



ISSN 1989-9572

DOI:10.47750/jett.2024.15.04.016

Legal Challenges in Regulating Media Practices in Algeria Through the New Media Law No. 23-14

Dr. Abdesselam ALILI¹,

Samah MAHMOUDI²

Journal for Educators, Teachers and Trainers, Vol.15(4)

<https://jett.labosfor.com/>

Date of Reception: 07 July 2024

Date of Revision: 12 Sep 2024

Date of Publication: 12 Dec 2024

Dr. Abdesselam ALILI, Samah MAHMOUDI (2024). Legal Challenges in Regulating Media Practices in Algeria Through the New Media Law No. 23-14. *Journal for Educators, Teachers and Trainers*, Vol.15(4).144-156.



Journal for Educators, Teachers and Trainers, Vol. 15(4)

ISSN1989 –9572

<https://jett.labosfor.com/>

Legal Challenges in Regulating Media Practices in Algeria Through the New Media Law No. 23-14

Dr. Abdesselam ALILI¹, Professor. Samah MAHMOUDI²

¹University Center of Barika(Algeria).

²University Center of Barika(Algeria).

The Author's E-mail: abdesselam.alili@cu-barika.dz¹, samah.mahmoudi@cu-barika.dz²

Abstract:

This study examines Algeria's new Media Law No. 23-14, focusing on its pivotal role in the regulation of media practices. The law aims to furnish a legal framework that not only ensures enhanced protection and flexibility for media operations and journalism but also bolsters professional ethics.

The findings reveal that Media Law No. 23-14 marks a significant progression in the evolution of the Algerian media landscape. It strives to balance media freedom with individual rights and freedoms, providing robust protection for journalists through stringent legal stipulations that govern media activities and curtail undue interference, thereby safeguarding freedom of expression. Furthermore, the law promotes the enforcement of journalistic ethics, resonating with the contemporary political and social shifts in Algeria. It also preserves the right to journalistic rectification and response, catering to the evolving needs of media development. Consequently, this legislation emerges as a foundational framework that delineates Algeria's media policy and mirrors the ongoing legislative transformations aimed at fostering a more unified and comprehensive media system.

Keywords: Media Law No. 23-14, media activity, journalistic ethics, print journalism, electronic journalism.

Introduction:

Freedom of expression stands as a cornerstone of democratic societies, with media activity serving as a crucial vehicle for this principle. Media facilitates the dissemination of information and bolsters community awareness, thereby empowering citizens to engage actively in public life. However, this freedom is not unbounded; it is tempered by various controls and standards designed to harmonize the exercise of freedom of expression with the safeguarding of both public and private rights, thereby ensuring the professionalism and credibility of media practices.

In response to the pressing need for a modernized legal framework to govern media operations, the Algerian legislature enacted Media Law No. 23-14. This legislation aims to foster a peaceful and responsible media landscape, free from excesses and external influences that could compromise press independence. To this end, the law introduces a comprehensive set of regulations that serve as a crucial reference for overseeing media activities

across print, electronic, and audio-visual platforms through licensing systems that ensure adherence to established legal norms and standards.

Moreover, the law delineates clear mechanisms for media oversight, including the establishment of authoritative bodies to supervise both written and electronic journalism. This approach enhances the principle of self-regulation and underscores the professionalism within the media sector. Additionally, the law emphasizes the imperative of maintaining journalistic ethics, founded on the principles of honesty, integrity, respect, and credibility. The activation of an Ethics Council plays a crucial role in reinforcing these values, ensuring that media content adheres to ethical and professional standards.

The law significantly emphasizes the right to journalistic response and correction, recognizing it as a critical right that enables individuals and the community to receive accurate facts and serves as an effective tool for addressing media challenges and ensuring transparency in information dissemination. The significance of this study is underscored by its focus on the regulatory framework governing media practices in Algeria, reflecting substantial advancements in the protection of journalists and the enhancement of their freedoms.

Given the political and social transformations Algeria has experienced, there is an urgent need for progressive media legislation that aligns with contemporary changes. This study examines legal controls and the authorities responsible for media regulation, aiming to bolster journalist protection and safeguard media independence from political or external influences.

Additionally, this topic highlights the media's role in accurately transmitting information and boosting journalism's credibility, particularly in combating the challenges posed by digital media and misinformation. Moreover, the study advocates for professional ethics and promotes the right to reply and correction as mechanisms to secure the right to information, which are pivotal in fostering a democratic and transparent society. In essence, this research is crucial for evolving the media landscape in Algeria and establishing a legal framework that protects journalists and meets the demands of current media challenges.

From the above presentation, the study poses the following question:

- How has Media Law No. 23-14 in Algeria contributed to regulating media activity and ensuring the effective and responsible practice of media freedom?

