

# The Role of the Algerian Family in Addressing the Phenomenon of Child Labor

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**Abstract.** Child labor is a serious problem that negatively impacts families and society. It undermines a child's personality, harms their health, and negatively affects their future, leading to social problems that threaten family and community stability. Families strive to combat child labor through proper socialization, employing a range of mechanisms including awareness campaigns, supporting children's educational and guidance needs, and ensuring their need for play. They also provide adequate economic and material support, guaranteeing their right to maintenance, suitable housing, and education, and addressing school dropout rates. Ultimately, the family's efforts to combat this phenomenon are insufficient on their own; they require support and assistance from the state, particularly in providing financial and economic support to protect children from labor.

## 1. INTRODUCTION

The family is the fundamental building block of society, based on affection and compassion among its members. The child is that small, vulnerable human being within the family and society, honored by God Almighty. The Abrahamic religions in general, and Islam in particular, have been keen to uphold and protect children's rights. Human thought has also addressed this issue by enshrining children's rights in various international conventions and national legislation, including the Algerian Constitution, which guarantees the protection of children's rights and punishes all forms of violence, exploitation, and abandonment against them. Children often resort to work despite their young age and physical vulnerability to support their families. This involves working for others before the age of fifteen, either regularly or irregularly, making them vulnerable to child labor. Child labor is a serious problem that negatively impacts both the family and society, undermining the child's development and leading to social problems that threaten the stability of both families and communities. Therefore, families strive to combat this phenomenon by providing their children with proper socialization and adequate economic and financial support. This serves as a preventative measure against resorting to child labor and a remedial measure against it. The research problem is centered on the following question: How effective are Algerian families in addressing the phenomenon of child labor?

Accordingly, this problem will be answered through two main elements:

- The role of the family in combating child labor through the socialization of the child. • The Role of the Family in Combating Child Labor Through Economic and Material Support
- Therefore, the objectives of this study are as follows:
- To address the phenomenon of child labor, a widespread problem within society resulting from deteriorating economic conditions and its impact on the social sphere.
- To highlight the role of the Algerian family in combating child labor and how to address it, given its continuous increase, and to explore the various methods families employ to confront it in order to protect and safeguard young children so they may become productive members of society in the future.
- To highlight and analyze the challenges faced by Algerian families in protecting children from child labor.
- To review the effective efforts undertaken by families to address this phenomenon within Algerian society, which negatively impacts the educational, health, and psychological well-being of children. In order to give this study a degree of accuracy and analysis, we chose the descriptive approach and the analytical approach. The descriptive approach is highlighted by tracking and presenting the various elements that are related to the phenomenon and the ways in which the Algerian family confronts it, especially what is mentioned in Islamic law and Algerian legislation. As for the analytical approach, it is highlighted by analyzing the legal texts (the constitutional amendment of 2020, and the Family Law) and the jurisprudential opinions related to the subject of the study.

The relevant legal rulings pertaining to the subject of the study.

## 2. THE FAMILY'S ROLE IN COMBATING CHILD LABOR THROUGH CHILD SOCIALIZATION

Socialization is the process of instilling and transmitting the cultural patterns of a society to its new members. This helps them adopt behaviors that align with that culture. The family is the primary environment for socialization and plays a fundamental role in addressing the phenomenon of child labor. This will be detailed by examining the mechanisms the family employs within the socialization process to combat child labor, including: the family's active role in raising awareness among children, supporting and regulating the child's educational and guidance needs, and finally, fulfilling the child's need for play.

### 2.1. The Family's Active Role in Raising Awareness

The family plays a significant role in educating its children about the dangers of child labor to protect them from it, as it has become widespread in various societies, including Algerian society. This is achieved by raising awareness of the risks of this

phenomenon and teaching the child a set of behavioral standards as preventative and remedial methods.

### 2.1.1. Raising Awareness of the Dangers of Child Labor

Child labor results in Early childhood employment presents a range of health, psychological, and social harms, including:

#### First: Health Harms

Children are exposed to risks while working that affect their development, leading to disruptions in their vital functions, reduced growth rates, and impaired balance of various bodily systems. This is because children are less resilient to the hardships and psychological pressures of work<sup>1</sup> due to their young age and fragile constitution. Furthermore, the lack of healthcare and malnutrition contribute to physical weakness, reduced resistance to disease, and increased susceptibility to occupational illnesses, workplace accidents, and rapid fatigue. This is exacerbated by long working hours, young age, exposure to excessive noise and heat, poor lighting, and chemicals that affect the nervous and respiratory systems.

