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| <p>Sehili Naouel</p> | <p>RESEARCH ARTICLE </p> <p>The Reality of Media Freedom in Algerian Media Legislation: A Review of Organic Law 23/14</p> <p>Dr. University of Mohamed Lamine Debaghin, Setif 2 Algeria</p> |
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| <p>Keywords</p> | <p>media freedom; media legislation; legal constraints.</p> |
| <p>Abstract</p> | <p>The present study aims to identify the reality of media freedom in Algerian media legislation, particularly with regard to Organic Law 23/14, which was introduced to regulate the profession and keep pace with developments in the field. It has been determined by means of an analytical and descriptive reading and discussion of the relevant regulatory texts that the majority of the provisions of the present law confirm and reinforce certain provisions of a previous law. Such provisions pertain to the necessity of respecting the ethics and morals of the profession and to the establishment of a council for this purpose, as well as to the creation of an authority to regulate the print and electronic press. Furthermore, the legal framework underscored the significance of training journalists and the imperative of safeguarding their rights. It can be posited that the freedom of the media under the new law is largely consistent with that under the previous Law 12/05, as evidenced by the legal constraints in Chapter VII.</p> |
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Introduction :

It is an irrefutable fact that the freedom of the media is regarded as a noble aspiration by all regimes, institutions and individuals at the international and local levels. This is especially true of those countries that have transitioned from authoritarianism to democracy, followed by the establishment of political and then media pluralism.

As evidenced by Algerian legislation, the nation's freedom of the press has undergone numerous developments in its legal framework. These developments encompass a periodization into three distinct eras. The initial era, characterised by the single-party system, witnessed the exercise of state control over media entities under the provisions of Law 82-01. This was succeeded by an era of openness, during which the print media was accessible exclusively to private sector entities under the provisions of Law 90-07. The subsequent era, marked by a protracted period of anticipation, culminated in the promulgation of Media Law 12-05, followed by the publication of Organic Law 23-14 in issue 56 of the Official Journal on August 29, 2023. In order to comprehend the substance of this legislation and its ramifications on media freedom in Algeria, the following interrogation was posed:

What is the reality of press freedom within the framework of the new Organic Law 23-14?

The following sub-questions derive from this central inquiry:

- What is the concept of press freedom within Algerian media legislation?

- What are the key innovations introduced by Law No. 23-14 regarding press freedom, in comparison to Organic Law No. 12-05?
- What challenges and constraints hinder the exercise of media freedom under the contemporary Algerian legislative framework?

Objectives of the study:

The overarching objective of this research endeavour is to:

- Assess the evolution of media freedom in Algeria through a comparative analysis of its legal instruments. The present study is concerned with an evaluation of the regulatory mechanisms established under Law 23-14, with a view to ascertaining the current legal status of the press.
- Compare and contrast the new provisions of this law and the previous one, especially in terms of freedom of the media and press publication.
- Identify the main legal obstacles to media freedom in Algeria.

Significance of the Study:

The significance of this study lies in the pivotal role of the media and its profound capacity to shape the ideas and beliefs of individuals and societies alike. This influence presents numerous challenges, particularly with regard to media freedom and its legislative frameworks. Such challenges necessitate a rigorous examination of media legislation and its impact on professional practice, within a framework of responsibility and an awareness of the media's serious role and the nobility of its mission; for there is no freedom without responsibility.

Research Methodology:

In order to achieve the objectives of this study, a descriptive-analytical approach is adopted. This process involves the systematic examination, discussion and analysis of legal texts pertaining to Algerian media legislation.

1- Introduction to Media Freedom

The press is widely regarded as a pivotal medium for the expression of opinion. The primary strength of this institution lies in its ability to influence public opinion by disseminating information, events, news, and analyses of political, economic, social, and living conditions that impact all citizens. This effective influential power is closely linked to the ability to persuade the public of the credibility of the published content .(Al-Khatib, 2008, p. 21)

In order to define the concept of media freedom, it is necessary to first address the general notion of freedom, followed by a more specific conceptualisation of media freedom.

1-1- The Concept of Freedom

The concept of freedom is subject to interpretation across a range of intellectual perspectives. According to Ibrahim (2020, p. 32), scholars have identified two primary interpretations of the term, as derived from Arabic linguistic traditions.

