



***The audiovisual regulatory authority in Algerian legislation:
Evolving role & independence challenges***

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Abstract:

This research investigates the actual independence of Algeria's audiovisual regulatory authority amidst rapid legal and digital transformations. Using a comparative analytical approach, it traces the legislative evolution from Organic Law N° 12-05 and Law N° 14-04 to Law N° 23-20.

The study reveals that while the Algerian legislator has significantly advanced towards establishing this authority's independence, particularly with Law N° 23-20, challenges persist. These include issues with member appointment mechanisms and financial dependence. Furthermore, digital media's impact has introduced unprecedented legal and regulatory hurdles, demanding a radical adaptation of the authority's supervisory role.

Keywords: Audiovisual; Independence; Law N° 23-20; Regulation; (NIARA) National Independent Authority for Audiovisual Regulation.

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I. INTRODUCTION

The audiovisual sector in Algeria, like other vital sectors in modern states, mirrors the political, economic, and social transformations a society undergoes. As Algeria strives to entrench principles of transparency and good governance, an urgent need has emerged to establish independent regulatory bodies to oversee this sensitive sector, free from any influences that might compromise its neutrality and objectivity. These efforts culminated in the creation of the National Independent Audiovisual Regulatory Authority, entrusted with broad powers to ensure effective and impartial regulation of the media landscape.

Problem Statement Amidst the rapid evolution of Algerian legal frameworks concerning the audiovisual sector and the multiplicity of texts addressing this authority's organization and powers, a fundamental question arises regarding the extent to which this authority can achieve its declared independence in practice. Despite legislative affirmations of the National Independent Audiovisual Regulatory Authority's autonomy, mechanisms for appointing its members and its financial dependence raise serious concerns about potential executive influence, which could impact its neutrality and effectiveness. Hence, the core problem of this study is: To what extent has the independence of the National Independent Audiovisual Regulatory Authority been realized in Algerian legislation, and what challenges does it face in the trajectory of its evolving role? This study aims to achieve the following objectives:

- Trace the historical and legal trajectory of the establishment and evolution of the National Independent Audiovisual Regulatory Authority in Algeria.
- Analyze the new tasks and powers of the Authority as stipulated by Law N° 23-20.
- Assess the declared and actual level of the Authority's independence and identify potential impediments.
- Conduct a comparative analytical study between the laws regulating audiovisual media in Algeria, pinpointing aspects of evolution in the concept and mechanisms of regulation and independence. This study will be divided into three main axes:
 - The conceptual evolution of audiovisual media regulation.
 - The legal and evolutionary framework of the audiovisual regulatory authority in Algeria.
 - Evaluation of the independence of the national independent audiovisual regulatory authority Law No 23-20.

1. The conceptual evolution of audiovisual media regulation:

The term “regulation” in audiovisual media didn't emerge suddenly. Instead, it gradually crystallized and evolved over time, intrinsically linked to the advent of new media forms and the pressing need to govern them. “As an institutional setup, independent regulatory bodies can contribute to two specific aspects of the audiovisual media sector: The objective of regulation in the media sector to guarantee media freedoms. The specific and at times sensitive relationship between the media sector and politicians and the government (the media as the “fourth estate”)”(Irion & Ledger, 2013)

As Schulz (2013) notes, this isn't to say that “independence is the same concept as freedom”, but rather that there are specific links between the two (Schulz, 2013). However, they have a positive obligation to safeguard media pluralism; this implies the necessity of organizing an effective authority that guarantees the right to freedom of expression and media pluralism. Furthermore, the importance of audiovisual media in modern democratic societies is often highlighted in support of independent media regulation(Cappello, 2019).

1.1. Early Genesis (United States – 1930s)

The concept of “regulation” initially appeared in the economic context in the United States in 1933, following the great depression. Its application to the telecommunications and broadcasting sectors followed shortly thereafter in 1934 (Pool, 1983) ,the Federal Communications Commission was established in the United States under the communications act. This commission was among the first bodies to exercise “regulation” over the frequency spectrum and grant broadcasting licenses. This marked an early legal appearance of the concept of audiovisual media regulation, even if the term “regulation” in the comprehensive sense of independent bodies hadn't fully solidified at that time (FCC, n.d.).

