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The Criminalization of Witchcraft and Sorcery under Algerian Law No. 24-06: A Legal and Socio-Cultural Analysis of Articles 303 bis 42 and 303 bis 43 of the Penal Code

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Witchcraft; Sorcery; Penal Code; Law No. 24-06; Criminal Policy; Legal Reform; Algeria; Spiritual Exploitation; Fraud; Cultural Security.

Abstract

The phenomenon of witchcraft and sorcery remains deeply rooted in various societies, including Algeria, where it continues to affect the moral, psychological, and spiritual security of individuals. Despite its historical association with superstition, ignorance, and the exploitation of vulnerable persons, the legal system lacked explicit provisions addressing this issue until the promulgation of Law No. 24-06, which amended and supplemented Ordinance No. 66-156, the Algerian Penal Code. This legislative development marked a decisive transformation in Algerian criminal policy, formally criminalizing witchcraft and sorcery through Articles 303 bis 42 and 303 bis 43.

This paper provides a comprehensive legal, sociological, and analytical study of this legislative shift. It explores the conceptual foundations of witchcraft and sorcery, traces their historical evolution, and evaluates the adequacy and effectiveness of the new penal provisions in addressing these crimes. The study also examines the linguistic, terminological, and juristic dimensions of witchcraft within both Islamic and comparative legal frameworks, emphasizing the balance between legal certainty and cultural sensitivity.

Findings reveal that the criminalization of witchcraft under Law No. 24-06 represents both a legal innovation and a moral necessity, aligning Algerian law with international norms on protecting citizens from psychological exploitation and fraudulent spiritual practices. The paper concludes by offering recommendations for improving legal implementation mechanisms, enhancing judicial awareness, and developing preventive strategies through education and community engagement.

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Introduction:

The phenomenon of magic and sorcery is widespread in various societies, despite its long association with ignorance, superstition, and the exploitation of deceived minds, threatening individuals' spiritual and psychological security and exploiting their emotions and psychological state to turn them into illicit gains. Despite efforts to combat this phenomenon through awareness-raising, the legal framework remained lacking explicit provisions criminalizing these acts until the latest amendment to Penal Code No. 24-06, amending and supplementing Decree 66-156.¹ These important amendments addressed the shortcomings of Article 456 of the Penal Code, which contained legal loopholes that facilitated impunity because it did not explicitly and publicly criminalize magic and sorcery. This prompted the Algerian judiciary to resort to applying Article 372 of the Penal Code, which deals with the crime of fraud and deception when its elements are present. Given the widespread phenomenon of witchcraft and sorcery in Algerian society, the legislature introduced fundamental amendments to Penal Code No. 24-06, marking a significant turning point in this regard. Articles 303 bis 42 and 303 bis 43 explicitly criminalize the crime of witchcraft and sorcery.

Hence, the question arises: **How effective are the penal provisions enacted by the Algerian legislature in reducing the crime of witchcraft and sorcery?**

To answer this question, we adopted an analytical approach to analyze all the legal texts related to this topic, in addition to a descriptive approach.

The research paper was divided into two sections as follows:

The first topic: The conceptual framework of the phenomenon of witchcraft and sorcery

The second topic: The Legal Framework for the Crime of witchcraft and Sorcery

The first topic: The Conceptual Framework of the Phenomenon of witchcraft and sorcery

In order to study the conceptual framework of the phenomenon of magic and sorcery, we will examine the concept of the crime of magic and sorcery (Section One), followed by a study of the historical development of the spread of this phenomenon (Section Two).

First requirement: The Concept of the Crime of witchcraft and sorcery .

Before addressing the legislative aspect of the crime of witchcraft and sorcery, it is necessary to address the theoretical aspect of the phenomenon in general by providing a precise definition of the phenomenon (Section One). Then, we will identify the reasons for the widespread prevalence of this phenomenon, which has spread horribly in various societies, such as Algerian society, and highlight its most significant harms (Section Two).