The study employed various methodologies tailored to the subject's needs, including:

- **Analytical approach:** Predominantly, the study utilized an analytical method to dissect the texts of Media Law No. 23-14, scrutinizing the organization of media practices in Algeria through a meticulous examination of legal documents. This analysis is instrumental in assessing the law's effectiveness in safeguarding journalists' rights and regulating media activities.
- **Critical approach:** A critical method was adopted to evaluate the law's impact on journalists and the media landscape, addressing any potential implementation challenges or shortcomings. This approach facilitates a critical evaluation of the extent to which the law fulfills its intended objectives.
- **Descriptive approach:** The descriptive method was applied to document and analyze the current state of media under Media Law No. 23-14, focusing on the application of legal controls and the roles of responsible authorities and media ethics. This method describes the legal frameworks governing media practices.
- **Comparative approach:** While not the primary focus, the comparative method was occasionally employed to juxtapose the new Media Law with previous statutes or those from other countries, providing a broader context.

The study is structured around the following themes to analyze key elements influenced by Media Law No. 23-14 that directly enhance media freedom:

- **First axis:** Controls on the practice of media activity.
- **Second axis:** Authorities authorized to regulate media activity.
- **Third axis:** Regulatory mechanisms for media practice.
- **Fourth axis:** Ethics and professional conduct in journalism.
- **Fifth axis:** The right to journalistic response and correction.

First Axis: Controls on the Practice of Media Activity

Media freedom, a cornerstone of modern legal frameworks and pivotal to development, progress, and knowledge dissemination,¹ is rigorously safeguarded in contemporary societies. However, it is not an unfettered right; it must be exercised within a legal framework that meticulously balances the media's right to expression with the societal and individual rights to uphold values, security, and stability.

Article 3 of Law No. 23/14² outlines explicit controls that shape media activity in alignment with the constitution and prevailing legislation, thus fostering a balance between freedom of expression and social responsibility.

These controls encompass restrictions designed to protect the Islamic religion and national reference, respect for other religions, safeguard national identity, and uphold ethical and cultural values. They extend to maintaining national sovereignty and territorial integrity, adhering to requirements of national security and defense, and respecting the symbols of the state.

Moreover, these controls are crucial for upholding human dignity, individual and collective freedoms, and the country's economic interests. They ensure the provision of complete, honest, and objective information, protect the secrecy of judicial investigations, and promote a pluralistic exchange of thoughts and opinions.

This analysis examines the wisdom and justification behind these controls, elucidating the legislator's intent and objectives in imposing such conditions to restrict media freedom. We explore the means to achieve a delicate equilibrium between media freedom and the imperatives of security and public interest, ensuring that the media serves as an effective, responsible force within society. The legislator stipulates that media activity should proceed freely within the constitutional bounds, adhering to existing legislation and regulations, and respecting:

- The Islamic religion and the religious and national references, aiming to enhance coexistence and respect for the Islamic identity of the state, which contributes to achieving social and national harmony³. This restriction ensures avoidance of media content that may offend or stir religious tensions.
- Other religions, ensuring freedom of religions and inter-religious tolerance, which enhances social peace and reduces religious conflicts.⁴ This ensures no harm to followers of other religions and protects their rights to practice their rituals peacefully.
- National identity, and the nation's religious, ethical, and cultural values, as protecting these values helps preserve cultural heritage and national identity. This contributes to preventing content that might threaten cultural identity or contribute to the disappearance of fundamental social values.
- National sovereignty, national unity, and territorial integrity to ensure the state's stability and prevent foreign interference in its affairs.
- The requirements of public order and national security and defense, as achieving public security protects citizens and contributes to the country's stability. Restricting media by these requirements prevents the publication of content that might disturb social peace or facilitate disturbances.
- The elements and symbols of the state, as respecting national symbols enhances belonging and respect for the state and its institutions. This rule prevents offenses against state symbols like the flag or national anthem, maintaining the state's dignity.
- Human dignity and individual and collective freedoms, as safeguarding human dignity and freedom protects basic individual rights and promotes human rights values.⁵ This prevents abuse or defamation of individuals and encourages mutual respect.

¹Hassan Al-Youssef Al-Maghari: "The Importance of Media in Highlighting Developmental Issues," an article published on Al Jazeera Net: <https://studies.aljazeera.net/ar/article/5989>, accessed on December 10, 2024.

²Organic Law No. 23/14 dated 10 Safar 1445 AH corresponding to August 27, 2023, Official Gazette No. 56 of 2023 concerning Media.

³Hassan Naili: "Implications of Religious Discourse on Social Networks - A Sociological Analytical Study of a Sample of Religious Discourses on Facebook Pages," a Master's thesis in Information and Communication Sciences, University of Algiers 3, 2014/2015, p. 68.

⁴Sheikha Nasser Al-Karbi: "National Identity and the Depth of Belonging 2020," an article published on the Zayed Culture Website via the following link: <https://www.zhic.gov.ae/Articles/UAE>, accessed on December 10, 2024.