#### Secondly: Psychological Harms

The family works to educate the child about the psychological harms that working children experience at their workplaces. These harms can lead to disturbed psychological development and result in deviant and abnormal behaviors, including:

- Placing responsibilities beyond their years and depriving them of the irreplaceable and beautiful stage of childhood.
- Exposure to abuse by adults at work, such as physical assault, verbal abuse, and even sexual assault.
- The spread of harmful habits among children, such as smoking and drug use.
- The erosion of the child's self-esteem and dignity by employers.
- Feelings of inferiority, especially in academics, compared to peers.
- The child's potential for dominance within the family as they become independent and support themselves and their family with their earnings.

### 2.1.2. Teaching the Child Behavioral Standards

The family teaches the child a set of behavioral standards through various methods. These methods serve as important mechanisms for influencing the child's development and psychological well-being, protecting them from the temptation to work and helping them become productive members of society. These methods include:

#### First: The Method of Good and Virtuous Role Models:

The person a child looks up to contributes to building their character and serves as their ideal. For example, their role model could be the Prophet Muhammad (peace be upon him), who is a role model for us all, as well as the noble Companions (may God be pleased with them), their father, mother, a family member, or their teacher. The important thing is to have a good and virtuous role model. This encourages the child to aspire to a distant future with optimism and great ambition. Their goal is far-reaching and not limited. The child then works to improve their academic performance to become like their role model and has no time to think about work while young because they have set a clear goal for the future.

This role model comes from the family—parents, grandparents, or any other person known to the family. This prevents the negative side of the family, where the child adopts the role model's personality without allowing space for their own. Role models are a helpful element in shaping a child's personality and support their future career thinking. A child might then aspire to be like so-and-so and avoid thinking about work at a young age.

The child may then focus on becoming like so-and-so and avoid thinking about work at a young age.

#### Secondly: The method of admonition and advice:

The family teaches the child the sound principles that must be adhered to through advice, guidance, and admonition, avoiding threats, intimidation, and reprimand. The child should be approached kindly, not forcefully, as this discourages them from listening. This approach should be supported with evidence and logical arguments to broaden their understanding<sup>2</sup>. This involves instilling in the child a desire for a better future, the path to which lies in acquiring knowledge and working hard, in accordance with the wise counsel of Luqman to his son, as stated in the Quran: "O my son, establish prayer, enjoin what is right, forbid what is wrong, and be patient over what befalls you. Indeed, that is a great blessing for you." (17) And do not turn your cheek [in contempt] toward people and do not walk through the earth exultantly. Indeed, Allah does not like everyone who is arrogant and boastful. (18) And be moderate in your pace and lower your voice; indeed, the most disagreeable of sounds is the voice of donkeys. (19) (Verses 17-19 of Surah Al-Hujurat, Holy Quran).

These commandments equip the child with sound principles, values, and wise and purposeful Islamic guidance, thus raising the child to be a righteous and virtuous individual. Maintaining prayer on time, enjoining good and forbidding evil, patience and humility with people, and speaking calmly, and the child being obedient to his parents, thus cutting off the path for him to resort to work at a young age for a meager salary and many risks.

#### Third: The Observation Method:

The observation method involves the family observing and monitoring the child, their behavior, and their interactions. This observation should not be excessive or overt, as this can become intrusive and unsettling. It should be followed by guidance to ensure a positive impact on the child's behavior.

#### Fourth: The Psychodrama Method:

The psychodrama method utilizes storytelling, particularly stories drawn from the child's heritage and religious or cultural

<sup>1</sup> Ahmed Shaker, Occupational Health and the Employment of Juveniles, Cairo, National Center for Social and Criminal Research, 1982, p02.

<sup>2</sup> Harandi Karima, The Institution of Socialization Between Methods and Obstacles: Family and School, Al-Hiwar Al-Thaqafi Journal, Volume 09, Issue 02, 2020, p06

traditions. This has a profound effect on direct stimulation and the child's creative imagination, distracting them from work at a young age. These stories contain wisdom and lessons from which the child can learn, even regarding the dangers of child labor.

#### Fifth: The Disciplinary Method

Discipline is a form of punishment used to correct a child's behavior, especially when they go to work despite parental prohibitions. It is a corrective method, unlike the previous methods which are preventative. It has certain guidelines:

- It should not be motivated by revenge.

The children should not be in the presence of other people.

The work should not be excessive, so as not to harm the child physically or psychologically. The goal is to prevent the child from returning to work and to allow them to focus on their studies and enjoy life as a child. In this way, the family achieves its objective of raising a productive adult who will serve their country in the future and be an active member of society, rather than a child laborer who risks their future and education for a meager wage that deprives them of all their irreplaceable rights. The child should not be a child laborer who jeopardizes their future and education for a meager wage.