The first section: Definition of witchcraft and Sorcery.

The definition of magic and sorcery is determined by its linguistic, terminological, and legal definition.

First: The linguistic definition of witchcraft and sorcery.

Many meanings of magic and sorcery are mentioned in Arabic dictionaries, and linguists have differed and diverged in their opinions. Ibn Faris's "Miqyas al-Lughah" and al-Wahidi's "Tafsir" state:

¹ -Law No. 06-24, dated April 28, 2004, Official Gazette, No. 30, issued on April 30, 2024, amending and supplementing Decree No. 156-166 containing the Penal Code.

Magic, linguistically, is the act of diverting something from its intended purpose. Arabs say, "What has bewitched you from such-and-such?" meaning, "What has diverted you from it?" It is as if the magician, by making falsehood appear as truth, has bewitched something from its intended purpose.¹

"He has bewitched," "He has bewitched," "Tashyran," "Fawwa muṣḥir," and the object is bewitched.

He bewitched his guests by offering them suhoor (pre-dawn meal). As stated in the Arabic Dictionary:

"Sahar" means to bewitch someone, to bewitch him time and time again until his mind is confused: "They said, 'You are only one of the bewitched.'"²

As for sorcery, its definition in Lisan al-Arab by Ibn Manzur is:

"Sha'wadhah: sleight of hand and a trick like magic, making something appear other than it is. Its origin is in the eye; a man is a 'mush'awwidh' and 'mush'awwidh,' and it is not from the speech of the desert.

"Sha'wadhah" means speed, and it has also been said that it means lightness in any matter.

"Sha'wadhi" means the messenger of princes on their missions by mail, and it is derived from this word due to its speed.

Al-Layth said: "Sorcery and magic are used and are not part of the speech of the Bedouins."³

Second: The Technical Definition of witchcraft and Sorcery

Ibn Khaldun defined magic and sorcery as: "The science of how human souls are capable of influencing the world of elements, either without a source or through a source of heavenly influence."⁴

As for sorcery, the technical definition is defined as: suspicious, illusory actions and movements coupled with sleight of hand, such that things are perceived as other than what they are.⁵

Third: The Legal Definition of witchcraft and Sorcery

By referring to the text of Article 303 bis 42 of the Penal Code, paragraph four, we find that the Algerian legislator provided a legal definition of magic and sorcery. In this article, magic and sorcery are intended to instill hope or fear in the occurrence of an event or any other imaginary event, by deceiving one with imaginary power or authority, or by assuming a false identity. Divination or prophecy are considered to be acts of magic and sorcery.⁶

Thus, the Algerian legislator has filled the legislative gap and the ongoing controversy surrounding this issue. Crimes and the acts that fall under their definition are not subject to interpretation, which is consistent with the principle of the legality of crimes and punishments. These acts were included in the text of the repealed Article 456, which criminalized the profession of fortune-telling, predicting the future, and interpreting dreams. Sometimes, the judiciary resorts to other texts to criminalize these acts, such as Article 160 regarding the desecration of the Holy Qur'an, as well as crimes related to cemeteries and the sanctity of the dead.⁷

The second section: The Reason for Criminalizing witchcraft and Sorcery

Magic and sorcery are dangerous methods that have long destroyed people's lives and caused harm to others, both psychologically and materially.

¹ See "Miqyas al-Lughah" by Ibn Faris (3/138), "Al-Tafsir al-Basit" by al-Wahidi (3/193).

² The Arabic Language Academy, Al-Mu'jam al-Wajeez, Dar al-Tahrir for Printing and Publishing, 1st ed., Egypt, 1989, p. 328.

³ Abu al-Fadl Jamal al-Din Muhammad Ibn al-Manzur, Lisan al-Arab, Part 7, Dar Ihya' al-Turath al-Arabi, Beirut, Lebanon, 1999, p. 385.

