Prevention of Crimes Related to Media and Communication Technology, Official Gazette, Issue 14, issued on: 04 March 2018.*

and its organization and how it works. The Authority is a public institution of an administrative character, with a moral personality and financial independence, is placed under the authority of the Ministry of National Defense, and the headquarters of the Authority shall be determined in Algiers City.

It consists of the Steering Council, representatives of the ministries of: National Defense, Ministry of Interior, Ministry of Justice, Ministry of Wire and Wireless Communications, It is responsible for ensuring the development of cooperation with the institutions. and to periodically assess the threat situation in the field of media and communication technology-related crimes, evaluating any proposal and every activity related to research Study the annual report on the activities of the authority, express an opinion on every issue related to the tasks of the body contributing to setting legal standards in his field of competence.

As for the General Directorate, it ensures the proper functioning of the commission, preparing the budget project, preparing and implementing the work program of the authority, activating, coordinating, following up and monitoring the activities of the authority's structures. Exchanging information with their foreign counterparts; In order to collect all the data related to locate the perpetrators of connected crimes; preparing the meetings of the steering council and preparing the annual report on the activities of the authority.

The directorate includes: Technician for Administration Directorate and technical interests, which assists the judicial police, and put Means and devices, for surveillance in the field of terrorist and sabotage the crimes.<sup>1</sup>

### **Conclusion:**

Freedom of expression considered as the basic rule for other freedoms and freedom of Informatics, of which Including freedom of expression on the Internet. However, its release and exercise with absolute freedom leads some of its users to overstep the legitimate limits, and to use it for criminal purposes that affect all components of the national and even international society.

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*1- See Articles 02 to 15 of Presidential Decree 19-172 of: 06 June 2019, which determines the composition of the National Authority for the Prevention of Crime Related to media and Communication Technologies and their Combating, Organization and Modes of Operation, Official Gazette, No. 37, issued on: 09 June 2019.*

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Among the conclusion drawn is that:

– Although the Algerian legislator was corrected for the legal vacuum in the field of cybercrime, By criminalizing the assaults on computer products. However, He did not create a special text, for information fraud.

– Despite awareness of the Algerian legislator for this type of crime, through a phrase of the amendments, that knew the Algerian Penal Code and the Law of 09/04, However, that is not sufficient with the newness of this type of crime, which he constantly increasing.

As for the sentence of recommendations, they are as follows:

– The legislator must develop its legislative environment in line with the rapid and remarkable development of this crime.

– Establishing departments specialized in cybercrime. And the conclusion of agreements and treaties for cooperation between countries to combat cyber crime.

– The need to allocate special criminal police and experts with high competence in the field of the Internet.

– The competent authorities should increase awareness campaigns for citizens; for taking to be The precaution and caution of these crimes that are increasing more and more.

– The necessity of training and qualifying members of the judicial police, as well as the Public Prosecution, on how to deal with this type of crime, and to achieve cooperation with technicians with experience. And setting up procedures such as investigation and trial for cybercrime that differ from traditional crime.

– Teaching courses of Information systems and crimes that may arise from she in a simple way in law schools and judicial institutes.

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