

The Crime of Rape in Light of Algerian Law No. 24-06

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ABSTRACT:

Rape constitutes one of the gravest crimes violating human dignity and one of the most harmful to social security. This has led the Algerian legislator to develop its legal provisions to keep pace with the evolution of this crime and ensure effective deterrence for its perpetrators. This was achieved through the enactment of Law No. **24-06**, which amends the Penal Code to strengthen the legal framework surrounding the crime of rape by expanding the scope of criminalization and tightening penalties, while focusing on protecting the most vulnerable groups, such as minors and persons with special needs.

Studying the incriminating and punitive framework of rape has become crucial in light of contemporary challenges, particularly its connection with cases of sexual violence and the rise of digital technologies that have opened new avenues facilitating the commission of such crimes.

Social and legal concepts regarding victims' consent have also evolved, especially concerning minors and victims of psychological exploitation. The gaps in previous legislation revealed an urgent need to update the legal texts to ensure more inclusive justice.

Accordingly, the Algerian legislator delineated the boundaries of this crime, although somewhat briefly, since no explicit definition of the criminalized act was provided, nor was the distinction between rape and similar offenses clearly stated.

Keywords : الإغتصاب، هناك العرض، ظروف التشديد، العقوبة، التجريم

Rape, indecent assault, aggravating circumstances, punishment, criminalization.

INTRODUCTION:

Crimes of sexual assault are numerous and varied, sharing the common element of unlawful sexual acts without the victim's consent, or the violation of the right to maintain sexual integrity. The term "honor" refers to sexual purity and chastity as socially recognized moral standards, where any deviation from them is deemed a disgraceful act deserving social condemnation values derived from religion and ethics.

Among the most serious and heinous of these crimes is the crime of rape. We have chosen to shed light on it because it is no longer merely a punishable offense under the law but has become a phenomenon that requires careful attention and reconsideration from both preventive and corrective perspectives.

Hence, it has become imperative for the legislator to intervene continuously to protect and preserve people's honor and sexual freedoms. In fact, the legislator amended the relevant legal provision and codified the crime of rape in **Article 336**¹ of **Law No. 24-06**, amending and supplementing the Penal Code². The crime was classified under offenses against public decency, with changes made to its definition, denomination, and penalties depending on the victim's age, mental and physical condition, relationship to the perpetrator, and surrounding circumstances. The legislator sought to address all aspects of the crime, as it remains one of the most dangerous offenses against women, whether adults or minors. The harm of rape extends beyond the act itself, often encompassing associated crimes such as kidnapping, murder, and even human trafficking in its various forms. On the other hand, the victim may sometimes become a perpetrator such as in cases of pregnancy leading to abortion or resorting to prostitution all of which are conceivable consequences.

From this standpoint, we can raise the following central question:

To what extent has the Algerian legislator achieved legal adequacy in curbing the crime of rape under the amendment introduced by Law No. 24-06?

This question gives rise to several subsidiary questions, mainly concerning whether the legislator succeeded in addressing the shortcomings of the previous legal text.

To answer this problem, several complementary scientific methods were adopted to understand the various aspects of the crime of rape. Chief among them is the **analytical method**, which involves analyzing and interpreting the legislative texts related to the crime of rape particularly **Law No. 24-06**, which amends provisions on rape and other offenses under **Article 27**, encompassing **Articles 333, 334, 335, 336, 337**, and subsequent ones. The **descriptive method** was also essential, given the nature of the topic and the need to describe and present it by collecting, classifying, and subjecting information to precise analysis to clarify the elements of the crime of rape.

Accordingly, this study was divided into two main sections:

- **Section One:** The Incriminating Framework of the Crime of Rape under Law No. 24-06
- **Section Two:** The Punitive Framework of the Crime of Rape under Law No. 24-06

SECTION ONE: THE INCRIMINATING FRAMEWORK OF THE CRIME OF RAPE UNDER LAW NO. 24-06

The crime of rape is one of the most serious offenses violating human dignity and the sanctity of the human body. The Algerian legislator, in harmony with international conventions and comparative legislations, has been keen to criminalize it through explicit provisions and to impose severe penalties that reflect its gravity. This crime is based on three fundamental elements: the **legal element**, which represents the legal basis or the provision that criminalizes the act of rape and prescribes its punishment; the **material element**, which consists of a man having unlawful sexual intercourse with a woman without her consent; and finally, the **moral element**, or criminal intent, which is the perpetrator's will to commit the act while being aware that he is engaging in intercourse with a woman without her consent. These are the essential elements that must all be present for criminal liability to be established.

