

RESEARCH
ARTICLE**Practicing Journalism under Media Legislation in Algeria: A
Descriptive Study****Chedri Mammar Ismail**

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Journalistic Freedom, Legal Framework, Media Law in Algeria, Press Regulation, Professional Ethics.

Abstract

This research aims to study the reality of practicing journalism in Algeria in light of the legal frameworks regulating the sector, with a focus on the Media Law 12-05 of 2012 and the Audiovisual Law 14-04 of 2014. The significance of this study lies in the sensitivity of the media profession and its role in shaping public opinion. Given the political and social changes in Algeria, the need to assess the effectiveness of the legal framework in protecting journalists' freedom and ensuring their independence becomes crucial.

The study is based on the central issue: to what extent does media laws in Algeria affect the practice of journalism, and how well do they align with the requirements of press freedom and journalistic professionalism? The research analyzes the legal texts governing the sector and compares them with field practices that reveal significant challenges, such as the ambiguity of certain legal provisions, the punitive nature of penalties, the absence of a specific law regulating the journalism profession, and the prevalence of non-professionals in the field. The study finds that media practice in Algeria is governed by a dual legal framework: on the one hand, it affirms freedom of expression and media pluralism, while on the other hand, it imposes strict regulatory and ethical constraints, which are sometimes used to restrict journalistic work, especially on sensitive issues. The lack of independent bodies representing journalists and the weakness of ethical codes within media institutions hinder the development of a healthy professional environment.

The study concludes that the development of media in Algeria requires a comprehensive review of the legal system, including the issuance of a specific law for journalists, the activation of self-regulation structures, and the enhancement of ethical and professional training for journalists. It also calls for a balance between freedom of expression and professional responsibility, moving away from a punitive approach that negatively impacts journalistic performance.

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Introduction:

Journalism is one of the most sensitive and influential professions in contemporary societies, given its central role in shaping public opinion, transmitting information, and exercising oversight over various authorities. With the development of communication tools and the proliferation of information sources, there is an urgent need to regulate this sector through legal frameworks that ensure freedom of expression while protecting the rights of individuals and groups. In this context, Algeria has seen the emergence of several legal texts aimed at regulating the media sector, starting with the country's constitution, which guarantees press freedom, and followed by successive media laws that sought to accompany the political and social transformations the country has undergone, especially since the introduction of political pluralism in the early 1990s.

Despite this, media legislation in Algeria remains a contentious issue, particularly regarding its ability to reconcile the need for regulation with the protection of journalists' freedom. These laws have been criticized either for the ambiguity of some of their provisions or for being used as a tool to restrict journalistic work, negatively affecting the professional performance and independence of journalists. These issues raise fundamental questions about the reality of practicing journalism in Algeria under the current legal framework, particularly concerning press freedom and the public's right to access information. Moreover, the ongoing political and economic developments necessitate a deep review of this legal system to better align it with the societal transformations taking place in Algeria. Starting from these concerns, this study aims to provide a description and analysis of the reality of practicing journalism in Algeria. It does so by examining the content of media legislation, its impact on journalists' performance, and highlighting the challenges they face in the course of their professional work.

Research Problem: Despite the existence of a legal framework regulating the media sector in Algeria, the professional practice of journalists still faces several challenges related to the nature of these laws, whether in terms of their clarity, enforceability, or journalists' right to access information. Many reports and field practices show that Algerian journalists often find themselves caught between legal obligations and official or self-censorship, negatively affecting the quality, boldness, and independence of their work. Furthermore, the frequent amendments to these laws make the media legal environment in Algeria unstable and lead to ambiguity in the interpretation of certain provisions, thus restricting journalists' freedom. This highlights the need to understand the relationship between legal texts and professional practice and to analyze the impact of these laws on the reality of media work in the country. Therefore, the problem of this study can be summarized in the following question: To what extent do media laws in Algeria affect the practice of journalism, and how well do these laws align with the requirements of press freedom and journalistic professionalism?

Significance of the Study: The significance of this study stems from the crucial role of journalism as a strategic tool in shaping and directing public opinion, and its status as one of the most sensitive and influential professions in modern societies, particularly in light of the political and social transformations taking place in Algeria. This study highlights the complex relationship between journalism and the legal frameworks regulating it, at a time when Algerian journalists continue to face legal and professional challenges related to freedom of expression, the absence of a specific law for journalists, and the increasing presence of non-professionals in the field. The study's importance also lies in its attempt to analyze the effectiveness of current legal frameworks, such as Media Law 12-05 and Audiovisual Law 14-04, in regulating the profession, protecting journalists, and ensuring their independence. It seeks to identify the legal and professional imbalances that hinder journalistic practice, making it a valuable reference for researchers, legislators, and stakeholders in the media field.

Moreover, this study contributes to enriching the academic debate on the reform of Algeria's media legal system, amidst growing calls for professional ethics and the establishment of a legislative environment that respects both freedom and professional responsibility. In this context, the study is of dual significance: theoretical in terms of establishing the concepts of journalistic practice within the framework of the law, and practical in terms of providing a critical reading of the professional reality and offering actionable proposals for reform.