## 2.2. Supporting and Managing Educational and Guidance Needs

The child's best interests necessitate their upbringing at a specific age when they are in dire need of care, protection, and maintenance. This period is referred to as the "first stage of upbringing"<sup>3</sup>, also known as infancy. Parental care and guidance—especially from the mother—ensures the proper fulfillment of the child's developmental needs, guaranteeing their optimal physical and psychological growth. The absence of both parents, whether due to death, separation, or work circumstances, negatively impacts the child's psychological development, making them vulnerable to various adverse life influences.

The Algerian legislator defined custody in Article 62 of Ordinance No. 05-02<sup>4</sup> as follows: "Custody is the care, education, and upbringing of the child according to the religion of his father, and ensuring his protection and preservation of his health and morals." The custodian must meet several conditions, including:

- Soundness of mind
- Adulthood to enable him to bear the responsibility of the minor, his care, and his protection
- Good character
- Sharing the same religion as the custodian and the child under his care.

Islamic law was a pioneer in highlighting the importance, seriousness, and impact of custody on the child under its care, mentally, behaviorally, and psychologically. The best upbringing is that of a child in the care of his parents, due to the serious, sincere, and protective care he receives from them. Islamic law has made custody obligatory for the custodian or his successor in case of incapacity or death, because abandoning it upon the separation of the spouses exposes the child to many dangers due to the serious deviations committed by many. Some children, especially street children, are influenced by deviant behaviors resulting from marital conflicts, disputes, and disintegration<sup>5</sup>. This leads the child to the streets, making them vulnerable to the labor market to meet their basic needs.

The goal of foster care is to serve the child's best interests, which includes proper upbringing and constructive guidance. This has a positive impact on the child's psyche and personality development. Upbringing encompasses all the guidance provided to teach the child the principles of morality and religious values, and disciplining them gently if their behavior deviates. This is achieved through educational methods found in Islamic law, which rely on persuasion, encouragement, motivation, and emphasizing the importance of proper discipline. Punishment is the last resort, employed only after exhausting all other methods.

### 2.2.1. Family Methods of Raising Children

Families, including Algerian families, employ various methods and approaches to raising and nurturing their children, reflecting the diversity of family structures. Their aim is to cultivate and develop the future generation, capable of building and protecting their nation. These methods include:

#### First: The Conservative Approach

Through the process of inheritance, families pass on all they have learned from their ancestors to their children. This is known as traditional upbringing, relying on established traditions that cannot be deviated from. The foundation of this approach is learning through imitation, observing everything children see from their elders. If the family works in traditional crafts or agriculture, children naturally begin working in their family's trade to preserve the ancestral heritage, such as copper engraving or farming. Children also develop an interest in and work the ancestral land with their families, especially those living in rural areas.

#### Second: The Liberal Approach

Its aim is to break free from the pressure of societal traditions and benefit as much as possible from the changes and developments occurring in Western societies. This approach has several drawbacks in terms of upbringing and weak supervision. It may result in the child not even considering work, as they believe they can provide for all their needs without needing to think about it. Alternatively, this liberal approach may create a strong need for the child to work in order to achieve independence from the family.

#### Third: The Scientific Approach

<sup>3</sup> Imam Muhammad Abu Zahra, (no publication date), The Organization of Islam in Society, Cairo, Egypt, Dar Al-Fikr Al-Arabi p. 99.

<sup>4</sup> Article 62 of Order No. 05-02 dated February 27, 2005, containing the Algerian Family Code, Official Gazette No. 15, issued on February 27, 2005.

<sup>5</sup> Abdel Muttalib Abdel Razzaq Hamdan, Custody and its Impact on Child Behavior Development in Islamic Jurisprudence, Dar Al-Jami'a Al-Jadeeda, 2008, p. 3.

This is the approach adopted by parents based on scientific theories and research in the field of education. In essence, it combines the two previous approaches to achieve the greatest possible adaptation to societies and the changes occurring within them<sup>6</sup>. Combining traditional education based on rote learning and the liberal approach derived from Western societies requires a balance between the two methods for the success of the scientific approach. This involves neither rigidly adhering to tradition nor allowing unrestrained and unbridled freedom, but rather adopting a middle ground and balance between the two approaches in raising and guiding the child. For example, this might foster in the child a desire to learn a particular craft as a hobby or an outlet from the pressures of school or to fill leisure time, rather than as a means of work and earning a living.