- The economic interests of the country, as protecting the national economy supports economic development and protects the interests of the state and its citizens. This prevents the publication of content that could harm the national economy, such as misleading information that might affect investments or the local currency.
- The citizen's right to complete, honest, and objective information, as providing citizens with truthful information enhances transparency and helps them make informed decisions. This rule ensures that the media commits to presenting accurate and unbiased information.
- The secrecy of preliminary and judicial investigations, as protecting the secrecy of judicial investigations ensures not influencing the course of justice or tarnishing the reputation of individuals before the investigation concludes. Thus, preventing the media from publishing investigation details prevents influence on witnesses and maintains the integrity of the judicial process.
- The pluralistic nature of streams of thought and opinions, as promoting intellectual plurality supports diversity and encourages constructive dialogue. This rule prevents any single ideological stream or opinion from dominating, ensuring that the public gains access to a variety of ideas.

From the foregoing, it is evident that the legislated controls are reflective of a deliberate intention by the legislators to regulate media in a manner that promotes social harmony, upholds national values, and protects the rights of individuals and institutions. These regulations strive to strike a balance between the liberty of media operations and the imperatives of societal stability and state security, ultimately fostering a media landscape that resonates with national values while respecting individual and communal rights.

However, despite the comprehensive nature of these controls, the new Media Law still harbors vague benchmarks that govern journalistic practices. For instance, Article 3 of the new Organic Media Law, which mandates that media activities must adhere to "the principles of the Islamic religion, the national religious reference, and other religions," along with "national identity, the constants, and the religious, moral, and cultural values of the nation," and "national sovereignty, national unity, and territorial integrity," introduces a level of ambiguity. This imprecision continues to adversely affect the peaceful exercise of freedom of expression within Algeria.

Second Axis: Entities Authorized to Engage in Media Activity

Article 4 of Media Law No. 23-14 delineates the entities authorized to engage in media activities within Algeria, each defined within a specific legal framework. This article articulates various perspectives:

- Public bodies and public sector institutions are highlighted as primary agents through which the state exerts control over media activities, particularly those with national or sovereign characteristics. This underscores media as a critical sector that caters to the needs of Algerian society.
- Political parties, associations, and trade unions are permitted to partake in media activities, reflecting an acknowledgment of the media's role in bolstering political and social participation and in advocating for trade union rights.
- Natural and legal persons are recognized as qualified parties for media activities under Algerian law, contingent on the stipulation that the capital is entirely owned by Algerians.
- The requirement that only individuals or legal entities with Algerian nationality may own the capital emphasizes a policy aimed at safeguarding the media from potential external political or economic influences. This is intended to ensure the autonomy of the Algerian media and protect national identity.

These provisions are part of the Algerian government's strategy to prevent external entities and potentially corrupt financiers from exerting undue influence, particularly in the audio-visual sector, through foreign investments.⁶ Consequently, media outlets are required to be wholly financed by national capital, and the origins of these funds

⁵Universal Declaration of Human Rights, United Nations website - Peace, Dignity, and Equality on a Healthy Planet - available at the organization's website, <https://www.un.org/ar/about-us/universal-declaration-of-human-rights>, accessed on December 5, 2024.

⁶Algerian News Agency, "The Issuance of the Organic Law of Media in the Official Gazette," an article dated Thursday, August 31, 2023, article accessed on December 12, 2024: <https://www.aps.dz/ar/algerie/148279-2023-08-31-10-58-36>.

must be verifiable to the ministry responsible for communication or the independent national authority for audio-visual regulation, depending on the media type.

It is noted that for legal entities governed by Algerian law, there is a stipulation that shareholders or partners must solely be of Algerian nationality. This requirement imposes a significant limitation on foreign partnerships, potentially curtailing foreign investment in the media sector and restricting openness to international expertise and modern technologies within the Algerian media landscape. This regulation, while protective, could pose challenges to the fluidity of media investment and the integration of global media innovations.

In conclusion, the legislator aims to safeguard Algerian media activity from external interventions and ensure exclusive Algerian ownership. While these objectives are pivotal, the rigid enforcement of these conditions may pose challenges in attracting investment and modern technologies into the media sector. The stipulations regarding nationality and capital ownership can be problematic in today's globalized and digital economy. One discernible downside to the Algerian legislative approach is the potential reduction in media ownership diversity and the curtailment of competitive dynamics, which could adversely impact media quality.

To foster a more balanced approach, it would be prudent to explore mechanisms that protect media sovereignty while permitting some degree of openness to foreign partnerships, provided these are governed by stringent supervisory conditions.

First: The Activities of Printed, Electronic, and Audio-Visual Media

1- Licensing System for the Practice of Written and Electronic Journalism:

The legislator has addressed the activities of both printed and electronic journalism, both traditional and internet-based, in Articles 5 and 7 of Law No. 23/14 pertaining to media. These articles stipulate that the activities of written and electronic journalism are to be conducted according to the conditions and procedures specified by the laws concerning written and electronic journalism⁷. Additionally, Article 6 mandates that the establishment of any form of written or electronic journalism is subject to submitting a declaration to the Minister in charge of communication.