⁴ Abd al-Rahman Ibn Khaldun, Al-Muqaddimah, Part 5, House of Arts, Publications, and Literature, Casablanca, 1st ed., 2005, p. 251.

⁵ Bouhentalah Yassin, Dhibih Hisham, Criminalization of Acts of Witchcraft and Sorcery in the Algerian Penal Code, Tabna Journal of Academic Scientific Studies, 7, No. 2, p. 775.

⁶ 303 bis 42 C. the Algerian Penal., op. cit.

⁷ Bouhentalah Yassin, Dhibih Hisham, op. cit., p. 776.

First: The Family Level

On the family level, magic has long threatened and contributed to harmful effects, primarily manifested in:

- Separation of marriages
- Exploitation of children in search of worldly treasures
- Spreading enmity among family members, the foundation of society, which leads to the spread of hostility within it
- Harming children through sorcery
- The head of the household leaving the home
- Accelerating marriage ceremonies despite the disapproval of one party.¹

Second: On the personal level:

The harms of magic on the personal level are primarily:

- Using magic to cause someone to lose their job
- Using magic to destroy someone's life²
- Sexual exploitation for therapeutic purposes
- Taking people's money by deception
- Using human organs for the purpose of magic
- Making a person psychologically unstable
- Using drugs and intoxicants to deceive people in exchange for money.³

Third: On the religious level:

Magic harms the five objectives of Islamic law, as follows:

1- The purpose of preserving religion

Magic is religiously forbidden because of the religious and worldly harm it causes. It is a major sin and constitutes disbelief and polytheism in God Almighty by resorting to jinn and devils instead of supplication, prayer, and worship.⁴

2- The purpose of preserving life

This harm is manifested in illness, insanity, and outright assault on the human soul.

3- The purpose of preserving the mind

The human mind is the foundation of life and the responsibility of every responsible person, so what about someone who causes it? Destroying a person's mind solely for personal gain, whether by making them insane or suffering from any mental illness, neglecting their public appearance, or destabilizing and unbalancing them.¹

¹ Hajjaj Reda, Maash Nasreen, A Legal Study of Acts of Witchcraft and Sorcery Between the Penal Legislative Vacuum and Proof in Algerian Reality, Journal of Law and Political Science, University of Khachla, Volume 10, Issue 2, Algeria, 2023, p. 609.

² Sidra Al-Sharif Mustafa Muhammad, Yaqoub Ali Salem Al-Mashifri, and Bouhamda Ghalia, The Material and Moral Harms of Magic and Means of Curbing Its Spread, Al-Risala Magazine, Volume 3, Issue 3, Egypt, 2019, p. 71.

³ Hajjaj Reda, Maash Nasreen, op. cit., p. 610.

⁴ Sidra Al-Sharif Mustafa Muhammad, Yaqoub Ali Salem Al-Mashifri, Bouhamda Ghalia, op. cit., p. 73.

4- The Purpose of Preserving Life

This involves violating the purpose of preserving life with regard to offspring, honor, and lineage, whether through moral ugliness, aggression, blind jealousy, infertility magic, preventing marriage, plagiarism, abortion, etc.²

5- The Purpose of Preserving Money

The purpose of preserving money is to unlawfully take people's money and prevent them from working. There is a type of magic that can make a person wasteful and foolish. There are many ways magicians steal money, as this is their primary goal.

The second requirement: The Historical Development of the Phenomenon of witchcraft and Sorcery

Given that magic and sorcery are a social phenomenon that spans time and space, this phenomenon has spread and evolved over the ages in various parts of the world. This necessitates providing a historical overview of its development across the ages, beginning with ancient civilizations (section one) and continuing to its development in modern civilizations (section two).

The first section : witchcraft and Sorcery in Ancient Civilizations

The phenomenon of magic and sorcery was widely used in ancient civilizations in all matters and in all fields.