Regardless of which of these approaches is adopted, a fundamental reality in our Arab societies, and Algerian society in particular, cannot be ignored: education relies on authority embodied in the father's authority. He strives to achieve the principles of good upbringing, which primarily ensure the preservation of societal norms. The practice of educational authoritarianism arises from a specific social situation on the one hand, and reflects the reproduction of what is prevalent in the social fabric on the other<sup>7</sup>. The family operates on the principle of rights and responsibilities among its members. A child has rights over their parents, which include providing for all their moral and material needs. They also have responsibilities, which include striving in their studies and education, maintaining their academic progress, and embodying the good manners and morals instilled in them by their parents. It is not the child's responsibility to work, as this falls under the father's duties.

## 2.2.2. Good Upbringing Methods for Child Protection According to the Charter of the Child in Islam

The most important upbringing methods outlined in the Charter of the Child in Islam<sup>8</sup> prioritize the child's best interests, which should be the focus of the parents or their guardians. These methods include:

A/ Teaching the child a set of principles, such as:

- Teaching the child the fundamentals of faith.
- Training them to worship and obey God.
- Disciplining them according to Islamic etiquette and noble morals.
- Accustoming them to avoiding forbidden things and all other bad and harmful behaviors and habits. • Avoiding bad company.
- Guiding the child towards beneficial sports and useful reading.
- Ensuring that parents or guardians are positive role models.

B) Gradually granting the child a degree of freedom in accordance with their intellectual development, deepening their sense of responsibility and preparing them to assume responsibility upon reaching the legal age.

C) Protecting adolescents from the stimulation of sexual instincts and emotional outbursts during sex education, which is essential in all cases.

- Using the most appropriate and suitable style of expression for each stage of mental and emotional development.

## 2.2.3. Social Protection Agencies Assist Families in Protecting Children from Child Labor

The Algerian legislature enacted Law No. 15-12<sup>9</sup> prioritizing the protection of the child and, secondarily, providing assistance to the family. It also established preventative social bodies through the National Authority for the Protection and Promotion of Childhood at the national level and open environment services at the local level. The aim is to achieve the best interests of the child. Article 13 of the law stipulates that the economic exploitation of children constitutes a case of children at risk, particularly employing or assigning them work that prevents them from continuing their education or is harmful to their physical and moral well-being.

This is because such work has negative effects on the child's mental development, in addition to its physical and psychological effects. Furthermore, it constitutes a violation of the child's freedom and fundamental rights, which is prohibited under international conventions and domestic laws<sup>10</sup> and is a crime punishable by law.

These two systems provide assistance to the family and child in one of the following cases:

- When a child is neglected by the family in terms of supervision and guidance, and enters the workforce despite their young age, with notification coming from the family or their guardian.
- When the family, despite all the methods they have employed, fails to raise or guide the child towards a better future, and the child is drawn into the labor market, exploited economically, and forced to abandon their studies and education.

All these educational and guidance efforts by the family aim to protect their children from work and even from thinking about it, and to focus their attention on their studies and exercising all their rights as children, such as education, play, entertainment, and recreation.

## 2.3. Meeting the Need for Play

Play is of great importance in a child's life, both psychologically and educationally. Satisfying this need requires the family to allocate free time for play, which varies according to the child's age. This can be achieved by:

<sup>6</sup>Harandi Karima, Previous reference , p. 7.

<sup>7</sup> Wafaa Ali, Manifestations of Authoritarianism in Contemporary Arab Culture and Education, Al-Tawasul Journal of Human Sciences, Batna, Issue 11, 1999, p. 8

<sup>8</sup> Article 23, The Charter on the Child in Islam issued by the League of Arab States in 1997 and adopted by the Sixteenth Arab Summit hosted by Tunisia on May 23 2004

<sup>9</sup> Law No. 15-12 dated July 15, 2015, containing the Child Protection Law, Official Gazette No. 31, issued on July 19, 2015, concerning the protection of children at risk

<sup>10</sup> Ajaz Samia, Legal Protection from Recruitment and Use in Armed Conflicts, Al-Maaref Journal, Akli Mohand Oulhadj University, Issue 06, 2009, pp. 44-48

- Allocating free time for the child to play as an outlet from the demands of the academic curriculum. Parents should dedicate time to their children, including playtime, outings, relaxation, recreation, and escaping work stress.

Provide a designated play area, whether at home in a safe room or specific environment, or in public parks and other suitable spaces.

Choose a variety of engaging toys for children, ensuring they are age-appropriate.

Involve children in toy purchases to allow them to express their preferences.

