

# التطورات الحديثة في الجرائم الأسرية من منظور العلاقات الزوجية

Recent Developments in Domestic Crimes from the Perspective of Marital Relations

المصطلحات الرئيسية

Key Terms

English Term	المصطلح العربي
Domestic Crime	الجريمة الأسرية
Marital Violence	العنف الزوجي
Digital Violence	العنف الرقمي
Emerging Crimes	الجرائم المستحدثة
DNA Fingerprinting	البصمة الوراثية
Digital Evidence	الدليل الرقمي
Legal Control	الضبط القانوني
Means of Combat	سبل المكافحة
Electronic Blackmail	الابتزاز الإلكتروني
Moral Violence	العنف المعنوي
Physical Violence	العنف المادي / الجسدي

الجرائم الأسرية المستحدثة  
Emerging Domestic Crimes

العنف الرقمي  
Digital Violence

الاختراق (Hacking)

الانتحال (Impersonation)

التتبع (Tracking)

التحرش (Harassment)

العنف الزوجي التقليدي  
Traditional Marital Violence

العنف الجسدي  
(Physical Violence)

العنف المعنوي  
(Moral Violence)

الإهمال العائلي  
(Family Neglect)

Model 1: Evolution of Marital Violence

Marital violence has evolved significantly in the modern era, transforming from a traditional concept of harm into a multifaceted issue that encompasses various dimensions beyond physical injury. Violence is no longer limited to physical abuse such as beating and wounding; it has expanded to include moral violence such as emotional manipulation and family neglect, which leaves deep psychological impacts on victims. This evolution prompted the Algerian legislator to intervene through the amendment of the Penal Code under Law No. 15-19, which specifically criminalizes these emerging forms of violence against women in all their manifestations. Therefore, this legislative development emphasizes the necessity of providing comprehensive protection for families, especially women, from all forms of violence, whether physical or moral, to ensure the stability of marital relationships.

- **Topic Sentence:** Introduces marital violence as an evolving issue.
- **Supporting Sentences:** Explains types (physical/moral) and legal intervention (Law 15-19).
- **Concluding Sentence:** Summarizes the legislative goal of protection.

## Model 2: The Threat of Digital Violence

Digital violence has emerged as a new criminal pattern that threatens the family structure through the exploitation of modern technology to violate marital privacy. This form of violence takes multiple manifestations, including hacking personal accounts, identity impersonation to harm victims, electronic tracking of daily activities, and blackmail through the unauthorized publication of private photos or information. These practices create an environment of fear and insecurity within the home, disrupting the fundamental trust that should exist between spouses and severely undermining family cohesion. Consequently, it

has become imperative to activate modern judicial and technical strategies to combat these cybercrimes that destabilize the social fabric of families.

- **Topic Sentence:** Defines digital violence as a new threat to families.
- **Supporting Sentences:** Lists specific forms (hacking, stalking, blackmail).
- **Concluding Sentence:** Calls for judicial strategies to combat this.

### Model 3: Scientific Evidence (DNA) in Family Law

Modern scientific techniques, particularly DNA fingerprinting, play a complex and sensitive dual role in cases of lineage proof and domestic crimes. Despite its high scientific accuracy in determining biological identity, the Algerian legislator and judicial jurisprudence have approached it with caution. According to Supreme Court decisions, DNA testing cannot be used to negate lineage established through legitimate marriage (Al-Firash Al-Shar'i), and it remains a proof method that comes in a lower rank after traditional Islamic legal evidence. This cautious approach reflects the tension between modern forensic science and established religious law principles. Thus, technological advancement in the field of criminal evidence remains constrained by legal and Sharia controls that ultimately aim to protect the child's best interests and preserve family cohesion.

- **Topic Sentence:** Introduces DNA as a double-edged tool in family law.
- **Supporting Sentences:** Discusses its accuracy vs. legal limitations (lineage negation).
- **Concluding Sentence:** Concludes that technology is subservient to legal/Sharia controls.

### Model 4: Digital Evidence in Emerging Domestic Crimes

Digital evidence has become a pivotal element in proving emerging domestic crimes, particularly in cases involving electronic infidelity and cybercrimes within

marital relationships. This type of evidence includes stored data such as text messages, social media conversations, emails, and multimedia files that can either prove or disprove the occurrence of a crime. However, the legitimacy of digital evidence depends on obtaining it through legal means that do not violate the sanctity of private life, which requires judicial authorization before accessing personal digital devices or accounts. The judicial system must balance between uncovering criminal truth and protecting individual privacy rights. Therefore, integrating modern technology with judicial work requires establishing clear legal frameworks that ensure the effectiveness of digital evidence while safeguarding fundamental rights and freedoms.

- **Topic Sentence:** States digital evidence as pivotal in emerging crimes.
- **Supporting Sentences:** Describes types of evidence and legal requirements for collection.
- **Concluding Sentence:** Emphasizes need for legal frameworks balancing effectiveness and rights.