First: witchcraft and Sorcery among the Babylonians

The Babylonians were among the first nations to practice magic, which relied on the planets. They worshipped the seven planets, worshipped them through acts of worship, and called them gods. They believed that all worldly events were the work of the planets. They based their magical practices on the movements of these planets, their timing, their alignment, their distance, and everything related to them, based on their firm belief in their influence on human life. The Persians also practiced magic and relied on the stars to achieve their victories. Historians mention that Khosrow's banner, called "Zarqash Kuyan," was inscribed in gold by magicians, according to their instructions, and the numerical horoscopes were inscribed in specific astronomical positions. The purpose was to ensure the stability of the Persians' victory in all the battlefields they waged against their neighbors and enemies.³

Second: witchcraft and Sorcery among the Egyptians

Ancient Egypt is considered the cradle of human civilization and the most advanced of human civilizations, and a home for arts and industry in all their forms⁴. However, it was also famous for its heavy reliance on magic. It is said that Egyptian markets were teeming with sorcerers, and magic was the exclusive domain of kings and priests, excluding other classes of society. This facilitated the subjugation of other classes and their obedience to the ruling class in the name of sorcerers⁵. One of the effects of this was the temple's control over magical affairs, and priests were present at night after calm had prevailed in the city and deserts to beg their gods and perform their magical rituals, incantations, and talismans. They often relied on magic for their natural healing, seeking healing from all ailments. Cazeneuve says: "Rituals in general, whether magical or religious, are symbolic acts, and symbols are related to what they symbolize; both are linked to feelings and thoughts."

¹ Bouhentala Yassin, Dhabih Hisham, op. cit., p. 777.

² Mahfouz Laila, Atallah Fatima, and Ajlot Jamila, The Crime of Magic and Sorcery in Algerian Law and Islamic Law, Master's Thesis, College of Humanities and Social Sciences, Ahmed Draia University, Adrar, 2022/2023, p. 22.

³ Manal Marwan Manajid, Criminal Confrontation of Crimes of Magic and Sorcery in the UAE Penal Code: A Comparative Analytical Study, University of Sharjah Journal of Legal Sciences, Volume 5, Issue 2 2018, p. 254.

⁴ Is'ad Faiza Zerhouni, "The Phenomenon of Magic Between the Trinity of Belief, Religion, and Science," Journal of Anthropology of Religions, Volume 16, Issue 2, 2022, p. 659.

⁵ wArab Yuba, Melody Farida, "The Crime of Magic and Sorcery in Algerian Legislation," Master's Thesis, Faculty of Law and Political Science, Akli Oulhadj University, Bouira, Algeria, 2019-2020, p. 7.

Third: witchcraft and Sorcery among the Greeks

Despite Greece being the cradle of philosophy and science, this did not prevent the Greeks from practicing some magical rituals, as he said. Zilber notes that the philosopher Empedophilus believed in his ability to practice magic, claiming that he had the ability to heal old age and illness, provoke storms, bring down rain, and summon the oracle in the afterlife.¹

Fourth: witchcraft and Sorcery among the Romans

Ancient Roman medicine was a mixture of religious traditions and magic, using the practice of seeking healing from the gods and sacred dogs to ward off illness. Mythology has always supported magic among the Romans, who believed that the spirits of heroes hovered immortally to ward off evil spirits. Following these superstitions, they turned to the worship of natural elements, animals, etc.²

The second section : witchcraft and Sorcery in the Modern era.