Subsection One: The Legal Element of the Crime of Rape under Law No. 24-06

Law No. 24-06 falls within the legislative modernization process undertaken by the Algerian state to develop the legal system and keep pace with social and economic developments. It is one of the modern laws enacted in the second quarter of 2024, introducing amendments aimed at strengthening victim protection and tightening penalties for sexual crimes, including rape.

The legislator was relatively successful in the changes made to the new text compared to the previous one, whether concerning the offender's status, the victim's condition and age, or the penalties themselves, which became more severe and can now reach life imprisonment. This is evident starting from **Article 336**, which redefined the crime previously considered a "violation of honor" as "rape," while also modifying the range of penalties according to the circumstances, varying between **10 and 20 years** of imprisonment ³.

Similarly, **Article 334** ⁴ of the same law, although it does not explicitly mention the act of rape, was referenced by the legislator in **Article 337**, which is followed by **Article 335** and finally **Article 337** ⁵

Subsection Two: The Material Element of the Crime of Rape under Law No. 24-06

The crime of rape is classified as a felony under Algerian law. However, the legislator did not specify the acts that constitute or complete the material element in the related legal provisions. This omission compels us to refer to legal doctrine to determine the components of the material element. Nevertheless, even doctrine is no longer a fixed reference, given the societal changes and the recognition of the so-called "third gender" in some countries. Therefore, it is necessary to establish a clear legal provision defining and delineating the elements of this crime.

The acts constituting the material element consist of two essential components:

The act of intercourse (sexual penetration), which naturally includes attempt and participation;

The absence of the victim's consent, as a second element required for the completion of this component.

Each of these elements will be examined separately.

Branch One: The Act of Intercourse (Sexual Penetration)

Intercourse is defined as the insertion of the male organ into the female's vagina, which is the natural part of a woman's body designated for sexual relations. Once penetration occurs, the crime is deemed complete ⁶.

From this definition, we can infer the following:

- Rape, by nature, occurs only when a man forces a woman, although in France, the definition has evolved to include male victims.
- Anal penetration, the insertion of a finger, or any other object does not legally constitute rape.
- Intercourse is not considered rape if it occurs within marriage, meaning that a husband who forces his wife into sexual intercourse is not, under current Algerian law, considered to have committed rape ⁷.
- The crime of rape does not occur if the woman herself coerces the man into intercourse, such as when she deceives him into having sexual relations while he believes she is his wife, or when the man is intoxicated or insane and the woman takes advantage of that

state. In such cases, the act may constitute indecent assault or adultery, depending on the circumstances.

Furthermore, for the crime of rape to exist, the victim must be a living woman who possesses sexual autonomy. Therefore, sexual acts committed on a corpse fall outside the scope of rape and constitute another offense. The rupture of the hymen is not a determining factor in establishing the crime.

As for attempt, according to **Article 30** of the Algerian Penal Code, an attempt to commit a felony is punishable as the felony itself. Since the legislator classified rape as a felony, the same penalties apply to the attempt as to the completed act.

It is worth noting that the crime of rape has a particular complexity during its commission. If the act is interrupted at a certain stage, it may be reclassified as another offense—such as an indecent act—and the offender may escape punishment for rape. Proving this type of interrupted crime is often difficult, as it depends on the perpetrator's intent.

Participation in rape follows the general rules of accomplice liability, as **Law No. 24-06** contains no specific provision governing this matter.

Branch Two: The Absence of the Victim's Consent in the Crime of Rape

The absence of the victim's consent is the very essence of rape. If intercourse occurs with the woman's consent, no crime of rape exists—unless the man is married, in which case the act constitutes adultery, or if the act occurs publicly, in which case it is an indecent act in public ⁸.

Rape against a woman occurs only when sexual intercourse takes place without her consent, thereby violating her sexual freedom.