Provide educational and psychological guidance to children during play<sup>11</sup>

Games and play equipment should be permissible and not prohibited, such as boxing, gambling (which is forbidden), or dangerous toys like explosives and rubber guns that can cause injuries or contain chemicals. Children have numerous needs that cannot be postponed, and the family, especially the mother, plays a crucial role in fulfilling these needs during the early years of socialization, which is one of the most important social processes in a child's development (Sixth Annual Conference on the Egyptian Child, "Upbringing in a New World Order,"<sup>12</sup>

### 3. THE FAMILY'S ROLE THROUGH ECONOMIC AND MATERIAL SUPPORT FOR THE CHILD IN COMBATING CHILD LABOR

The family's role in socialization to combat child labor is insufficient; it must be reinforced by the family's role through economic and material support for the child. This includes ensuring child support, providing suitable housing, guaranteeing education, and addressing school dropout rates.

#### 3.1. Guaranteeing Maintenance

To guarantee the child's right to maintenance, we must analyze the legal and legislative basis for this right, and then highlight the family's efforts to ensure the child's financial support in order to combat child labor.

##### 3.1.1. The Legal and Legislative Basis for the Child's Right to Maintenance

Islamic law mandates that parents provide for their children, as stated in the Quran: "And upon the father of the child is the provision for them and their clothing according to what is acceptable"<sup>13</sup>.

Therefore, the father is obligated to provide for his children's food, drink, clothing, and shelter in a reasonable manner.

Maintenance is considered a child's financial right. Their various needs cannot be met without financial support. Providing for a child is among the best of deeds, and neglecting this duty is a deficiency in both religious commitment and noble character. A father should not deliberately withhold financial support from his children; rather, he must provide them with food, clothing, and other necessities<sup>14</sup>.

Algerian legislation addresses the issue of maintenance in Articles 75 to 80 of the Algerian Family Code. The required maintenance must be within the bounds of sufficiency and need, and should not be extravagant. The legislator has mandated this maintenance for the father unless the children have their own money, as per Article 75. Those entitled to it are:

- Male children until they reach the age of majority.
- Female children until they enter into marriage.
- A child who is disabled or suffers from a mental or physical disability for the duration of their life.
- A child attending school until they complete their studies. This includes food, clothing, medical treatment, housing and its rent. If the father is financially able, he is responsible for his son's expenses. However, if the father is indigent, the mother is responsible for maintenance according to Article 76 of the Family Law. The same applies if the father is absent, missing, or deceased<sup>15</sup>. If the mother is indigent, relatives are responsible for maintenance according to Article 77 of the Family Law.

#### Comments

1/ The general principle regarding maintenance is that it falls upon the father, according to the Book of God Almighty and the rulings of Islamic Sharia, and according to the text of Article 75 of the Family Law, which provides an exception to the rule with the phrase "...unless he has money..." This means that whenever the child is in need and has no money, the father is obligated to provide maintenance. By implication, if the child has money, such as through inheritance, bequest, or gift<sup>16</sup>, the child's right to maintenance from the father is waived. Instead, the child is supported from his own money, even if he is young. The guardianship of a minor child's funds leads to a number of problems:

- Financial problems: The child's financial independence affects how they are treated, especially by their parents, as they meet their material needs with their own money. This can sometimes result in the child becoming domineering towards their parents due to their financial self-sufficiency.
- Psychological problems: The child may feel superior to their siblings and that they don't need them.
- Social problems: The child may not feel safe or protected within the family home and may even try to become independent because their own money provides for them.

2/ Article 76 of the Family Law states, "In the event of the father's incapacity, the mother is obligated to provide for the children if she is able." This applies when the father is incapacitated and the mother is financially capable. However, the legal principle here is mandatory, obligating the mother to provide for her children if she is financially capable and her husband is incapacitated.

<sup>11</sup> Hamed Abdel Salam Zahran, (1990), Developmental Psychology: Childhood and Adolescence, 5th Edition, Cairo, Alam Al-Kutub, 1990, p. 298.

<sup>12</sup> The Sixth Annual Conference on the Egyptian Child, Upbringing under a New World Order, Cairo, Center for Childhood Studies, April 1993, p. 57

<sup>13</sup> Quran 2:231.Surah Al-Baqarah,

<sup>14</sup> Khayra Al-Arabi, Civil Rights of the Child in Algerian Law, PhD Thesis in Private Law, Faculty of Law, University of Oran, , 2012-2013, p. 108.

<sup>15</sup> Lader Kamal, The Extent of Legal Protection for the Child in Family Law, Algerian Journal of Legal, Political and Economic Sciences, University of Algiers, Issue 01, 2001, p. 54

<sup>16</sup> Fadil Saad, Explanation of the Algerian Family Law in Marriage and Divorce, Part One, Algeria, National Book Foundation, 1986, p. 384.

Does this apply to the same clause in Article 75 concerning "unless he has money," which pertains to the child's first obligation to provide for himself? Furthermore, the phrase "the father's incapacity" is broad and vague. What is meant by "incapacity"? Is it financial incapacity or physical incapacity?