1.2. Crystallization & global spread (1970s and 1980s)(Allan, 2005):

Despite the existence of early regulatory bodies, the term “regulation” within the field of audiovisual communication law, “signifying a comprehensive and organized legal framework, began to emerge more clearly and widely in global legislation and media discourse during the 1970s and 1980s. This period witnessed extensive discussions surrounding the liberalization of the media sector and the proliferation of private channels”(Amit& Sangyong, 2011) , According to Levy and Stares(2008) the independence of regulatory bodies is essential to ensure media pluralism in democratic societies, This necessitated more detailed legal frameworks to ensure pluralism, fair competition and public protection against abuses(Levy & Stares, 2008).

1.3. The era of independent regulatory bodies (Late 20th and early 21st centuries)

By the end of the 20th and early 21st centuries, especially with the massive expansion of satellite and private channels, the need for independent regulatory bodies became prominent in democratic nations. It became impractical for governments to directly manage the vast and complex audiovisual media sector, “The move towards independent regulation was driven by the recognition that direct governmental control over a burgeoning and complex media landscape was no longer sustainable or desirable for democratic oversight” (Levy & Stares, 2008). This development led to the establishment of regulatory authorities endowed with legal, financial, and functional independence, ensuring their neutrality and effectiveness in managing this vital sector.

1.4. Audiovisual media regulation in Algerian legislation

The regulation of audiovisual media in Algeria reflects a complex interplay of political transformations, economic necessities, and societal demands for openness. This evolution has primarily unfolded in three distinct phases: From its independence in 1962 until 2012, the Algerian government maintained extensive control over media broadcasting. Although the 1990 media law “enacted in response to the October 1988 events” allowed for independent newspapers, it explicitly kept audiovisual media under full state guardianship (Zebda, 2022). This period was marked by a legal vacuum and several unrealized legislative initiatives, such as a 1998 bill that proposed allowing private broadcasting. The government exerted significant influence through indirect means, controlling printing presses and advertising, using defamation laws, and employing subtle pressures to restrict the private press. the supreme media council SMC established in 1990 as the country's first media regulatory body (Law No. 90-07, 1990) , was dissolved just three years later in 1993 (Legislative Decree No. 93-13, 1993), highlighting the state's enduring mechanisms of control.

A significant shift occurred in 2012 with the promulgation of Organic Law N°12-05 Pertaining to media, this law explicitly introduced the concept of an “audiovisual regulatory authority” (Organic Law No. 12-05, 2012) and dedicated an entire chapter to the audiovisual sector. This was followed by Law N°14-04 in 2014, which formally established the "audiovisual regulatory authority" detailed its tasks and powers (Law No. 14-04, 2014). With the rise of digital media challenges, Organic Law N°23-14(Organic Law No. 23-14, 2023) pertaining to media was issued, paving the way for Law N°23-20 pertaining to audiovisual activity. The latter not only reorganized the sector but also focused on enhancing the authority's role, adding “National Independent” to its name, thus becoming “the national independent audiovisual regulatory authority”(Law No. 23-20, 2023), this change reflects an evolution in the concept of regulation towards greater independence and comprehensiveness within the digital sphere.

Globally, the practical concept of “audiovisual media regulation” began with the advent of radio and television in the early 20th century. However, the term itself as part of comprehensive legal frameworks and independent bodies, became more firmly established and widespread in global legislation and media discourse during the second half of the 20th century.

II. Methods and Materials:

This study adopts a comparative analytical methodology; this approach involves dissecting complex phenomena into their fundamental components to gain a deeper understanding, analyzing causal relationships, and interpreting. The comparative methodology, on the other hand, systematically examines similarities and differences between two or more cases, systems, or phenomena to enhance understanding and explain various outcomes(Esser &

Vliegenthart, 2017). It involves analyzing relevant legal texts pertaining to the National Independent Audiovisual Regulatory Authority, deconstructing their provisions to comprehend their legal and practical implications. A comparison will be drawn between different legal frameworks (Organic Law N° 12-05, Law N° 14-04, and Law N° 23-20) to highlight the evolution and transformations in the concept and mechanisms of regulation and independence.