Consent is considered absent when the woman is subjected to physical or moral coercion. Physical coercion involves the use of violence on the woman's body, forcing her to submit through threats or severe harm that paralyze her will and compel her to surrender—such as when a woman is forced to yield under the threat of a weapon ⁹.

However, the absence of consent may also exist without any physical or moral coercion, as the law merely requires lack of consent and not necessarily the presence of force. For example, if a physician takes advantage of a medical examination to have intercourse with a woman unexpectedly, or if the woman is asleep, unconscious, or under anesthesia, the crime of rape is deemed to have occurred.

To establish coercion, the victim's resistance must be serious and directed toward avoiding intercourse itself ¹⁰.

The legislator here considers lack of consent resulting from coercion sufficient to constitute rape, regardless of other factors. What matters is the absence of genuine consent from the woman.

There are also constructive or legal forms of coercion, such as lack of consent due to fraud, deception, loss of consciousness, or incapacity to distinguish right from wrong.

Subsection Three: The Moral Element of the Crime of Rape under Law No. 24-06

The crime of rape, legally, is not established merely by the act of a man inserting his genital organ into a woman's vagina without her consent ¹¹. It also requires the presence of criminal intent, composed of two essential aspects:

General intent, which is based on the offender's awareness and will;

Specific intent, which is evident through the perpetrator's material actions demonstrating the intent to have sexual intercourse and nothing else.

Branch One: General Criminal Intent

General criminal intent in this crime is realized when the offender's will is directed toward performing the act of intercourse, knowing its illegality and the absence of consent from the victim. Thus, criminal intent is not established if the offender believes his act to be lawful for example, due to ignorance of the invalidity of the marriage connecting him to the victim. Criminal intent is also excluded when the offender mistakenly believes that the victim consented to the act of intercourse such as in the case of a man having intercourse with his mistress despite her resistance, thinking she is only pretending to refuse to provoke him.

Moreover, criminal intent requires that the offender knows that the intercourse is unlawful and occurs without valid consent. It must be proven with absolute certainty that the offender knew or could have known that he was having unlawful intercourse with a woman. For instance, if a man divorces his wife by a revocable divorce but believes he still has the right to resume marital relations, whereas the divorce had become irrevocable by judicial decision after the waiting period, his defense of mistaken belief must be examined. If the court finds that his error was genuine and justified, it must consider that before issuing a conviction¹². Intent is also absent in cases of genuine mistake, such as when a husband returning from travel has relations with a woman he mistakenly believes to be his wife.

Additionally, for intent to be established, it must extend to awareness of aggravating circumstances. This is confirmed by the third paragraph of **Article 334** of the Penal Code as amended by Law **No. 24-06**, which identifies these circumstances as follows:

- **Minor age** of the victim.
- **Illness or disability**, whether physical (e.g., paralysis) or mental (e.g., intellectual disability).
- **Physical or mental incapacity**, such as the inability to resist or comprehend the situation.
- **Pregnancy**, if the victim is visibly pregnant¹³.

The key element in this paragraph is knowledge or obviousness meaning that the offender must either have been aware of these conditions beforehand or that they were clearly apparent. For example, if the offender knew that the victim suffered from a mental disability or that she was visibly pregnant, these circumstances constitute aggravating factors.

In addition to knowledge, will must be established to complete the criminal intent in the crime of rape. This occurs when the offender directs his will toward committing the act that forms the material element of the crime namely, engaging in unlawful sexual intercourse with a woman without her consent.

The intent must be specifically directed toward the act of intercourse. If it was instead aimed at other acts that do not amount to intercourse, criminal intent for rape is excluded. However, the offender may still be held liable for other offenses, such as indecent assault or obscene conduct, depending on the gravity of the act and the extent to which it violated the victim's physical integrity¹⁴.

It is worth noting that will rarely poses difficulties in proof, since the act of intercourse is inherently voluntary. The offender's intent becomes clear when he uses violence to force the victim into sexual contact or resorts to fraud and deception to obtain her submission ¹⁵.

Therefore, for the crime of rape to exist, the offender's will must be directed toward having sexual intercourse with a woman without her consent ¹⁶.