- **The Substantive Definition:** Freedom is regarded as the antithesis of servitude. In this context, it is defined as the capacity of a rational individual to independently manage their affairs without being contingent upon the consent or approval of others.
- **The Procedural Definition:** Derived figuratively from the initial interpretation, this term refers to the empowerment of an individual to act and manage their personal affairs according to their own volition, unencumbered by external interference or opposition.

Furthermore, the term 'freedom' is defined as "the absence of barriers to the realization of one's desires; it is a right inherent to every human being from birth. The concept of individual liberty is widely regarded as both a fundamental and universal principle, with the legal system serving to safeguard human rights against any violations or infringements .(Abd El-Majeed, 2005, p. 3)

Freedoms can be defined as rights and capacities to act that individuals possess by nature and manifest as the embodiment of individual sovereignty.

1-2- The Concept of Press (Media) Freedom

A close inspection of the notion of "press freedom" – or, by analogy, "media freedom" – illuminates a considerable discrepancy in viewpoint. It has been posited by several scholars that the definition should be "absolute" in nature. For instance, "Hugo Lafayette Black", a former Justice of the U.S. Supreme Court, advanced an absolute interpretation based on the "freedom of the press" clause in the First Amendment of the U.S. Constitution. This

phrase was interpreted as “an absolute prohibition against the enactment of any legislation that might infringe upon the press in any capacity”.

Nevertheless, this standpoint has been the subject of substantial criticism, which asserts that individual autonomy is constrained by the respect for the autonomy of others. Consequently, it is argued that boundaries must be observed to ensure that the exercise of autonomy does not infringe upon the autonomy of others. (Al-Mashabaka, 2014, p. 23)

In a corresponding manner, the practice of press freedom requires the establishment of regulatory mechanisms within a clearly delineated legal framework, with the objective of safeguarding the interests of both society and the state. Society requires protection from unrestrained or irresponsible media practices and the negative repercussions that may harm its members. Moreover, the overarching national interest necessitates the safeguarding of information that could potentially incite sectarian strife or compromise the security of the community and the state.

It is therefore crucial to regulate press freedom within a strictly defined legal scope in order to preserve public morals, public order and public health. The overarching objective of this regulatory framework is to ensure the protection of societal and state security, whilst also serving to prevent any encroachments on the reputation, dignity, or private lives of citizens.

Consequently, it can be argued that freedom of the press constitutes an individual right; however, this right is subject to restrictions imposed by law. (Al-Khatib, 2008, p. 24)

The term "press freedom" is further defined as the right to disseminate ideas, opinions, and information without governmental restrictions, with the aim of encouraging the flow of thought that facilitates informed and accurate decision-making regarding public affairs and societal welfare.

The notion of journalistic freedom is predicated on two fundamental principles: the primary principle emphasising the necessity of providing journalists with the liberty to express their views; and the secondary principle underscoring the need for mechanisms that prevent the misuse of this freedom as an instrument that infringes upon individual rights or violates personal liberties. In the context of Western conceptualisations, press freedom is fundamentally predicated on the right of individuals to disseminate information within a free and democratic society.

This theoretical framework underpinning the concept of a "free market of ideas" is predicated on the premise that media platforms should facilitate a diversity of perspectives and ideas on matters of public interest, and that they possess the right to gather and transmit information. The process of ascertaining the truth and scrutinising government policies and activities is facilitated by the diversity of information sources and the competition of ideas, where media reports on a specific event may diverge. Moreover, this concept presupposes that the media fulfils the role of an autonomous watchdog over these governmental practices. (Al-Khatib, 2008, p. 25)

Key Scholarly Definitions of Press Freedom

Among the most significant definitions regarding press freedom are the following:

The Definition of **Hussein Abdullah Qayed**: The term "press freedom" is defined as "the liberty of individuals and groups to access and express news and ideas through public dissemination, as well as the right to establish journalistic institutions within the framework of a free, democratic system". (Al-Abd & Mohammed Ali Saad Allah, 2008, p. 167)

The Definition of **Muhammad Saad Ibrahim**: The term "press freedom" is characterised as "the right of the people—encompassing various ideologies, groups, and classes—to publish newspapers, obtain facts, and express opinions and ideas" (Smith, 2019). It further entails the oversight of governing institutions and different societal sectors, urging them to rectify their practices in a manner that serves the public interest. This framework is characterised by a balanced consideration of the rights of individuals and groups, adherence to religious and ethical values, and the promotion of independence, unity, and progress". (Al-Abd & Mohammed Ali Saad Allah, 2008, p. 168)