It is observable that the legislator aims to establish a legal framework for media activities, whether printed or electronic. The stipulation in Article 5 mandates that the activities of written and electronic journalism must be conducted based on the specified conditions and procedures outlined in the relevant laws. This means that media outlets, whether traditional (printed) or online (electronic), must adhere to the applicable laws and regulations.⁸

Article 6 adds that the establishment of any type of journalism, be it written or electronic, requires the submission of a declaration to the Minister responsible for communication. The purpose of this requirement is to ensure that all media operate legally and in accordance with the standards set by the state, helping to regulate the media landscape and prevent the uncontrolled spread of information.

This law marks a significant achievement in the field of newspaper and magazine establishment, as it relies solely on declarations without the need for prior approval from the Ministry of Communication. This shift has led to the implementation of licensing systems that regulate written, electronic, and audio-visual journalism, eliminating the accreditation system previously required for media activity.⁹

This step represents a major turning point in the media landscape, opening up broad opportunities for ambitious individuals to embark on new media ventures that meet the expectations and needs of the public.¹⁰

⁷Executive Decree No. 20/332 issued on November 22, 2020, specifying the methods of practicing media activity over the internet, Official Gazette No. 70 of 2020.

⁸Peter Lunt, Sonia Livingstone, "Regulation of the Media," Sage Publications, 2012. This book discusses the legal framework for media regulation across multiple platforms, focusing on digital media and the legal challenges it faces.

⁹The Algerian legislator has established a legal system for practicing journalistic activity. After adopting the notification system in the repealed Media Law No. 90/07, it now embraces a licensing system in Organic Law No. 12/05 related to media as a procedure to obtain journalist accreditation. For more details, refer to: Noura Remdoun, "Journalistic Practice Procedures in Algerian Law 'Written and Electronic Press,'" *Tabnet Scientific Studies Journal*, Issue 2, Volume 5, Year 2022, p.1596.

¹⁰The Algerian Ministry of Communication has started receiving applications for issuing periodic newsletters and electronic newspapers on April 9, 2024, in accordance with the provisions of Article 6 above, which expands the categories of entities

In summary, through these articles, the legislator aims to ensure that all journalistic activities are subject to appropriate oversight and control, thus guaranteeing the quality and credibility of the information reaching the public.

2- Licensing System for Audio-Visual Media Activity

Article 8 mandates that the establishment of any audio-visual communication service, whether broadcast via radio, cable, terrestrial transmission, or satellite, requires a prior license from the Minister in charge of communication. Similarly, setting up a visual communication service over the internet also necessitates a prior license issued by the same minister.

To streamline the procedures associated with journalistic activities, whether print or digital, the legislator has opted to permit the creation of journalistic institutions via a declaration to the Minister in charge of communication. This declaration serves as a personal acknowledgment by the activity owner, not as a formal request for approval.

This declaration is not a plea for permission but rather a procedural step that entails providing necessary data to clarify the intentions of the journalistic activity owner to the competent administrative authority.¹¹ The role of the administration is to verify the accuracy of this data and ensure it meets established legal conditions, thereby facilitating the regulation of the journalistic sector and ensuring adherence to the laws, regulations, and legal standards currently in force.

Hence, the declaration may be regarded as a notification, serving as a crucial tool within the framework of regulatory oversight in the media sector. The individual notifies the Ministry of Communication about their intention to undertake media activity, be it print or electronic.

Once the declaration is made, the relevant authorities commence the monitoring of controls and conditions, without possessing the authority to obstruct the initiation of the activity. Conversely, the Ministry of Communication is tasked with monitoring compliance and imposing penalties for any infractions of the media laws, focusing not on initiating the media activity but on ensuring adherence to the laws and standards in effect.

It is noteworthy that the Algerian legislator has transitioned from the notification system used in the now-repealed Media Law No. 90-07 to the licensing system articulated in Organic Law No. 12-05, and now adheres to the licensing protocol under the new Media Law No. 23-14.¹²

In summary, acquiring a license to engage in media activity is an administrative procedure overseen by the Ministry of Communication, designed to exert control both prior to and after the commencement of media operations.¹³ Applicants must submit a request articulating their intent, and the ministry assesses the personal and objective conditions required, which encompass various factors such as the applicant's personal background and the environmental and geographical standards relevant to the application.

Second: Mechanisms for Regulating Media Activity:

Article 13 of Media Law No. 23/14 related to media, discusses mechanisms for regulating media activity, establishing the "Authority for Regulating Written and Electronic Press," an independent authority with legal personality and administrative and financial independence. Its duties, composition, and procedures are specified by the law pertaining to written and electronic press.

practicing media activity provided they meet the required legal conditions. Visit the Algerian Ministry of Communication's website for more details: <https://www.ministerecommunication.gov.dz/ar/node/11381>.

¹¹For more details on the administrative licensing system, refer to: Abdelrahman Azawi, "Administrative Licenses in Algerian Legislation," PhD thesis, University of Algiers, 2007.