Branch Two: Specific Criminal Intent

The crime of rape is an intentional offense, and the prevailing view in both doctrine and jurisprudence is that the mental element required for its commission is specific criminal intent. This intent is established when the offender's will is directed toward having sexual intercourse with the victim without her consent, while being fully aware, at the moment of the act, that such intercourse is unlawful. The use of force or threats serves merely as indications of the existence of criminal intent in most cases, though they always demonstrate the perpetrator's deliberate will to have intercourse without the victim's consent ¹⁷.

Specific criminal intent, in addition to the knowledge and will that constitute general intent, involves the offender's purpose or objective that is, his intent is driven by a particular goal or motive ¹⁸ This is what distinguishes specific intent from general intent.

Some scholars argue that the required intent in the crime of rape is precisely this specific intent, which is reflected in the offender's aim or purpose—namely, his intention to have sexual intercourse with a woman, and not merely to commit other immoral or indecent acts ¹⁹.

The criminal intent is what distinguishes rape from indecent assault. It is also what differentiates indecent assault from attempted rape. While the touching of private parts constitutes indecent assault, intercourse represents a more serious act that goes beyond mere indecency ²⁰.

It is also possible that the offender mistakenly believes that the woman's resistance is not serious but only a form of feigned reluctance. Such a situation constitutes a mistake of fact. Therefore, to convict the offender, it must be proven that he knew of the woman's lack of consent. The accused cannot rely on prior sexual relations with the same woman even if they had an illegitimate child together as a defense. Likewise, it is irrelevant that the woman was a prostitute or accustomed to sexual activity, since what matters is the specific incident under trial, regardless of her past behavior ²¹.

Finally, although specific intent is often evident and usually accompanies the material acts performed by the offender revealing his deliberate desire to have sexual intercourse rather than merely commit indecent behavior it is essential, for a legally sound classification of attempted rape, to establish clear evidence that the victim did not consent. Only then can the act be considered an attempt at rape rather than indecent assault. If penetration occurs whether partial or complete the crime of rape is considered consummated ²².

Consequently, it is irrelevant for the accused to claim that he had intercourse with his divorced wife merely to "preserve the family." The offender's will must be directed toward the material element of the crime. If his will was not voluntary for instance, if he was under the influence of sedatives or intoxicants without his consent then his will is nullified, and criminal intent is absent.

SECTION TWO: THE PUNITIVE FRAMEWORK OF THE CRIME OF RAPE UNDER LAW NO. 24-06

The punishment prescribed for the crime of rape aims to achieve both general and specific deterrence, protecting society from the recurrence of this heinous act, while also compensating the victim for the harm suffered.

The penalty varies depending on the circumstances and gravity of the crime, as will be discussed in the following sections.

Branch One: The Penalty for Rape in Its Ordinary Form

The penalty for the crime of rape in its ordinary form is defined explicitly by the Algerian legislator in **Article 336, paragraph 1 of Law No. 24-06**, which states that: “Anyone who commits the felony of rape shall be punished with temporary imprisonment from ten (10) to fifteen (15) years.”

From this provision, it can be concluded that the penalty for rape in its ordinary form has been **increased** in the new law (24-06). Under the previous legislation, the punishment ranged from **five (5) to ten (10) years**, but it has now been raised to **ten (10) to fifteen (15) years**.

This legislative adjustment reflects the seriousness of the crime, as rape remains one of the most frequent and dangerous offenses, typically committed through coercion, threat, deceit, or manipulation. It is rarely an act that occurs casually or spontaneously.

In most cases, the victim’s resistance does not stop the perpetrator at the stage of attempted rape, since the offender usually prepares the scene of the crime beforehand. Moreover, in certain situations, allegations of rape may be inconsistent with reality — where the sexual act actually occurred with consent.

In such cases, the crime of rape does not exist, as the element of coercion is absent. The purpose of the complaint may instead be to force the man into marriage or to seek revenge for personal reasons ²³.

Branch Two: The Penalty for Rape in Its Aggravated Form

One of the most significant amendments introduced by Law No. 24-06 concerns the crime of rape, as the legislator sought to increase the severity of the penalties prescribed for it under **Article 337** of the Penal Code.

This article refers to other related provisions namely **Articles 334 (paragraphs 1 and 3), 335, and 336** which demonstrates the legislator’s clear intent to intensify criminalization and punishment in specific aggravated cases.