Concept of Media Practice

Media practice refers to the daily operations journalists engage in while performing their professional duties. These include news gathering, fact-checking, content editing, publishing, and audience interaction. It is a complex professional process influenced by various factors such as editorial policies, legal frameworks, ethical values, and

technological developments (McQuail, 2010).

Shoemaker and Reese (2014) assert that media practice does not occur in a vacuum; rather, it takes place within institutional environments governed by power relations, professional regulations, and market pressures. As a result, media performance reflects a delicate balance between freedom, responsibility, and economic interests. Similarly, Hanitzsch (2007) links media practice to journalists' professional identity. He argues that understanding journalists' work cannot be separated from the cultural and political contexts in which they operate. Thus, media practice is a social phenomenon that extends beyond technical aspects. Accordingly, media practice can be understood as the outcome of interaction between media actors and legal, political, and societal institutions. It embodies the relationship between legal texts and their implementation in the professional sphere.

Concept of Media Legislation

In academic literature, "media legislation" refers to the set of laws and regulations governing the operation of various media sectors, including television, radio, print, and digital journalism. These laws address core issues such as freedom of expression, content regulation, audience protection, intellectual property, and censorship. Media legislation aims to strike a balance between media freedom and social responsibility, especially in the context of rapid political, social, and technological change (McGonagle, 2015). Analyses of scientific literature in the Scopus database indicate a growing interest in media legislation, particularly after 2011, due to major political changes across several Arab countries. These transformations brought increased demands for press freedom and legal reform. The scope of this interest has expanded to include international legal frameworks, national legislation, and regulatory challenges posed by digital media, especially with the rise of social media platforms and alternative outlets.

These studies also address diverse areas such as freedom of expression, human rights, privacy protection, countering disinformation and hate speech, and the regulation of both traditional and new media (Leerssen et al., 2019). Furthermore, comparative legal analyses often examine both democratic and authoritarian contexts. Most research emphasizes Western settings such as the United States, the United Kingdom, and Germany, often cited as models for media freedom and smart regulatory frameworks. In contrast, other studies have focused on the Arab region—particularly Egypt, Tunisia, Algeria, and Morocco—as valuable cases for understanding legislation in transitional or authoritarian systems, where laws may serve as tools of control or as guarantees for newfound freedoms after uprisings (Smith, 2020). Despite the growth in media legislation studies, a review of the literature reveals several research gaps. Chief among them are the lack of critical analytical studies on Arab contexts, the scarcity of research linking digital transformation to policy formation, and the absence of field-based analyses on how these laws are applied in media institutions.

Media Practice in Algeria under the 2012 Media Law

The Media Law No. 12-05, issued on January 12, 2012, marked a significant milestone in the regulation of journalism in Algeria. It aimed to redefine the relationship between the media, the state, and society in the wake of political changes following the so-called "Arab Spring." The law set forth principles intended to protect freedom of expression and to organize the profession within a clear legal framework. According to this law (People's Democratic Republic of Algeria), media practice in Algeria is subject to strict legal controls, despite the constitutional guarantee of freedom of expression and the press. Article 2 affirms that "freedom of the press is guaranteed and exercised in accordance with the Constitution and applicable laws," but it simultaneously imposes several conditions, including respect for national sovereignty, unity, religion, and public morality—broad concepts that can be used to restrict journalistic activity.

Article 92 emphasizes adherence to professional ethics and requires journalists to be registered in a national professional registry, reflecting the regulatory nature of the profession. However, it raises concerns about journalistic independence, particularly given the absence of effective independent bodies to represent and protect journalists' rights. Of particular note is Article 116, which relates to penalties. It imposes heavy financial fines on media outlets that "exceed" legal boundaries, fostering a climate of self-censorship among journalists and directly impacting the freedom to report, particularly on political and corruption-related topics.

In summary, media practice in Algeria under the 2012 law is governed by a legal framework that includes regulatory measures aimed at controlling professional conduct, safeguarding the citizen's right to information, and preventing journalistic abuses that could lead to misinformation. While the law supports professionalism, independence, and social responsibility, it also imposes constraints that may hinder press freedom in practice.

The Journalism Profession under the 2014 Audiovisual Law

Law No. 14-04 of July 8, 2014, is one of the key legislative texts regulating audiovisual media in Algeria. It complements Media Law No. 12-05 but focuses specifically on television, radio, and digital broadcasting. The law seeks to regulate production, broadcasting, and distribution activities in the audiovisual sector while ensuring compliance with principles of freedom of expression, media pluralism, and viewer protection. Article 1 of the law states that “the audiovisual media profession shall be practiced freely within the framework of respect for the Constitution and laws, and in compliance with the ethical and professional standards of the profession,” thereby affirming the official recognition of professionalism as a foundation for media activity (People's Democratic Republic of Algeria, 2014).