The concept of press freedom is further delineated as "the right of every citizen to publish freely" or, as "the capacity to establish and distribute a newspaper independently, without the requisite authorisation from security authorities, particularly the Ministry of Interior". (Al-Abd & Mohammed Ali Saad Allah, 2008, p. 169)

As is apparent from the aforementioned definitions, scholars diverge in their respective views regarding the constituent elements of press freedom. This variation is inherently linked to the nature of the political system in which the media operates. In a democratic system, legislation is said to reflect the will and aspirations of the people, thereby providing an expansive scope for press freedom. Conversely, in authoritarian regimes, the law is regarded as a reflection of that governance, resulting in the subsequent restriction and curtailment of media liberties.

Media freedom, therefore, can be defined as "the liberty to establish newspapers and media outlets, to be exempt from censorship by relevant authorities, and to guarantee the freedom of those engaged in journalistic pursuits. This encompasses the acknowledgement of their entitlement to access and disseminate news, the liberty to consult information sources, and the establishment of legal safeguards to ensure their protection during the course of professional journalistic practice". (Al-Abd & Mohammed Ali Saad Allah, 2008, p. 170)

In consideration of the foregoing, it can be concluded that freedom of the press and media is an inalienable human right. The primary characteristics of this liberty are constituted by diversity and pluralism, which are manifested through the professional practice of journalism across various mediums, including print, audio, audiovisual, and electronic formats. This encompasses the freedom to disseminate diverse ideas, opinions, political leanings, and information, provided there is an adherence to ethical standards that prohibit the publication of content detrimental to individual reputations, human dignity, or public morals, or that which harms the national interest and the welfare of the citizenry.

2- Media freedom in Algerian legislation prior to 2012

2-1- Media freedom and the 1982 law

The 1982 law was enacted to address a twenty-year legal vacuum following independence. Enacted on February 6, 1982, this was the first comprehensive media law and derived its provisions from the National Charter and the 1976 Constitution. Comprising 128 articles, it included an introduction of 49 articles dedicated to general principles, followed by five main sections. A brief overview of the most significant aspects of this law reveals the following observations (Touati, 2009, pp. 23-24):

- **The Conceptualization of Media as a State Sector:** legislation categorised the media as a national sovereignty sector, linking it to the FLN party and socialist ideology. It was closed to private investment. Article 1 stated: "Media is a national sovereignty sector."
- **Shift in Regulatory Focus:** previous legislative efforts had primarily aimed at the organisational regulation of journalistic institutions, whereas the law was designed to regulate the written press as a professional practice.
- **Legislative Imbalance between Obligations and Rights:** of the 128 articles, 68 addressed the duties, prohibitions and penalties imposed on journalists and media institutions. In contrast, only 17 articles addressed the rights of journalists and citizens' right to information. Furthermore, articles directly pertaining to professional ethics and deontology were sparse, limited to five instances: Articles 35, 42, 45, 48 and 49.
- **Linguistic and terminological ambiguity:** the legislator was found to have employed strategic terminological shifts. For instance, in Article 19, the term 'oversight' (or 'censorship') was replaced by 'financial accountability', and 'guidance' was used as a euphemism for 'censorship'.
- **The Professional Status of Journalists:** according to **Brahimi Ibrahim**, the role of the journalist is 'imprecise and ambiguous'. Legal texts effectively relegate the journalist to the status of a 'bureaucratic functionary', answerable to hierarchical superiors and legal statutes rather than being governed by the nature or quality of their output. This positioning is a primary source of the professional anxiety inherent in the field. (Brahimi, 1989, p. 356)

To summarise, although the 1982 Information Law successfully resolved the legal uncertainty that characterised the post-independence era, its principal function was to consolidate various political directives. This led to a consolidation of state and party dominance over the press and media sectors, resulting in substantial restrictions on the scope of journalistic practice at both domestic and international levels. In consequence, a significant number of scholars and academics have designated this legislation as a "Penal Code" under disguise, due to the fact that it emphasises rigorous punitive measures and sanctions against those in the profession of journalism. (Kirat, 1992, p. 22)

2-2- Media Freedom and the 1990 Law:

The 1989 Constitution is widely regarded as having paved the way for the dissolution of the state's monopoly on media and its ideological direction. This shift signalled the emergence of media pluralism, particularly within the written press. Consequently, Circular No. 90-04, dated March 19, 1990, was promulgated, permitting journalists to establish independent newspapers or remain within state-owned outlets, with a guaranteed salary for a period of approximately two years. Subsequent to this circular, the second Information Law in Algeria's history was promulgated on April 3, 1990.