3/ Child support contributes to a child's psychological development and family stability.

Failure to provide for a child puts them at risk, especially if the father is financially well-off. This constitutes a crime against the child, similar to divorce or poverty, as the child is in a vulnerable position within the family. The result is that the child is forced into work at a young age, exposing them to the dangers of child labor to support themselves and their siblings. They are deprived of their rights to education, play, rest, and a decent life, and are vulnerable to exploitation and mistreatment by employers.

### 3.1.2. Family Efforts to Ensure Child Support

Caring for and financially supporting children is a duty incumbent upon parents, as their children are the dearest to their hearts, their support, and, more importantly, a trust from God. Parents strive to protect them and provide for their financial needs, including financial support, to prevent child labor. Among the family's efforts to ensure child support are the following:

- Parents working to earn a salary or financial compensation to care for their children.
- Mothers working to financially support their husbands and children.
- Fathers taking on additional work to meet the children's needs amidst the high cost of living, while mothers work in the home.
- Parents providing suitable housing for their children, including all necessities, either through ownership, rent, or other housing options.
- Providing complete meals for the child according to their age and developmental stage.
- Parents providing appropriate healthcare for their children, including vaccinations, checkups, treatment, and medication when they are ill.
- Parents spending on their children's education and providing all necessary educational materials (books, school supplies, tutoring, tablets, internet access).
- Parents providing clothing, shoes, and other appropriate items for their children.
- Parents providing toys and recreational facilities for their children. Parents strive to earn a living for their children, meet all their material needs, and protect them from child labor. Depriving a child of financial support forces them to work to cover their expenses, jeopardizing their academic and educational future.

To reinforce the guarantee of child support, the state intervened to protect children. The Algerian legislature established the Alimony Fund under Law 15/01, dated January 4, 2015, to cover child support payments in cases of divorce and when the creditor refuses to pay. This is achieved through:

- Addressing the difficulties faced by custodial mothers in obtaining support payments for their children.
- Enabling divorced mothers with custody and their children to benefit from the support payments made by the Fund. Protecting the fundamental rights of the child in cases of parental divorce and ensuring a decent life for the child and their family.

This represents a significant step forward for the Algerian legislator in protecting the child in custody and meeting their needs through this fund, on the one hand, and guaranteeing them against resorting to work, on the other.

## 3.2. Ensuring Suitable Housing

Ensuring suitable housing for the child is a priority for the family in its economic and material support of the child, in order to combat the phenomenon of child labor. We will analyze this by outlining the legal framework for the child's right to housing in the Family Code, and the family's protection of the child from the effects of not providing suitable housing.

### 3.2.1. The Legal Framework for the Child's Right to Housing in Algerian Family Law

A child's home is the dwelling where they settle, their personality develops, their dignity is preserved, and their security is ensured among their parents. The physical and social development of the child is closely linked to the environment in which they live and grow up, and the living conditions they face. Access to suitable housing guarantees the child's safety and dignity, reduces psychological stress, promotes health, and makes them self-sufficient and prevents them from having to work despite their young age.

Providing a residence for the custodian is the father's obligation to make suitable accommodation for the children and their custodian, whether it be the mother or another person entitled to custody. The father is also obligated to pay the rent for this residence, as it is considered part of the child's maintenance<sup>17</sup>

The legislator has protected the child's right to housing in cases of divorce, specifically the residence designated for custodianship, under Article 72 of the Family Law. This article stipulates that the father is responsible for providing a residence for his children that meets all the appropriate standards for custodianship. If he is unable to do so, he is obligated to pay the rent for the residence. To protect the children, the custodian remains in the marital home until the father provides suitable accommodation according to the court ruling. This prevents children from being left homeless due to the father's negligence, inaction, or failure to promptly provide suitable housing for the child and the custodian. This mechanism, enacted by the legislator, aims to protect and safeguard children and prevent them from resorting to child labor to provide housing for their mother and siblings. In addition to this document, there is another text, Article 61 of the Algerian Family Law: "A divorced woman or a widow shall not leave the family home as long as she is in the waiting period following her divorce or the death of her husband, except in the case of proven adultery." Here, the divorced woman or widow may have children, and therefore, to protect them, the mother remains in the family home until her waiting period ends.

<sup>17</sup> Mustafa Mahdi Harja, Scientific Solutions to Problems of Possession and Marital Residence, Egypt, Alexandria University Press, 1996, p. 85.