¹²NouraRemdoun: op.cit "Journalistic Practice Procedures in Algerian Law 'Written and Electronic Press,'" Tabnet Scientific Studies Journal, Issue 2, Volume 5, Year 2022, p.1596 and following.

¹³Kamal Batache: "The Legal System for Media in Algeria," a PhD thesis in Information and Communication Sciences, University of Algiers 3, academic year 2015/2016, p.194, refer to the Authority for the Regulation of Audiovisual Media in the field of media practice regulation before the issuance of the new Media Law No. 23/14.

Article 14 establishes the "National Independent Authority for Audio-Visual Regulation." This special entity also enjoys legal personality and administrative and financial independence. Its duties, powers, composition, and procedures are defined by the law related to audio-visual activity.

The new Media Law has imposed additional powers on the "Authority for Audio-Visual Regulation" to regulate the written and electronic press according to Article 13, reflecting an expansion of its powers compared to the past.¹⁴

From the legal analysis of these texts, it is clear that the Algerian legislator seeks to enhance the independence of regulatory bodies and provide a stable legal environment that ensures effective law enforcement while maintaining a balance between freedom and responsibility in the media field. This approach reflects the state's commitment to ensuring freedom of expression while providing effective regulatory tools to ensure compliance with professional and ethical standards.

It is observed that these two articles do not introduce anything specific as they follow detailed regulation of these two authorities in previous laws, namely the laws of 2012 and 2014¹⁵. However, what is notable is the reference to the regulation or to the law that will be issued regarding these sectorial authorities for written and electronic press, as well as the audio-visual sector, which will serve as an application, update, and interpretation of what Articles 13 and 14 mentioned above have brought.

Fourth Axis: Ethics and Etiquette of the Journalism Profession

Ethics and etiquette in journalism refer to the values and principles that journalists must follow to ensure they provide honest, fair, and responsible content. These ethical values include human freedom, respect, honesty, and credibility.¹⁶

The ethics and etiquette of the journalism profession encompass a set of principles and values aimed at ensuring the delivery of objective and fair journalistic content. Here are some of the most important:¹⁷

- **Credibility:** Journalists must verify the accuracy of information and sources before publishing.
- **Transparency:** Journalists must disclose any financial or personal relationships that might influence their bias.
- **Respect:** Journalists must respect the rights of individuals and groups and avoid undue criticism.
- **Serious Investigation:** Journalists should conduct thorough and fair investigations.
- **Sensitive Editing:** Journalists must handle sensitive topics with caution and respect for those affected.

In some countries, journalists and media institutions are highly committed to professional and ethical standards, while others may not adhere to them to the same extent. Despite the existence of laws and regulations aimed at regulating journalistic work and ensuring adherence to ethical standards, challenges remain.¹⁸ These challenges can include political, economic, and social pressures that may affect the independence of journalists and their ability to fully adhere to ethical values.

It is important to enhance awareness and ongoing training for journalists on the importance of adhering to professional ethics and etiquette, as well as to strengthen media institutions to ensure a work environment that supports the freedom and independence of the press.

¹⁴Mehdi Sadouk, Mohammed El Borj: "Authority for the Regulation of the Written Press in Algeria," Afak Scientific Journal, Volume 14, Year 2022, p.638.

¹⁵Law No. 12/05 dated January 12, 2012 related to Media, Official Gazette No. 2 of 2012. Law No. 14/05 dated February 24, 2014 related to Audiovisual Activity, Official Gazette, Issue 16 of 2014.

¹⁶Robert G. Picard, "The Media and the Law," Oxford University Press, 2022. This book discusses laws, regulations, and ethical standards governing mass media and journalism, offering an international perspective and an in-depth analysis of media laws in various contexts, including the role of regulatory bodies and their legal rights.

¹⁷For more information on this topic, refer to Abderrahman Al-Omari, "Journalistic Ethics: A Look at Values and Principles," Dar Al-Kutub Al-'Ilmiyah, 2023.

¹⁸Abeer Saad El-Din, "Media Ethics," Dar Al-Bidayah, publication year not specified, available via the electronic link: <https://drive.google.com/file/d/1Od0syaMmO4Bp9P57v7UXEbhuePcRWXXX/view>.

Article 35 of the new Media Law No. 23/14 establishes a Council of Journalism Ethics and Etiquette, consisting of 12 members, including members appointed by the President of the Republic from among competent and experienced individuals in the journalistic field, and 6 members elected from among journalists and publishers involved in accredited national professional organizations.

It is noted that the appointment of half of its members directly by the President raises concerns about the council's ability to operate independently. This council is tasked with drafting a charter of ethics and etiquette for the journalism profession and is ratified by it, receiving public support for its funding.

The formation, organization, and operation of this council are determined through regulation, ensuring stability and effectiveness in its function. In summary, the council's authority involves addressing professional issues across various media disciplines, overseeing and intervening in cases of irresponsible practices by some media practitioners, setting standards of ethics and etiquette for the journalism profession, and ensuring their implementation.