The Information Law of April 3, 1990, introduced a novel discourse regarding the mission and function of the journalist for the first time. In accordance with the provisions of the revised legislation, the journalist, who had previously occupied a position of "bureaucratic functionary and political activist," was now subject to professional accountability, as opposed to the governance of political and ideological mandates. (Boujemaa, 2007, p. 105)

The 1990 Law led to a substantial enhancement of media freedom, which resulted in an increase in the number of independent journalistic titles. Prior to this period, the media landscape consisted of 49 state-owned publications, including six dailies, six weeklies, and several periodicals. However, following the implementation of the law and the government decree of 19 March 1990, the sector expanded rapidly to include 35 daily newspapers, 100 weeklies, and eight other periodicals. (Bouchoucha, p. 128)

Despite the fact that the 1990 Law codified the freedom of the press and the establishment of newspapers, it concomitantly incorporated stringent provisions against journalists, a fact which led many observers to characterise it as a "Penal Code" rather than an information law. The term "punished" appeared twenty times across eighteen articles, while the term "subject to" became a dominant feature in articles pertaining to penal provisions. Moreover, the legislation in question was marked by ambiguity with regard to the assignment of responsibility and the definition of journalists' rights and duties. Consequently, the exercise of the right to information was contingent upon respect for the requirements of "foreign policy," "national defence," and "human dignity." These terms have been the subject of much criticism due to their extreme generalness and lack of precise legal definition. (Bouchoucha, p. 228)

Notwithstanding this newly granted respite (as evidenced by the 1990 legislation), in 1991, the authorities proceeded with the establishment of specialised chambers within the judicial system, designated for the adjudication of complaints against journalists and allegations of press transgressions. The impact of this measure on the free practice of journalism was negative, resulting in journalists returning to self-censorship and demanding that the media law be supplemented by additional legislation and a code of professional ethics be formulated. (Ben Dris, 2006/2007, p. 93)

3- Media legislation after 2012: freedom of the media

3-1-Freedom of the media and the 2012 law:

The beginning of 2010 and 2011 was marked by a series of events and changes at the international, regional and national levels. The most significant of these were the popular and political movements that took place in several Arab societies, known as ("the Arab Spring" in Tunisia, Libya and Egypt). This has led to a resurgence of discourse surrounding the implementation of more substantial and credible reforms in Algeria.

Hence, Algeria initiated a series of political reforms during this period, signifying a new phase in its democratic transition. It furnished the media and communications sector with the requisite resources to enable it to absorb and utilise the technological information explosion resulting from the technical revolution. The objective was to frame the media and professional practices of journalists and the media sector in Algeria in order to keep pace with these changes. This necessitated the establishment of a novel legal framework in the form of a draft organic law on the media, which was issued in January 2012. However, prior to the enactment of this law, a preliminary draft organic law on the media was introduced during the tenure of Communications Minister "Nasser Mehle". The publication comprised 141 articles, which were divided into 12 sections. This draft was regarded as a favourable development for the media sector, as it contained explicit indications of the Algerian legislator's intention to liberalise the audiovisual sector, expand media freedom and enhance regulatory oversight. (Nasreddine, 2017, p. 146)

This project was followed by the most significant event in the media sector in early 2012, namely the enactment of the Media Law on 12 January 2012. This legislation established an authority to regulate print media and opened up the audiovisual sector to private investment.