## Comments:

- In Article 72 of the Family Code, the legislator did not specify the duration for providing or renting housing for the purpose of exercising custody. Is it one year or two? The important thing is to implement the court order mandating the provision of housing for the custody. This means the father can rent housing for six months, after which the wife and children would vacate the marital home. In this way, the husband would have complied with the court order. But what will become of the children after the rental period ends?
- Similarly, Article 61 of the Family Code only pertains to the waiting period (iddah) following divorce or death. What will become of the children after the waiting period ends for the divorced or widowed woman? Will they become homeless, or will their shelter become the mother's responsibility? This is an incomplete mechanism from the Algerian legislator, forcing young children into arduous work to help their mothers provide them with shelter. The legislator stipulated that the dwelling must be suitable, meaning it must include the necessary living necessities, such as being furnished with bedding including mattresses, blankets, and pillows, and equipped with kitchen utensils for eating, drinking, and cooking. It must also have sufficient provisions of water, food, and drink, all to ensure a healthy environment for the child.

### 3.2.2. Family Protection of the Child from the Effects of Inadequate Housing

The family's failure to provide suitable housing for the child results in a range of negative consequences for the child in certain cases, including:

- Inadequate housing can lead to psychological, mental, and social disorders in the child.
- Frequent family relocation, especially when renting, negatively impacts the child and limits parental authority in guiding and monitoring the child.
- If the child loses their permanent residence due to the death of the father, mother, or both, it disrupts the child's living environment.
- If a child's family is evicted from their rented home and subjected to harassment, threats, and coercion to leave, and is unable to find alternative housing, this negatively impacts the child's psychological and social well-being.
- If a child lives in cramped conditions, they are deprived of their rights to play and recreation, potentially leading them to resort to child labor.
- Sharing housing with relatives can lead to family discord.

Choosing suitable housing for a child depends on the parents' economic and social circumstances. Parents strive to provide adequate accommodation that meets all the requirements for a dignified life, fulfilling their needs. This can be achieved by building or purchasing suitable housing through various programs offered by the Ministry of Housing. Parents work diligently to protect their children from homelessness and child labor, ensuring their well-being. Therefore, families in this situation require state support through the provision of diverse housing options to guarantee suitable accommodation that protects the child and preserves their dignity.

### 3.3. The Family's Role in Ensuring Education and Combating School Dropout

Families strive with all available resources and capabilities to guarantee their children's right to education by providing all necessary school supplies, ensuring continuous monitoring, and creating a suitable home environment for optimal learning. They also work to combat school dropout, as it is both a consequence and a contributing factor, leading children to child labor. Therefore, we will analyze this by highlighting the efforts of the state and the family to guarantee the child's right to education, and then the measures families take to address school dropout and protect children from child labor.

#### 3.3.1. State and Family Efforts to Guarantee the Right to Education

Both the state and the family work to guarantee the child's right to education. The state constitutionally guarantees the child's right to education through its highest legislation, the constitution. Families also work diligently to ensure the child's right to education because the child is the future leader upon whom the state depends and through whom it progresses.

##### First: The State's Constitutional Guarantee of the Right to Education

School dropout is a primary driver of the growth of child labor. The Algerian constitutional framers have guaranteed all means to enable children to study. Article 25 of the 2020 Constitutional Amendment<sup>18</sup> stipulates that the State guarantees the right to education and works to raise the level of education and ensure its quality through various scientific and technological means. The same article also stipulates free public education to eradicate illiteracy and enable all children to access education. Furthermore, it does not leave the choice of education open, stipulating compulsory primary and intermediate education, and that all children can enroll in vocational training on an equal basis.

The State obligates parents to enroll their children in school compulsorily upon reaching the age of six to receive education and training, in order to ensure a certain level of scientific and cultural development through progression from primary to intermediate, secondary, and university education, and to acquire the broadest possible range of information and diverse knowledge.

In cases of children's poor academic performance, they can enroll in vocational training programs to learn a trade and gain apprenticeships for future employment. This is stipulated in Article 66 of the constitutional amendment, which mandates the state to promote apprenticeships and implement policies to help create job opportunities.

##### Secondly: The Family's Guarantee of the Right to Education

Parents are actively involved in their children's education. Mothers create a suitable environment for their children to ensure good academic performance, while fathers provide financial support, which is now often shared by wives. Families provide both material and moral support to their children during their schooling and academic progress, guaranteeing their right to education and combating school dropout to protect them from leaving school and entering the labor market. The constitutional amendment

<sup>18</sup> Presidential Decree No. 20-442 dated December 30, 2020, containing the 2020 Constitutional Amendment, ratified on November 1, 2020, Official Gazette of the People's Democratic Republic of Algeria, No. 82, dated December 30, 2020, issued on December 30, 2020.

of 2020 further supports this by adding Article 66, which criminalizes child labor.