However, this aggravation applies only when the offender belongs to certain categories exhaustively listed by the legislator. These categories require either ²⁴ the existence of a particular relationship between the offender and the victim, or ²⁵ collaboration in committing the crime where such a relationship is absent.

According to **Article 337/1, paragraph 2 of Law No. 24-06**, the offenders who fall within these categories are as follows:

First: Offenders Who Have a Relationship with the Victim

- A direct ascendant of the victim (e.g., father, grandfather).
- A person who has authority over the victim (e.g., guardian, employer, or supervisor).
- The victim’s teacher.

- A servant or employee working for the victim or employed by those mentioned above.
- A public official.
- A member of the clergy.

Second: Offenders Who Have No Relationship with the Victim

If the offender has no prior relationship with the victim referred to by the legislator as “the offender, whatever his status may be” the aggravating circumstance arises only if the offender was assisted by one or more persons in committing the felony.

This framework reflects the legislator’s intention to extend the scope of protection to particularly vulnerable victims and to increase penalties in cases where the offender abuses a relationship of trust, authority, or power, or commits the crime in collaboration with others circumstances that heighten both the moral and social gravity of the offense.

Thus, the penalty shall be temporary imprisonment ranging from **ten (10) to twenty (20) years** in the case provided for in **Article 334**, paragraph 1, and life imprisonment in the cases mentioned in **Articles 334 (paragraph 3), 335, and 336**. These amendments fall under three main situations, which can be summarized as follows:

First Case: Imprisonment from Fifteen (15) to Twenty (20) Years

In **Article 336, paragraph 2**, the legislator²⁶ explicitly increased the penalty in cases where the victim is a minor who has not reached the age of majority (under 18 years old), without the victim’s consent, and where the victim is partially or completely incapacitated. In such cases, the penalty is temporary imprisonment from fifteen (15) to twenty (20) years.

Second Case: Imprisonment from Ten (10) to Twenty (20) Years

Article 334, paragraph 1, referred to in Article 337, provides that: “Anyone who commits an indecent act without violence against a minor under eighteen (18) years of age, male or female, or attempts to do so, shall be punished with imprisonment from five (5) to ten (10) years...”

Accordingly, and based on the legislator’s interpretation, when the **offender belongs to one of the categories** mentioned in **Article 337**, and commits **rape against a minor under 18 years of age**, where the minor (here referring specifically to a female) **did not consent** and **no violence** was used, the penalty is **aggravated** to imprisonment ranging from **ten (10) to twenty (20) years**.

The same penalty applies in the case of **attempted rape**.

However, if the **offender does not belong** to one of the categories listed in **Article 337**, but commits rape against a minor **without violence**, the penalty is **not subject to aggravation** under Article 337. Instead, the offender is punished under **Article 336**, with imprisonment ranging from **fifteen (15) to twenty (20) years**²⁷.

Third Case: Life Imprisonment

The life imprisonment penalty applies in three situations, according to the last paragraph of **Article 337**, which states: “...and life imprisonment in the cases provided for in **Articles 334 (paragraph 3), 335, and 336**.”

Each of these cases is addressed separately below:

1. Life Imprisonment under Article 334, Paragraph 3

To impose a life sentence under this article, the following conditions must be met:

- a) The offender must belong to one of the categories previously detailed in **Article 337**.
- b) The victim's condition must have facilitated the commission of the crime such as due to age, illness, disability, physical incapacity (e.g., paralysis), mental incapacity (e.g., insanity), or pregnancy.
- c) The victim's condition must have been apparent or known to the offender ²⁸.

2. Life Imprisonment under Article 335

In this article, the legislator outlines two situations:

- a) In the first situation, the legislator does not specify the victim's age to impose life imprisonment, using instead the general term "*person*." However, it is required that the act of rape be committed with violence, or that an attempt thereof be established ²⁹.
- b) In the second situation, the law defines specific characteristics of the victim, namely that she must be a minor under 18 years of age, or partially or completely incapacitated³⁰. Naturally, to impose life imprisonment in either of these situations, the offender must be among the categories limited to those specified in **Article 337** of the same law.

3. Life Imprisonment under Article 336

This article provides for the penalty for rape in its ordinary form, as discussed earlier. However, when the offense is committed by one of the categories of offenders specified in **Article 337** of Law **No. 24-06**, the penalty is aggravated to life imprisonment.