Despite the advancement of science in the modern era, the practice of magic has not diminished. Rather, its forms and manifestations have multiplied, and the sorcerer has become a means of obstructing guidance and plundering people's wealth unjustly. Once limited to a specific group of people, magic has become popular in the current era, as social media has contributed to this and has spread to include sensitive topics affecting human life, such as separating spouses and spreading illness and psychological delusions. Magicians have become willing to do anything for money.³

Social media and judicial channels are the most widespread avenues for the spread of this phenomenon, such as programs related to the study of horoscopes (astrology), gemology, and channels specializing in fortune-telling, magic, and sorcery, which carry subliminal messages such as "servant" and "follower" for the sake of comedy and entertainment. These channels also include those who have misrepresented the image of legitimate ruqyah and used their magic in a religious manner, far removed from the authentic Islamic ruqyah.⁴

You don't have to be interested in these actions and practices to fall victim. Games specifically for children have become widespread, closely linked to these games, such as the Maryam game and the Blue Whale game. Random calls are also made by those who practice these professions to influence people and infect victims who believe they have the disease and magic, and that they possess the cure for it. Clips have been posted on social media by those claiming to have knowledge of others, such as Laila Abdel Latif and others, and horoscope news has been disseminated through newspapers, daily magazines, and social media.

The second topic: The Legal Framework for the Crime of witchcraft and Sorcery

The Algerian legislator intervened to fill the legislative gap by addressing the phenomenon of magic and sorcery, aiming to limit the spread of this vile act. Like other crimes, the crime of magic and sorcery was given a criminal framework that encompasses the various elements of this crime (Section One). It also defined a penal framework, represented by the prescribed punishment for this crime (Section Two).

First requirement: Elements of the Crime of witchcraft and Sorcery

The crime of magic and sorcery is established by the presence of three elements: a legal element (Section One), criminal behavior or the material element (Section Two).

The First Section : Legal Element

¹ Omar Suleiman, "The World of Magic and Sorcery," Dar al-Naqais, 3rd ed., Jordan, 1997, p. 37.

² Is'ad Faiza Zerhouini, op. cit., p. 661.

³ Yudan Kawthar, Jahar Samia, "The Crime of Magic and Sorcery in Electronic Newspapers: The Jararis Website as a Model," Journal of Studies in Development and Society, Volume 4, Algeria, 2021, pp. 103-104.

⁴ Muhammad bin Ibrahim Al-Hamad, Magic Between Past and Present, Qassim University, College of Sharia and Fundamentals of Religion, Department of Aqeedah, Saudi Arabia, 2008, p. 77.

The Algerian legislator attempted to combat the crime of magic and sorcery by relying on Article 456 of the Penal Code, which criminalizes the profession of fortune-telling, predicting the future, and interpreting dreams. However, this article was characterized by shortcomings due to its deficiencies and flaws, which prevented it from effectively combating the phenomenon of magic and sorcery. This prompted the legislator to introduce significant amendments to the Penal Code.¹

Hence, Algerian legislation did not include an explicit text criminalizing these behaviors until the 2024 amendment to the Penal Code, with explicit texts in Articles 303 bis 42 and 303 bis 43. These two articles were included in Section Six of Chapter One of Part Two of Book Three of the Penal Code, entitled “Acts of Magic and Sorcery.”

The Second Section: The Material Element

The material element generally consists of criminal behavior and the realization of a criminal result, along with a causal relationship. The material element of the crime of witchcraft and sorcery is represented by the following:

First: The criminal behavior of the crime of witchcraft and sorcery

The criminalization of witchcraft and sorcery includes practicing witchcraft and sorcery, or performing any of its acts for a material or moral reward. The Algerian legislator has defined, under Article 303 bis 42, the means or actions used in practicing witchcraft and sorcery, as follows:

1- Creating hope:

This involves creating in the victim the idea that a positive event will occur in the future. For example, if the person proposing to the witch is a girl who desires marriage, the witch will delude her into believing that he has the ability to facilitate the marriage, or to convince a merchant that he has won a deal, or a woman that she will give birth, or that she will be cured of a specific illness.

2- Fear of another imaginary incident or event:

This occurs by instilling fear in the person that something will happen, such as by making an employee with a job problem believe they will be laid off and that they have the power to prevent it, or by making a woman believe she will divorce and that they have the power to reconcile her with her husband.