### 3.3.2. Family Measures to Combat School Dropout and Reduce Child Labor

The high dropout rate in primary education is one of the most significant problems leading to a decline in the quality of education in the country. Families have worked to address this issue to protect their children by taking a range of preventative and remedial measures, as follows:

First: Preventative Measures: These include:

- Financial support from the family for children's education by providing all necessary school supplies, books, clothing, internet access, tablets, etc.
- Accompanying the child to and from school, especially younger children, as the family acts as a watchful guardian.
- Parents, particularly mothers, act as second teachers at home to help their children review their lessons.
- Families often provide their children with excessive private tutoring to ensure their success and academic excellence, all in an effort to protect them from failing and the resulting school dropout, which can lead them to the streets and the labor market. Families enroll their children in Quran memorization courses at mosques and foreign language courses at academies and private schools during the summer holidays.

Families are paying attention to the problems their children face, especially psychological ones, and are seeking help from psychologists to support the child and their family in this area (developing awareness within families of the psychological needs of school-aged children).

Parents monitor their children's academic and behavioral progress, as well as their school friends and peers.

Parents maintain constant supervision of their children and prevent them from associating with adults to protect their minds from being influenced and confused by ideas related to dropping out of school and seeking employment to earn more money.

Second: Remedial Measures

If a family fails to protect their children from dropping out of school despite all the preventive measures they have taken to protect their child from child labor and its associated risks, they resort to remedial measures, which include:

- Integrating and enrolling the child in vocational training institutes or centers, as guaranteed by Article 66 of the 2020 Constitutional Amendment, to train the child in a trade or profession and obtain a diploma or certificate that will benefit them in the future.
- Re-enrolling the child in correspondence courses to continue their education.
- Filling the child's free time with various activities, such as pursuing a hobby (sports, drawing, acting, etc.).

## 4. CONCLUSION

This study concluded that the effectiveness of the family's role in addressing child labor lies in its ability to provide the child with proper socialization and adequate economic and material support. By doing so, the family combats and even eradicates the phenomenon, protecting the child from being forced into the labor market. It instills in the child a bright future, the fruits of which will later be borne by producing a young man who is beneficial to himself, his family, and his country. However, if the family fails to fulfill its true role towards the child by neglecting its social and material support, the child will inevitably drop out of school and resort to child labor, exposing him to various dangers due to long working hours, night work, delinquency, and illnesses, etc.

A child's resort to child labor stems from the social and material circumstances within the family. If the family is cohesive and fulfills its role effectively—raising awareness, supporting the child's educational needs, guiding them, fulfilling their need for play, ensuring adequate financial support and suitable housing, guaranteeing their right to education, and combating school dropout—then children are less likely to enter the labor market, as all their needs are met by their families. However, if the family is fractured, socialization is weak due to neglect of the child, and they are experiencing poor economic conditions due to financial deficits and an inability to provide for their children, then young children resort to work to meet their own and their families' needs. Despite the family's effective efforts to provide for the child's moral and material needs and protect them from being drawn into the labor market, their role is incomplete or insufficient. The state, as the second party in the equation for protecting children from child labor, needs to provide support in the economic and social spheres.

We concluded with the following findings:

- The family's low educational level inevitably impacts its ability to fulfill its educational and developmental responsibilities towards its children.
- Family disintegration and the resulting problems in cases of divorce, the death of a parent, or their absence, which negatively impacts children and their living stability.
- The strong and effective awareness-raising role of the family regarding the dangers of child labor on the child's health and psychological well-being.
- The family's adoption of effective educational methods, with the assistance of both the Charter of the Child in Islam and child protection agencies.
- Parents resorting to additional work to provide adequate support for their children.
- Poor housing, such as living in tin shacks, slums, or cramped accommodations, deprives children of their rights, including the right to play, rest, and health, and requires significant family effort to meet the child's need for play.
- Providing adequate housing and support for the child depends on the parents' financial capabilities and economic status.
- Parents addressing school dropout through various measures, focusing on encouraging and supporting children's education. Therefore, we conclude with the following suggestions.

## 5. SUGGESTIONS

1. Implementing comprehensive economic development policies to boost development rates and raise living standards, enabling impoverished families to send their children to school instead of to work.
2. Educating and raising awareness among parents about children's right to education and protecting them from economic

exploitation and child labor.

3. Developing awareness and guidance programs for parents to help them improve their educational and guidance roles towards their children.
4. State support for the housing sector in all its forms to provide suitable housing for children.
5. The necessity of focusing on educational institutions and supervising and monitoring educational programs themselves to ensure children are drawn to education and do not become averse to it, through positive treatment and the development of educational curricula.
6. Reviewing and amending the Family Law, particularly the articles related to providing a residence for divorced mothers with custody of their children.

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