Some researchers argue that this law marked a gradual transition from the liberalization of print media—initiated by Article 14 of the 1990 Media Law—to a new phase focused on liberalizing the audiovisual sector, embodied in Article 2 of the 2014 law, which operationalized the principles established in the 2012 Organic Media Law (Belhadji). Other scholars note that opening the audiovisual sector in Algeria represents both a challenge and a strategic goal. It reflects the state's commitment to broader development reforms, with media playing a central role. This includes regulated efforts to authorize the creation of radio and satellite channels through a systematic and structured process (Abdallah Thani).

Nonetheless, certain studies, such as that by Nouh Abdallah (2021), point out that the law still imposes significant restrictions on audiovisual media, particularly regarding content regulation. Article 23 introduces prior control over visual content, which opens the door to administrative intervention that can limit journalistic independence.

According to Mezghich and Bottatash, while the 2014 law explicitly supports the freedom to establish audiovisual media outlets as part of Algeria's media pluralism strategy, it remains burdened by numerous regulatory constraints. Chief among these is the requirement to obtain a special license for launching audiovisual stations, along with several strict conditions for investment in the sector. These limitations reveal a discrepancy between the rhetoric of openness and its practical implementation (Mezghich & Bottatash).

Challenges Facing Media Practice in Algeria

Despite the legislative developments in Algeria's media sector, journalistic practice continues to face structural and professional challenges that hinder the realization of a free and responsible press. One of the most pressing issues is the absence of a dedicated law regulating the journalism profession independently. Although the Media Law of 2012 and the Audiovisual Law of 2014 have been enacted, Algerian journalists still operate within a clear legal vacuum concerning their professional status, rights, duties, and legal protections.

This absence creates confusion in the relationship between journalists, media institutions, and public authorities. Without a clear legal reference that defines responsibilities precisely, journalists remain vulnerable to multiple interpretations of any alleged misconduct. This legal ambiguity undermines the profession and places journalists in a position of persistent weakness, either before their institutions or in the face of the law.

In addition, journalists face challenges related to the punitive nature of media law enforcement. Violations are often met with severe penalties, including heavy fines and legal prosecution. Such measures impose a burden on media institutions and push journalists toward self-censorship rather than professional boldness. This situation runs counter to the spirit of freedom of expression and press freedom that should govern the media environment in any democratic state.

The media landscape also suffers from the widespread phenomenon of unqualified individuals entering the profession. These are people who practice journalism without any academic background or formal training. This unregulated expansion has led to a decline in the quality of media content, the spread of unprofessional and at times

harmful discourse, and a general erosion of public trust in the media.

Another critical challenge is the ethical dimension of media practice. Many media institutions lack effective and binding codes of conduct. Ethical journalism cannot rely solely on laws; it requires professional awareness and a media culture grounded in respect for others, truthfulness, and restraint from sensationalism or exaggeration.

Given all these challenges, it is essential to reconsider the legal framework governing the media sector. A broad national dialogue should be initiated to develop a comprehensive law for the journalism profession. Independent bodies should be established to monitor the quality of media performance and contribute to the training and supervision of journalists. Such reforms are necessary to restore the profession's role and standing in Algerian society.

Conclusion

This study examined the current state of journalism in Algeria under existing media legislation. It has shown that Algerian media stands at a crossroads—between ambitions for modernization and development on one hand, and the constraints of legal and practical realities on the other. Both theoretical and empirical findings demonstrate that the legal texts governing media practice, most notably Media Law 12-05 and Audiovisual Law 14-04, suffer from numerous shortcomings in terms of both formulation and implementation.

The lack of a dedicated law regulating the journalism profession—one that clearly defines journalists' rights and obligations—remains one of the most critical issues affecting media professionals. Journalists are frequently exposed to legal prosecution and professional violations. Moreover, the predominance of punitive rather than corrective sanctions exacerbates this problem, encouraging self-censorship and stripping journalistic work of its critical essence.

Other professional challenges are equally serious. The prevalence of unqualified practitioners has undermined the credibility of media discourse and contributed to the media's deteriorating image in the eyes of the public. The study also underscores the urgent need to foster a strong ethical culture in media institutions—one based on voluntary adherence to professional values rather than legal enforcement alone.

In light of the above, it becomes evident that media reform in Algeria cannot be achieved merely through the enactment of new laws. What is needed is a comprehensive vision that integrates legislation, training, ethics, and effective institutional oversight. There is also a pressing need to initiate a national dialogue among key actors in the media field—journalists, institutions, and legislators—to reach a common ground for a balanced legal system that guarantees freedom of expression while protecting the profession from disorder and misuse.

The development of media in Algeria depends on the establishment of a fair, stable, and professional environment founded on transparency, responsibility, and independence. Therefore, the future of media practice hinges on a genuine political will to reform and a collective professional awareness of the urgent need to rebuild trust—between journalists and the public, and between the media and the state.

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