It is an irrefutable fact that the recently enacted Media Law 12-05 incorporated several positive elements that were absent from its predecessors, the 1982 and 1990 laws. A notable example of this can be found in the provision outlined in Article 61, which pertains to the liberalisation of the audiovisual sector to private investors. It is stated that "audiovisual activities shall be carried out by public bodies, public sector institutions and agencies, and institutions or companies subject to Algerian law". Moreover, the publication under scrutiny dedicates two chapters to the subjects of professional regulation and organisation within the domain of journalism, along with the ethical framework that governs the industry. However, it has been met with significant criticism from professionals in the field, who have described it as an inferior law compared to the 1990 legislation. This assessment is primarily based on the belief that the 1990 law provides greater autonomy than the current law, and that the provisions of the new law have already been incorporated into the 1990 media law but were not implemented. A salient feature of the recent legislation is the establishment of two regulatory authorities: one for print media and the other for the audiovisual sector. This development represents a departure from the 1990 legislation, which incorporated an authority with the responsibility of regulating print media. It is therefore necessary to consider how the new law can incorporate this authority, which already existed in the previous law but was never implemented. (Malika and Tomy, 2015)

It has been asserted by certain members of the academic community that media legislation is in need of reform, a matter which gives rise to numerous questions. The following are considered to be of primary importance:-How can the formulation of a particular law pertaining to advertising and opinion polling be contemplated when such

legislation already exists and was referred to Parliament in 1999, where it has remained in a state of stagnation? - How new legislation for advertising and opinion polling can be issued when existing laws on this matter have already been drafted, ratified by the government, and remain dormant in the archives of the National People's Assembly without any investigation into the reasons for their non-release?

The 2012 law also decriminalised journalism and repealed the article on imprisonment for journalists, but this measure was merely symbolic, as evidenced by the imposition of substantial fines, especially given that in some cases, journalists' salaries do not exceed 20,000 dinars.

In an ongoing commitment to safeguarding media freedom in Algeria, legislation in the form of Law 2023 was passed.

3-2- Media Freedom and the Organic Law 23-14 on Information:

The legislation was initiated as part of a broader reform programme in Algeria, with the objective of safeguarding the right to information and establishing institutional frameworks for transparency and media pluralism.

Content (People's Democratic Republic of Algeria, 2023): The Organic Law No. 23-14, dated 10 Safar 1445, corresponding to 27 August 2023, is comprised of fifty-six articles, which are distributed across seven chapters. The following is a list of these chapters, along with the number of articles contained within each:

Chapter 1: General Provisions.

Chapter 2: Media Activities, consisting of two sections, the first section entitled: Print and Electronic Media Activities, and the second section entitled: Audiovisual Activities.

Chapter 3: Common Provisions for Media Outlets.

Chapter 4: Mechanisms for Regulating Media Activity, divided into two sections: the first section is entitled: Authority for Regulating Print and Electronic Media, and the second section is entitled: National Authority for Regulating Audiovisual Media.

Chapter 5: The Journalism Profession and Professional Ethics and Conduct, which is comprised of three sections: The first section is dedicated to an examination of the principles and practices of journalism. The second section addresses the legal framework for safeguarding journalists. The third section will provide a comprehensive overview of the subject matter. This text is dedicated to the exploration of professional ethics and conduct in the domain of journalism.

Chapter 6: The Right of Reply and the Right of Correction.

Chapter 7: Offences committed in the course of media activities.

A comparative analysis of the provisions of Organic Law 23-14 against the preceding 2012 Law reveals the following conclusions:

- Article 1 stipulates that the principal objective of the present legislation is to define the governing principles and rules for media activity and its unencumbered practice.
- Article 2 provides a delineation of the nature of media activities, explicitly distinguishing online media operations as a specific category.
- Article 4 delineates the eligibility criteria for individuals to engage in and fund media activities, unequivocally stipulating the prerequisite of Algerian citizenship.
- Articles 6 and 8 transfer the authority for receiving declarations to establish print media, electronic press, and audiovisual communication services from the Regulatory Authority to the Minister responsible for communications.
- Article 9 stipulates that all media outlets are obligated to disclose the sources of investment funds utilised for their management and operational activities.
- Article 10 introduces a structural amendment regarding media staffing by requiring that professional journalists constitute at least half of the editorial workforce, an increase from the one-third requirement stipulated in the previous law.
- Article 11 of Organic Law 23/14 prohibits individuals from utilising their names for the purpose of establishing a media outlet. Moreover, as outlined in Article 12, foreign funding is strictly prohibited, thereby ensuring the autonomy and integrity of the domestic media landscape.
- In the recently enacted Law 23/14, the legislator established the authority to regulate the electronic press, as delineated in Article 13.