CONCLUSION

The crime of rape is considered one of the most serious offenses violating the sanctity and dignity of the individual, leaving deep psychological, physical, and social scars on its victims. It is an intentional crime, in which the offender deliberately and willfully seeks to violate the honor and integrity of the victim.

Islam has not overlooked the gravity of this crime; it has commanded the preservation of honor and the protection of chastity, prescribing strict penalties against adultery and sexual assault. Allah the Almighty says:

﴿وَلَا تَقْرَبُوا الزَّانِيَ أِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا﴾ [الإسراء: 32]

a stern warning not only against committing fornication but even approaching its preliminaries, given their corrupting impact on both the individual and society.

He also says:

﴿أَنَّ الَّذِينَ يُجِبُّونَ أَنْ تَشِيعَ الْفَاحِشَةُ فِي الَّذِينَ آمَنُوا لَهُمْ عَذَابٌ أَلِيمٌ فِي الدُّنْيَا وَالْآخِرَةِ﴾ [النور: 19]

an indication of the severe consequences of spreading immorality and corruption within the community.

Moreover, the commission of rape is often accompanied by other criminal acts, such as assault, battery, or even homicide, leading to the cumulative classification of offenses and consequently to harsher penalties under the law.

Throughout this study, we examined the legal and social dimensions of the crime of rape, highlighting its legal importance, its elements namely the legal, material, and moral components as well as the means of proof required to establish it.

From this research, we conclude that under the recent amendments, the Algerian legislator has significantly increased penalties and strengthened the legal protection framework to combat this offense. However, the persistence of such crimes reflects the cultural and social realities still prevailing within Algerian society.

Before concluding, we propose several recommendations that may help in addressing this phenomenon:

1. The necessity of enacting an explicit legal provision granting rape victims who become pregnant the right to terminate the pregnancy, in consideration of their psychological and health conditions.
2. Given the gravity of the crime of rape, it is essential for the Algerian legislator not to limit punishment to imprisonment alone, but to consider the death penalty as a deterrent proportional to the severity of the offense.
3. The implementation of comprehensive sexual education and awareness programs for both genders, aimed at prevention and reducing the prevalence of this crime.

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FOOTNOTES

¹ Article 336: Anyone who commits the felony of rape shall be punished with temporary imprisonment ranging from ten (10) to fifteen (15) years.

If the rape is committed against a minor under eighteen (18) years of age, or against a person who is partially or completely incapacitated, the penalty shall be temporary imprisonment ranging from fifteen (15) to twenty (20) years.

² Law No. 24-06, dated 19 Shawwal 1445, corresponding to April 28, 2024, amends and supplements Ordinance No. 66-156, dated 18 Safar 1386, corresponding to June 8, 1966, which constitutes the Penal Code.

³ Article 336 of Law No. 24-06 stipulates: “Anyone who commits the felony of rape shall be punished with temporary imprisonment from ten (10) to fifteen (15) years.

If the rape is committed against a minor under eighteen (18) years of age, or against a person who is partially or completely incapacitated, the penalty shall be temporary imprisonment from fifteen (15) to twenty (20) years.”

⁴ Article 334 of Law No. 24-06 provides: “Anyone who commits an indecent act without violence against a minor under eighteen (18) years of age, male or female, or attempts to do so, shall be punished with imprisonment from five (5) to ten (10) years.

A parent or a person responsible for the care of a child who commits an indecent act without violence against a minor under eighteen (18) years of age who is not yet legally married shall be punished with imprisonment from seven (7) to ten (10) years.

The penalty shall be imprisonment from eight (8) to twelve (12) years if the act was facilitated by the victim’s weakness resulting from age, illness, disability, physical or mental incapacity, or pregnancy, when such circumstances were apparent or known to the perpetrator.”

⁵ Article 335 of Law No. 24-06 states: “Anyone who commits an indecent act against a person, male or female, with violence or attempts to do so, shall be punished with imprisonment from ten (10) to fifteen (15) years.

If the crime is committed against a minor under eighteen (18) years of age, or against a person who is partially or completely incapacitated, the penalty shall be temporary imprisonment from ten (10) to twenty (20) years.”