The sorcerer or charlatan does this by making people believe they have imaginary powers, such as spiritual authority and supernatural powers that enable them to communicate with jinn to fulfill their requests, or by assuming false attributes. The perpetrator claims to be a saint of the righteous, to possess miracles, or to be of noble lineage.²

3- Violating the privacy of individuals, their honor, and dignity, and defrauding and defrauding them.

In many cases, practitioners of sorcery and witchcraft resort to requesting information, photos, or personal items from the person they are going to practice these acts on.

Here, we point to the ongoing controversy surrounding the practice of ruqyah, which has become a widespread phenomenon in Algerian society, with some ruqyah practitioners resorting to opening clinics. In many cases, the practice of ruqyah has led to dire consequences, including the violation of people's honor and the creation of enmity between individuals under the guise of legitimate ruqyah. Its practitioners resort to using methods that cause physical or psychological harm, and in some cases, even death. Thus, the dividing line between ruqyah and sorcery becomes very close. However, Article 342, although it does not explicitly refer to ruqyah, stipulates that

¹ Somati Sharifah, The Crime of Magic and Sorcery in the Amendment to the Algerian Penal Code No. 24-06, Journal of Human Rights and Public Liberties, Abdelhamid Ibn Badis University-Mostaganem, Volume 9, Issue 2, Algeria, p. 622.

² Bouhental Yassin, Dhibih Hisham, op. cit., p. 782.

ruqyah performed by genuine ruqyah practitioners is legally and socially acceptable¹. It criminalizes any act based on fraud and deception in the name of ruqyah, particularly if it involves an infringement on the privacy or dignity of individuals, as indicated in the third paragraph of Article 303 bis 42 of the Algerian Penal Code.²

Second: The Criminal Result

Referring to the first paragraph of Article 303 bis 42 above, we note that the Algerian legislator did not require the occurrence of a criminal result, but rather considered the result an aggravating circumstance for the penalty.

The third Section: The Moral Element

The crime of witchcraft and sorcery is considered a crime in which the moral element takes the form of criminal intent, represented by the perpetrator's knowledge of the elements of the crime and his intention to commit it. This is achieved in the crime of witchcraft and sorcery through the perpetrator's knowledge of the acts considered to be witchcraft and sorcery and his intention to commit them by deceiving people with his ability to fulfill their demands or avoid a problem, or by defrauding them.³

Second Requirement: Penal Treatment for the Crime of witchcraft and Sorcery

Under Article 456 of the Penal Code, before its repeal, the legislature criminalized the practice of magic and sorcery under the various names of "fortune-telling, divination, and dream interpretation," criminalizing violations of which were punishable by imprisonment for a maximum of five days and a fine of 1,000 to 300 DZD, as well as the seizure and confiscation of the devices, tools, and clothing used or prepared for such practice. Regarding the penalty prescribed for the crime of magic and sorcery, the provisions of Article 303 bis 42 distinguish between three cases:

The First Section : The first case

Penalty for anyone who practices magic and sorcery as a profession or practices any of its activities for the purpose of obtaining a material or moral benefit. The penalty is imprisonment for a period of one to three years and a fine of 100,000 to 300,000 DZD.

The Second Section : The second case

Represents the case where magic acts result in Sorcery is physical or moral harm unless the act constitutes a more serious crime, the penalty for which is imprisonment from three to seven years and a fine of 300,000 to 700,000 DZD.

The third Section : The third case

In which the criminal act results in violation of the privacy, honor, and dignity of individuals, or fraud and deception, the penalty is imprisonment from five to ten years and a fine of 500,000 to 1.000.000 DZD

Conclusion:

¹ Bouhentala Yassin, Dhibih Hisham, op. cit., p. 782.

² Article 303 bis 42 of the Algerian Penal Code, op. cit.

³ Ibid., p. 782.