The council also imposes disciplinary sanctions on any journalist who violates these rules, aiming to achieve responsible media practice and enhance self-regulation in the media field.

Article 35, paragraph one, of the Media Law No. 23-14, underscores journalists' strict adherence to professional ethical rules. This means that journalists must refrain from publishing false or misleading news, avoid promoting racism, terrorism, bigotry, and violence, and steer clear of hate speech.

They must also respect the feelings, dignity, and honor of citizens, maintaining independence and objectivity in their professional performance. Journalists are prohibited from accepting any material or in-kind benefits that might affect their impartiality or corrupt the accuracy of information, and they must avoid using illegitimate means to obtain information, photos, and documents.¹⁹

This legal strictness aims to address challenges posed by propaganda campaigns and media content directed against Algeria. To achieve this, it is crucial to enhance freedom of expression and commit to the principle of serving the citizen through media, thereby boosting media credibility and gaining public trust. Journalists should be granted privileges to protect and support their professional work.

Fifth Axis: The Right to Reply and Journalistic Correction

Correcting information is now acknowledged as a fundamental right, crucial for both individuals and the community to access factual information. This right serves as a cornerstone of individual freedom and is imperative for the sustenance of a free press, which can only flourish by respecting the rights of others.²⁰

In practice, media outlets sometimes publish inaccurate news concerning the actions of public figures or ordinary citizens, whether by mistake or intentionally. If such news includes defamation, it constitutes a crime and falls under the jurisdiction of press law. However, not all inaccurate news is defamatory, thus highlighting the importance of correction to prevent the perpetuation of errors in the minds of readers²¹. This stringent approach to correction is essential to confront media challenges and ensure the transmission of accurate and objective information.

First: The Right to Reply

The right to reply is a crucial personal right that allows individuals affected by a publication to set the record straight for the public. It entitles anyone whose case has been discussed in a newspaper or periodical to respond in the same publication, offering them a platform to present their side of the story and their arguments.²²

¹⁹For more about ethical principles and values in media work, refer to Mohamed Allawa: "Ethics of Journalism and Principles of Media Work in Algeria," an analytical reading of the 2012 Media Law and the 2014 Audiovisual Law, Researcher Journal in Human and Social Sciences, Year 2022, p. 286 and following.

²⁰Mohamed Momen: "The Right to Reply and Protection of Others from the Consequences of Publishing," Moroccan Journal of Economy and Comparative Law, Faculty of Legal, Economic, and Social Sciences, Marrakech, Issue 33, Year 2000, p.101.

²¹Stephen J. A. Ward, "Journalism Ethics: Arguments and Cases," Bedford/St. Martin's, 2011. This book discusses the ethical issues faced by journalists, focusing on professional conduct and the application of ethics in media practices.

²²Khaled Ramadan Abdel Aal: "Criminal Responsibility for Press Crimes - A Comparative Study," First Edition, Dar Al-Nahda Al-Arabia, p.251.

This right is vital for enhancing the media's role by correcting any errors that may have occurred in reporting, whether due to misinformation or distortion of facts. It enables the public to develop informed opinions based on precise information and encourages media outlets to conduct thorough investigations before publishing.

From another perspective, the right to reply also represents an individual's right to address or refute what has been published about them in the media, which might have negatively impacted them, whether explicitly or implicitly. This legal provision allows every person affected by a publication to articulate their viewpoint on the discussed issue in the same venue where the original information appeared.²³

It is universally acknowledged that the right to reply is a legal entitlement for anyone impacted by journalistic content to inform the public about the unreported truth, supported by arguments and evidence²⁴. According to Article 37 of Media Law No. 23-14, titled "Right to Reply and Correction," any entity or individual who has been the subject of false allegations that could damage their honor or reputation has the right to exercise this right to reply.

The law does not specify the exact scope of application for the right to reply. However, it is reasonable to deduce that this right extends to encompass all forms of media, written, auditory, visual, and online. Given the significant technological advancements in media, this right has expanded to include all publications, whether in traditional print or electronic formats via the internet.

This expansive interpretation aims to articulate the right to reply as a comprehensive entitlement across various media platforms, maintaining its critical importance in the age of digital media to safeguard individuals' rights to correct erroneous information.

Second: The Right to Correction

The right to correction is recognized as a fundamental individual right, enabling persons to rectify any event, statement, information, figures, or declarations attributed to them or concerning them that have been inaccurately published in newspapers or magazines.

Scholars generally concur that the right to correction implies the ability to issue notices about issues of public or private interest that have been reported by the media, typically issued by the Ministry of Interior or other public authorities.²⁵ It is important to distinguish this right from the right to reply; while both deal with addressing information published by the media, the right to correction specifically targets the rectification of incorrect information that may damage a person's reputation.²⁶ This right enables the affected individual to rectify the harm caused by erroneous or misleading reports.

Fundamentally, the right to reply typically addresses issues impacting an individual's reputation or honor, potentially causing psychological or material harm to them and their relatives. Conversely, the right to correction is generally less severe, focusing on correcting factual errors such as inaccuracies in data, numbers, statistics, dates, or even names and entities mentioned in publications, including minor errors.