⁶ Article 337 of Law No. 24-06 stipulates: “If the perpetrator is an ascendant of the victim of the indecent act or rape, or belongs to a category of persons having authority over the victim, or is one of the victim’s teachers, employees, or domestic servants, or if the offender is a public official, a member of the clergy, or if, regardless of his capacity, the perpetrator was assisted by one or more persons in committing the felony, the penalty shall be temporary imprisonment from ten (10) to twenty (20) years in the case referred to in the first paragraph of Article 334, and life imprisonment in the cases provided for in Articles 334 (paragraph 3), 335, and 336.”

⁷ Ahsène Bouskiaan, *Le Précis de Droit Pénal Spécial*, Vol. 1, Dar Houma for Printing, Publishing, and Distribution, Algiers, 2003, p. 92.

⁸ Ibid., p. 92.

⁹ Ahsène Bouskiaan, *previous reference*, p. 94.

¹⁰ Nabil Saqr, *The Intermediate in Crimes Against Persons*, Dar Houma, Algiers, 2009, p. 295.

¹¹ Ramsis Behnam, *Penal Code: Crimes of the Special Section*, 1st ed., Manshat Al-Maaref, Alexandria, 1999, p. 378.

¹² Nabil Saqr, *previous reference*, p. 296.

¹³ Abu Hajila Rachid, *Criminal Protection of Honor in Positive Law and Islamic Sharia: A Comparative Study*, 1st ed., Amman, 2011, pp. 101–104.

¹⁴ Article 334 stipulates: “... The penalty shall be imprisonment from eight (8) to twelve (12) years if the act was facilitated by the victim’s weakness resulting from age, illness, disability, physical or mental incapacity, or pregnancy, when such circumstances were apparent or known to the perpetrator.”

¹⁵ Fetouh Abdallah Al-Shazly, *Crimes Against Persons and Property*, University Press House, Alexandria, n.d., 2002, p. 198.

¹⁶ Ramsis Behnam, *previous reference*, p. 380.

¹⁷ Ishaq Ibrahim Mansour, *Explanation of the Algerian Penal Code – Special Criminal Law*, University Publications Office, Algiers, 2nd edition, 1988, p. 126.

¹⁸ Ali Rashid Abu Hajila, *previous reference*, p. 100.

¹⁹ Ali Rashid Abu Hajila, *same reference*, p. 10.

²⁰ Ishaq Ibrahim Mansour, *previous reference*, p. 125.

²¹ Nabil Saqr, *previous reference*, p. 297.

²² Ishaq Ibrahim Mansour, *previous reference*, p. 126.

²³ Abdel Hakim Fouda, *Crimes Against Honor in the Egyptian Penal Code*, University Publications Office, Egypt, 1997, p. 82.

²⁴ Ishaq Ibrahim Mansour, *previous reference*, p. 126.

²⁵ Article 337, Penal Code 24-06

²⁶ Article 336, paragraph 2 of Penal Code (24-06) provides: “If the rape is committed against a minor under eighteen (18) years of age, or against a person who is partially or completely incapacitated, the penalty shall be temporary imprisonment from fifteen (15) to twenty (20) years.”

²⁷ Article 337, final paragraph of Law (24-06) provides: “If the perpetrator is an ascendant of the victim of the indecent act or rape, or belongs to a category of persons having authority over the victim ... or if, regardless of his capacity, the offender was assisted by one or more persons in committing the felony, the penalty shall be temporary imprisonment from ten (10) to twenty (20) years in the case referred to in the first paragraph of Article 334.”

²⁸ Article 334, paragraph 3 of Law No. (24-06) provides: “If the commission of the act was facilitated by the victim’s weakness resulting from age, illness, disability, physical or mental incapacity, or pregnancy, and these circumstances were apparent or known to the perpetrator, the penalty shall be life imprisonment.”

²⁹ Article 335, paragraph 1 of Law No. (24-06) states: “Anyone who commits an indecent act against a person, male or female, with violence or attempts to do so shall be punished accordingly.”

³⁰ Article 335, paragraph 2 of Law No. (24-06) states: “If the crime is committed against a minor under eighteen (18) years of age, or against a person who is partially or completely incapacitated...”