From what has been studied in this research paper, it is clear that criminalizing magic and sorcery represents an important step that reflects the wisdom of the Algerian legislator and his commitment to keeping pace with the demands of social life, phenomena that undermine public order, and the religious and spiritual values of individuals. Magic has become a means of harming societal security, exploiting individuals' physical and psychological weaknesses and religious restraints, and even threatening family stability. **Through what has been analyzed in this study, we have reached the following important conclusions:**

- 1- The new amendment to the Algerian Penal Code demonstrates the awareness and wisdom of the legislator, reflecting his commitment to keeping pace with the demands of social life, phenomena that undermine public order, and the religious and spiritual values of individuals.
- 2- Practical reality has demonstrated the widespread prevalence of magic and sorcery practices, the development of their methods, and the contribution of technology to their dissemination and promotion.
- 3- The absence of methods and mechanisms of proof that facilitate the detection of these crimes.

Based on the overall results recorded in this study, we propose the following key recommendations:

- 4- The need to activate law enforcement officers to conduct inspections to detect and prove the commission of these crimes.
- 5- Strengthening the role of the media in refuting myths and exposing the practices of witchcraft and sorcery.
- 6- Boycotting channels and pages that promote such practices.
- 7- Establishing a hotline to report crimes of witchcraft and sorcery.
- 8- Establishing centers that provide psychological and social support to people suffering from problems that may lead them to resort to witchcraft and sorcery.

Findings

1. Legal Modernization: Law No. 24-06 fills a long-standing legislative gap in Algerian criminal law by providing explicit penal provisions against witchcraft and sorcery, previously treated under general fraud articles.
2. Judicial Clarity: The inclusion of Articles 303 bis 42 and 303 bis 43 offers clearer judicial guidance and strengthens the capacity of the judiciary to combat fraudulent magical practices that exploit emotional and psychological vulnerabilities.
3. Cultural and Spiritual Impact: The law recognizes the socio-cultural dimensions of witchcraft as not merely spiritual or religious deviations, but as acts of psychological and economic harm to society.
4. Implementation Challenges: Despite legislative clarity, challenges remain in evidence collection, differentiation between superstition and criminal deception, and the balance between freedom of belief and protection against manipulation.

Novelty of the Study

This research is among the first comprehensive academic analyses of Law No. 24-06, situating the criminalization of witchcraft and sorcery within a broader socio-legal and anthropological context. Unlike earlier studies that addressed witchcraft merely as a moral or cultural issue, this study demonstrates how Algeria has transitioned from moral condemnation to legal accountability, reflecting a progressive harmonization between traditional cultural values and modern legal principles.

Furthermore, the paper contributes to the emerging field of comparative criminal law of spiritual practices, offering an interpretive model that other MENA countries could adopt when framing similar legislation.

Methodology

The study employs a qualitative legal-analytical approach combining three complementary dimensions:

1. Doctrinal Legal Analysis – examining the textual and structural elements of Articles 303 bis 42 and 303 bis 43 in light of prior legislative frameworks and judicial interpretations.
2. Comparative Legal Review – evaluating Algeria’s legislative approach in contrast with other Arab and African jurisdictions that criminalize witchcraft under customary or penal laws.
3. Descriptive-Analytical Approach – utilizing historical, linguistic, and jurisprudential sources (including classical Arabic dictionaries and Islamic juristic thought) to establish a conceptual foundation for the crime of witchcraft and its manifestations.

This mixed approach ensures a comprehensive understanding of both the legal and sociocultural dimensions of the topic, offering analytical depth beyond mere statutory interpretation.

Ethical Considerations

This study adheres to ethical standards of academic integrity and legal scholarship. All legal texts and references were cited accurately, and interpretive analyses were conducted with respect for religious and cultural sensitivities. The research does not advocate or endorse any supernatural belief system but seeks to evaluate the legal and societal impact of criminalizing related acts.

No personal or confidential data were collected, and all secondary sources were used under fair academic use.

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Conflict of Interest

The author declares no conflict of interest related to this publication.

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