- In the domain of audiovisual media, the prevailing legislative framework regulating the sector underwent an amendment that bestowed upon it a distinct legal status and delegated it with the responsibility for the oversight and regulation of audiovisual communication services facilitated through the internet. This development also encompasses conventional audiovisual transmission methodologies and services.
- Article 15 of Organic Law No. 23-14, journalistic activity is defined as: "Any research, collection, selection, processing and/or presentation of information for the benefit of a print or electronic media outlet, news agency, audiovisual communication service or online audiovisual communication service".
- Law 23-14 distinguishes between journalists and professional journalists, with Article 16 stating that 'a person who practises journalism is considered a journalist'.
- According to Article 17, a professional journalist is defined as 'any person who practises journalism and makes this activity their regular profession and main source of income'. The present article also sets out a series of conditions that must be fulfilled by professional journalists. These conditions are outlined as follows: Evidence must be provided of either:
 - o A higher education qualification directly related to the profession of journalism, and a minimum of three years of professional experience in the field of journalism; or
 - o A higher education qualification in any field, with training in journalism from an accredited institution, and a minimum of five years of professional experience in the field of journalism.

Furthermore, 'any permanent correspondent who meets the conditions set out in this article and has an employment contract with a media outlet in accordance with the provisions of Article 24 shall be considered a professional journalist.' The article also emphasises that 'the practice of journalism is incompatible with any administrative position'.

- The new law '23-14' protects intellectual property (Article 21): News items must include the name of their owner or a reference to their source if they are reproduced or quoted from another media outlet.
- Article 23 is explicit in its guarantee of the journalist's freedom of expression, while concomitantly stipulating that the exercise of this right must be within the framework of the Constitution and the prevailing laws.
- Article 24 deals with the contractual relationship between the employing entity and the journalist. It stipulates that every labour relationship must be governed by a written contract that explicitly defines the rights and obligations of both parties.
- Article 25 serves to reinforce the fundamental rights that have been established in previous legislation, with particular emphasis on the right to legal protection against all forms of violence, defamation, insult, or threats encountered during the performance of professional duties.
- Article 26 stipulates the entitlement to compensation in circumstances where the termination of a contract is occasioned by a modification in the media outlet's editorial policy (conscience clause).
- Article 27 serves to reinforce the right of journalists to professional secrecy, which is considered a fundamental component of their professional protection.
- Article 28 stipulates that a journalist is entitled to refuse the publication or broadcast of any signed work if substantive changes are made to its content without their prior consent. This refusal does not constitute a breach of contract. It is noteworthy that the present article omits the qualifier "substantial changes" (تغييرات جوهرية) present in the previous Law 12-05, thereby broadening the scope of this right by leaving the nature of the modifications undefined.
- Article 31 of Organic Law No. 23-14 establishes the requirement for the ongoing professional development of journalists, emphasising the enhancement of their competencies and the refreshment of their expertise. This article incorporates a novel provision that mandates the annual validation of this training process by the pertinent regulatory authorities.
- Chapter III of Organic Law No. 23-14 formally validates the establishment of the High Council for Journalism Ethics and Professional Conduct, as delineated in the preceding legislation.
- Article 35 introduces a novel provision within Chapter III on professional ethics. This provision specifically prohibits the direct or indirect publication or broadcast of hate speech and discrimination. It is considered a significant legislative addition to the Algerian media framework.

As demonstrated above, the new Media Law 23-14 was enacted to embody the fundamental principles enshrined in the 2020 Constitution, particularly Article 54 relating to the media. The purpose of this law is to enshrine the freedom of the press, its pluralism and independence, and to ensure respect for the rules of professionalism and ethics of the profession. The legislation therefore establishes a framework that strengthens guarantees of freedom of expression, responds to citizens' aspirations in the field of media, and meets the sector's need to regulate the profession, taking into account the requirements of public service and the public interest. This legislative act is indicative of the public authorities' aspiration to bestow upon this amendment an innovative character, in accordance with the principles

enshrined in the Constitution, in a manner consistent with the transformative impact of technological advancements, and in alignment with international standards .(Bouras, 2023)

Notwithstanding the positive aspects highlighted in the new organic law on media, controversy has been sparked in media circles due to provisions imposing substantial fines on media professionals, amounting to approximately two million Algerian dinars (2,000,000). Moreover, it is evident that the legislation under scrutiny contains a number of provisions that are both restrictive and vague in nature. These provisions have the capacity to be interpreted in a variety of ways, as evidenced by the cases cited in Article 3.

The legislation has been the subject of critique on account of its failure to tackle specific issues that have become prominent in the domain of media and communication, including Metaverse media, Digitisation and Artificial Intelligence.