This right is crucial in protecting individuals from defamation and preserving their reputation. It serves as a vital legal mechanism to ensure the accuracy and integrity of published information. According to Article 38, every media outlet is obligated to publish or broadcast any correction concerning facts or opinions that have been incorrectly reported, utilizing the same media platform.

Notably, the Algerian legislation, similar to the preceding Media Law No. 12/05²⁷, does not make a distinction between the right to reply and the right to correction, unlike the French legislation, which differentiates between these rights. The Algerian regulation of these rights is straightforward and lacks detailed provisions for each. The

²³Biolly.G, "Le droit de réponse en matière de la presse," thesis, Paris, 1963, p.148.

²⁴TayebBelwadah: "The Right to Reply and Correction and Its Impact on Media Practice in the Context of Democratic Transition," Studies and Research Journal, Volume 4, Issue 6, Year 2012, p.156.

²⁵Ashraf Ramadan: "Freedom of the Press in Egyptian Legislation," First Edition, Cairo Publishing House, 2004, p.333.

²⁶Fella Ben Daly, TalebKihoul: "The Right to Reply and Correction in Algerian Legislation - An Analytical Study of Media Laws of 1982, 1990, and 2012," Voice of Law Journal, Volume 7, Issue 3, Year 2021, p.553.

²⁷Basma Mam: "The Right to Reply and Correction in Press Publication Crimes Under Media Law 12/05," Arab Journal for Research and Studies in Humanities and Social Sciences, Volume 11, Issue 2, June 2019.

procedures for exercising the right to reply and correction are determined by the laws governing written and electronic press and audio-visual activities.

In conclusion, achieving a balance between a journalist's freedom to publish news and the rights and freedoms of individuals necessitates acknowledging the right of affected individuals to clarify and correct what has been published about them. For this reason, in the new Media Law No. 14/23, the Algerian legislator has granted the right to every person about whom false or incorrect information has been published to exercise the right to reply and correction.

This can be done by denying the inaccuracies or correcting the information, as outlined in Article 37, which provides for anyone subjected to false claims potentially damaging their honor or reputation to take swift and effective corrective action, in accordance with specific forms and procedures prescribed by this law.

Conclusion:

The analysis reveals that Media Law No. 23-14 offers a progressive legal framework designed to regulate media activity in Algeria, in sync with contemporary technological advancements. It delineates clear standards and controls to ensure a genuine and responsible expression of freedom. The law is particularly focused on specifying the entities eligible to undertake media activities, aiming to bolster media independence and shield it from external influences.

This legislation marks a significant advancement in the field of newspaper and magazine establishment, as it operates on a system that relies on declarations without the requirement for prior approval from the Ministry of Communication.

It introduces licensing systems to regulate written, electronic, and audio-visual media, constrained solely to licenses issued by the Ministry of Communication and effectively abolishing the older accreditation system. This transformation signifies a pivotal shift in the media landscape, providing vast opportunities for aspiring individuals to initiate media projects that cater to public needs.

Additionally, the law demonstrates a commitment to upholding ethical values and professional standards by enhancing adherence to journalism ethics and etiquette, as evidenced by the active role of the Professional Ethics Council. It also highlights the importance of the right to reply and journalistic correction as crucial tools to ensure transparency and accuracy in information dissemination, striking a balance between press freedom and the rights of individuals and the broader society.

A notable critique of the law is its use of broad and ambiguous terms, which are open to varied interpretations and include vaguely defined reference standards that govern journalistic activities. Many of the law's provisions defer specifics to future regulatory texts and decrees with clauses like "the application of this article is to be defined through regulation," which suggests that further clarification and guidance are anticipated to resolve questions and concerns regarding its application.

Despite these structured efforts, challenges persist in the practical enforcement of the law, particularly in the realm of digital media and social networking. Thus, it is imperative to develop mechanisms for implementing the law effectively and ensuring compliance across all parties to fulfill its objectives of fostering responsible and independent media crucial for nurturing an informed democratic society.

Recommendations:

- Strictly monitor the implementation of Media Law No. 23-14 to ensure adherence to the controls and rules related to media activity.
- Provide clear and transparent mechanisms for implementing the licensing system for written, electronic, and audio-visual media.
- Enhance professional ethics through more effective activation of the role of the Professional Ethics Council, such as organizing training sessions for journalists and promoting awareness of ethical principles and values, including integrating the ethics and etiquette of the journalism profession into the curricula of media and journalism colleges.
- Develop digital media by establishing clear and updated regulatory frameworks for electronic media activity, taking into consideration technological developments and the specifics of digital media, and

creating specialized monitoring units to observe and follow media activity on the internet and social media platforms.

- Promote a culture of the right to reply and journalistic correction among media professionals and the community to ensure effective use of these mechanisms by obligating media outlets to publish replies and corrections using the same means and space allocated for the incorrect information.
- Foster collaboration between the media and legislative bodies through continuous dialogue between media institutions and legislative bodies to ensure that laws are updated in line with media and societal transformations.