4- Obstacles to media freedom in Algerian legislation:

The legal regulation of press freedom, the purpose of which is to ensure that its practice is conducted in accordance with principles of responsibility and accountability, is not regarded as hindering its exercise. The regulation is imperative in order to ensure that the subject does not deviate from the designated path. However, the expansion of restrictions on media freedom through legal regulation, resulting in an overwhelming imposition of constraints on publication, broadcasting, and dissemination, and the imposition of stringent legal restrictions that curtail its freedom and impede its practice (Al-Khatib, 2008, p. 68), is a matter of concern. A thorough examination of Organic Law 12/05 and Organic Law 23/14 reveals minimal discrepancies between them and previous legislation with regard to legal impediments to media freedom. The most salient of these impediments are outlined below:

4-1-Prior authorisation: the system works the same as the licensing system, as outlined in Article 11 of Organic Law 12/05. No newspaper, in print or online, can be published without a receipt or authorisation. The publication of any periodical is subject to a series of regulatory procedures. Firstly, it is necessary to register with the relevant authorities. Secondly, the accuracy of the information must be verified by means of a prior authorisation, signed by the director responsible for the publication. This assertion is further substantiated by Article 6 of Organic Law 23/14, which stipulates that 'the establishment of print and electronic media is contingent upon the submission of an authorisation to the Minister responsible for communication.'

A prerequisite for the establishment of any audio or audiovisual service is the prior acquisition of a licence, as stipulated in Article 8 of Organic Law 23/14. The establishment of any audiovisual communication service and radio or television broadcasting via cable, terrestrial transmission or satellite is subject to a prior licence issued by the Minister responsible for communication. The establishment of any audiovisual communication service via the Internet is also subject to a prior licence issued by the Minister responsible for communication.

4-2- Control over capital and income sources:as outlined in Article 29 of Media Law 12/05, it is mandatory to disclose the sources of funds constituting the capital of the publication, as well as the funds necessary for its operation. Furthermore, the receipt of financial assistance from any foreign entities is strictly prohibited. These measures are reiterated in Organic Law 23/14, Article 9, which states: It is incumbent upon every media outlet to declare and provide evidence that it possesses national capital and the provenance of the invested funds, in addition to the requisite funds necessary for its operation. This declaration must be made in accordance with the prescribed procedures delineated within the legislation encompassing the written press, electronic press, and audiovisual activity, contingent upon the nature of the activity in question.

Furthermore, Article 12 of Organic Law 23/14 stipulated that "every media outlet benefiting from funding or material assistance must have an organic link to the granting entity; direct or indirect funding or material assistance from any foreign entity is prohibited under the penal sanctions prescribed by law."

Within the context of sanctioning violations of the aforementioned legal text, Article 44 of Law 23/14 stipulates that "any media outlet that receives, whether directly or indirectly, funding or material assistance without having an organic link to the granting body, or benefits from funding or assistance from a foreign body—outside of specifically designated funds—shall be punished by a fine ranging from one million dinars to two million dinars."

4-3- Prior Censorship:the Algerian Information Law 23-14, as outlined in Articles 6 and 8, stipulates the requirement for the submission of a publication declaration prior to the printing of any newspaper or the establishment of an audiovisual service. In addition, Organic Law 12-05 stipulated the necessity of legal deposit prior to publication and circulation, as outlined in Article 32 which stated that 'in addition to the provisions related to legal deposit provided for in the legislation in force, two copies of every periodical publication must be deposited with the Written Press Regulatory Authority'.

Censorship is regarded as the most substantial and perilous restriction on freedom of expression, given that it represents a direct encroachment on the autonomy of the journalist, a constriction of freedom of expression, and a transgression against the right to information and the dissemination of information. Furthermore, it limits the citizen's right to know the truth and to exercise oversight over the manner in which the country's affairs are managed, as well as hindering active participation in this management aimed at its development, improvement, and advancement" (Saaïoud, 2012, p. 58)

4-4-Censorship of content of abroad-sourced messages: according to Article 22 of Organic Law 12/05, the printing of any title owned by a foreign company is subject to authorisation by the ministry responsible for communications.

In addition, Article 37 of the aforementioned legislation stipulates the following: The importation of foreign periodicals is contingent upon the prior authorisation of the press regulatory authority. Article 38 stipulates the following: The importation or publication of periodicals by foreign entities or diplomatic missions, or intended for free distribution, is subject to authorisation by the Ministry responsible for foreign affairs.