References:

Laws and Decrees:

1. Organic Law No. 23/14 dated 10 Safar 1445 AH corresponding to August 27, 2023, Official Gazette No. 56 of 2023 related to Media.
2. Law No. 12/05 dated January 12, 2012 related to Media, Official Gazette No. 2 of 2012.
3. Law No. 14/05 dated February 24, 2014 related to Audiovisual Activity, Official Gazette, Issue 16 of 2014.
4. Executive Decree No. 20/332 issued on November 22, 2020, outlining the procedures for media activity over the internet, Official Gazette No. 70 of 2020.

Books:

1. Abdelrahman Al-Omari: "Journalistic Ethics: A Look into Values and Principles," Dar Al-Kutub Al-'Ilmiyah, 2023.
2. Khaled Ramadan Abdel Aal: "Criminal Responsibility for Press Crimes - A Comparative Study," First Edition, Dar Al-Nahda Al-Arabia.
3. Achraf Ramadan: "Freedom of the Press in Egyptian Legislation," First Edition, Cairo Publishing House, 2004.
4. Peter Lunt, Sonia Livingstone, "Regulation of the Media," Sage Publications, 2012.
5. Robert G. Picard: "The Media and the Law," Oxford University Press, 2022.
6. Stephen J. A. Ward; "Journalism Ethics: Arguments and Cases," Bedford/St. Martin's, 2011.
7. Biolly.G, " The Right to Reply in Matters of the Press," thesis, Paris, 1963.

Scientific Articles:

1. NouraRemdoun, "Procedures of Journalistic Practice in Algerian Law: The Written and Electronic Press," Tabnet Scientific Studies Journal, Issue 2, Volume 5, Year 2022.
2. Mehdi Sadouk, Mohammed El Borg: "Regulatory Authority of the Written Press in Algeria," Afak Scientific Journal, Volume 14, Year 2022.
3. Mohamed Allawa: "Ethics of Journalism and Principles of Media Work in Algeria," an analytical reading of the 2012 Media Law and the 2014 Audiovisual Law, Researcher Journal in Human and Social Sciences, Year 2022.
4. Mohamed Momen: "The Right to Reply and Protection of Others from the Consequences of Publishing," Moroccan Journal of Economy and Comparative Law, Faculty of Legal, Economic, and Social Sciences, Marrakech, Issue 33, Year 2000.
5. TayebBelwadah: "The Right to Reply and Correction and Its Impact on Media Practice in the Context of Democratic Transition," Studies and Research Journal, Volume 4, Issue 6, Year 2012.
6. Fella Ben Daly, TalebKihoul: "The Right to Reply and Correction in Algerian Legislation - An Analytical Study of Media Laws of 1982, 1990, and 2012," Voice of Law Journal, Volume 7, Issue 3, Year 2021.
7. Basma Mam: "The Right to Reply and Correction in Press Publication Crimes Under Media Law 12/05," Arab Journal for Research and Studies in Humanities and Social Sciences, Volume 11, Issue 2, June 2019.
- 8.

Academic Theses:

1. Kamal Batache: "The Legal System for Media in Algeria," a PhD thesis in Information and Communication Sciences, University of Algiers 3, academic year 2015/2016.

2. Abdelrahman Azawi: "Administrative Licenses in Algerian Legislation," PhD thesis, University of Algiers, 2007.
3. Hassan Naili: "Implications of Religious Discourse on Social Networks - A Semiological Analytical Study of a Sample of Religious Discourses on Facebook Pages," Master's thesis in Information and Communication Sciences, University of Algiers 3, 2014/2015.

Websites:

1. Hassan Al-Youssef Al-Maghari: "The Importance of Media in Highlighting Developmental Issues," an article published on Al Jazeera Net: <https://studies.aljazeera.net/ar/article/5989>, accessed on December 10, 2024.
2. Sheikha Nasser Al-Karbi: "National Identity and the Depth of Belonging 2020," an article published on the Zayed Culture Website via the following link: <https://www.zhic.gov.ae/Articles/UAE>, accessed on December 10, 2024.
3. Universal Declaration of Human Rights, United Nations website: <https://www.un.org/ar/about-us/universal-declaration-of-human-rights>, accessed on December 5, 2024.
4. Algerian News Agency, "Issuance of the Organic Law of Media in the Official Gazette," article dated August 31, 2023, accessed on December 12, 2024: <https://www.aps.dz/ar/algerie/148279-2023-08-31-10-58-36>.
5. Algerian Ministry of Communication website: <https://www.ministerecommunication.gov.dz/ar/node/11381>.
6. Abir Saad El-Din: "Media Ethics," Dar Al-Bidayah, publication year not specified, available via the electronic link: <https://drive.google.com/file/d/1Od0syaMmO4Bp9P57v7UXEbbhuePcRWXXX/view>.