4-5- Prior Authorisation for Foreign Journalistic Work: in addition to the texts affirming the control over the content of media communications arriving from abroad, the Algerian legislator emphasised the necessity of monitoring media outlets operating for foreign entities within Algeria. Article 22 of Organic Law 23-14 states that "a journalist working in Algeria on assignment for a media outlet subject to foreign law shall practice their profession only after acquiring prior accreditation." The sanction for contravening this provision was delineated in Article 50 of the aforementioned legislation, which stipulated: Any individual engaged in professional activities within the Algerian jurisdiction on behalf of a media outlet that is subject to the provisions of foreign legislation, without having obtained the accreditation stipulated in Article 22 of the prevailing legislation, shall be subject to legal sanction in the form of a pecuniary penalty amounting to a minimum of five hundred thousand dinars and a maximum of one million dinars.

4-6- Control over the sale and circulation of periodical publications: the principle of oversight is clearly articulated in the text of Article 35 of Organic Law 12-05, which states: It is evident that the sale of periodical publications by roaming, on public roads, or in any other public place is subject to a prior declaration to the President of the Municipal People's Assembly (APC).

4-7- Institutional Guardianship over the Press and Journalists: the authorities in question are specified in the previous Organic Law 12-05 and are reaffirmed in the new Law 23-14. These include the Written and Electronic Press Regulatory Authority, as referred to in Article 13 of the new law, in addition to the Independent National Audiovisual Regulatory Authority, which was stipulated in Article 14 of the same law. It is evident that both of these authorities are granted the powers to both regulate and monitor the application of legal texts related to journalistic activity.

4-8-legal Restrictions on the Right of Access to Information and Sources: Article 32 of Organic Law 23-14 stipulated that "public bodies and institutions must guarantee the right of journalists to access information, within the framework of respecting the Constitution and the provisions of the aforementioned law." Nevertheless, Article 33 of the aforementioned law enumerates the particular circumstances in which a journalist may be denied access to information sources. The following statement was made: The journalist possesses the right to access information sources, except in circumstances where the news pertains to an infringement of:

- National Defense secrets.
- State security, national sovereignty, national unity and territorial integrity.
- Confidentiality during preliminary and judicial investigations
- The legitimate interests of institutions that are at risk of instability.
- The private lives and rights of others."

4-9- Restrictions on "Name Lending" (Straw-man Ownership): Article 11 of Organic Law 23-14 explicitly states that: It is categorically prohibited by the penal sanctions set out in this Organic Law for any individual to provide their name to any natural or legal person – either by pretending to subscribe to shares or by acquiring equity – for the purpose of establishing a media outlet. Article 45 of the aforementioned legislation provides further elaboration on the sanctions, stating: It is an offence for any individual to lend their name to a natural or legal person, whether by pretending to subscribe to shares or by acquiring equity with the intent of establishing a media outlet, and such an act shall be punished by a fine ranging from one million to two million dinars. The same penalty shall be applied in the case of the beneficiary of the name-lending process. Moreover, the appropriate judicial authorities have been mandated to mandate the cessation of the media outlet's operations, the closure of its headquarters, and the confiscation of its equipment."

Conclusion:

A comprehensive review of Algerian media legislation reveals noteworthy advancements in terms of media freedom. Nevertheless, it is imperative to recognise that legal restrictions continue to hinder the development of the Algerian media landscape. The key recommendations that emerge from this study are as follows:

- **Statutory Implementation:** transition legal guarantees from theoretical frameworks into functional protections for journalists.
- **Institutional Activation:** expedite the establishment of the High Council for Ethics to foster professional self-regulation.
- **Legislative Modernization:** update legal codes to address the digital transformation and social media landscapes.

Ethical Considerations

This study was conducted in accordance with established ethical standards for legal and social science research. The research relied exclusively on the analysis of publicly available legal texts, official legislation, and regulatory documents related to Algerian media law. No human participants, interviews, surveys, or personal data were involved in the study. Consequently, issues related to informed consent, confidentiality, and data protection do not apply, and formal ethical committee approval was not required.

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Conflict of Interest

The author declares that there are no known competing financial, professional, or personal interests that could have influenced the research or the conclusions presented in this article.

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