1. Analysis of Laws as a Research Tool

Within the realm of academic research, the analysis of laws stands as a critical methodological tool, particularly in legal and political studies aimed at comprehending legislative frameworks and their implications. This analytical process extends beyond a mere reading of texts; it is an in-depth operation encompassing several key aspects:

1.1. Textual Deconstruction (Deconstruction of Provisions):

This involves dissecting legal provisions (articles, clauses, paragraphs) into their constituent elements. The objective is to identify the core components, their interrelationships, and their precise legal meaning. This step is crucial for understanding the exact legislative intent and the scope of each provision. Researchers meticulously examine keywords, legal terms, and conditional phrases to map the structure of legal obligations, rights, and prohibitions.

1.2. Contextual Interpretation:

Laws are never created in a vacuum. Their analysis necessitates a profound understanding of the historical, social, economic, and political context in which they were enacted. This involves scrutinizing:

- a. Legislative History; tracing the origins of the law, including legislative debates, previous drafts, and the underlying reasons for its promulgation.
- b. Socio-Political Landscape; comprehending the societal needs, political pressures, or crises that necessitated the enactment of the law.
- c. Precedent and Evolution; examining how the current law relates to preceding legislations or judicial precedents, and how it signifies an evolution or a departure from existing norms.

1.3. Identification of Legal Principles and Concepts:

This aspect focuses on discerning the fundamental legal principles, concepts, and doctrines embedded within the law. For instance, in a law pertaining to a regulatory authority, identifying principles such as "independence," "transparency," "accountability," and "public interest" is paramount. This deepens the understanding of the underlying philosophy and objectives guiding the legislation.

1.4. Assessment of Practical Implications and Effectiveness:

Beyond its theoretical framework, the analysis of laws involves evaluating their potential or actual practical implications. This encompasses:

- a. **Anticipated Impact:** How the law is expected to influence relevant stakeholders (e.g., media entities, the public, governmental bodies).
- b. **Implementation Challenges:** Identifying potential difficulties in applying the law, such as resource constraints, the absence of clear guidelines, or resistance from stakeholders.
- c. **Effectiveness and Gaps:** Assessing whether the law achieves its stated objectives and identifying any lacunae, ambiguities, or contradictions that might impede its effectiveness or lead to unintended consequences.

In this particular study, the comparison of legal legislations concerning audiovisual media (such as Law N° 12-05 versus Law N° 14-04 versus Law N° 23-20) serves as a potent analytical tool. This comparison significantly aids in:

- Identifying best practices or distinctive features pertaining to the evolution of the regulatory authority within media legislation.
- Understanding the evolutionary trajectory of legal concepts specific to audiovisual media law.
- Assessing the challenges faced in light of digital developments.

Fundamentally, the analysis of laws is a systematic, critical, and contextual examination of legislative texts aimed at extracting meaning, understanding legislative intent, evaluating potential impact, and assessing their position within the broader legal and societal framework. This rigorous process empowers researchers to provide a comprehensive and nuanced understanding of the legal landscape.

2. The legal & evolutionary framework of the audiovisual regulatory authority in Algeria

2.1. Genesis & evolution of the audiovisual regulatory authority in media legislation

The development of the National Independent Audiovisual Regulatory Authority has progressed through three main legislative phases. The establishment of the audiovisual regulatory authority in Algeria constitutes a pivotal juncture in the process of organizing the media landscape. Its genesis first occurred under Article 64 of Organic Law N° 12-05 related to Media, which designated it as "an independent regulatory authority" (Organic Law N° 12-05, 2012). Article 40 of the same law stipulated that "it enjoys legal personality and financial autonomy" (Organic Law N°. 12-05, 2012). This law formed the cornerstone for establishing an independent regulatory body tasked with overseeing a vital sector like audiovisual media, following decades of state monopoly over this activity (رحموني، 2013، 17).

Subsequently, Law N° 14-04 Pertaining to audiovisual activity, was introduced to detail the organization of this authority with greater precision. This law dedicated an entire chapter to the regulatory authority, comprising over thirty articles that covered the specifics of its competences, composition and operational procedures (Law No. 14-04, 2014). While this law incorporated numerous aspects of organic and functional independence, it nonetheless left some matters ambiguous or imposed certain restrictions that required further refinement. To provide a clearer understanding of the legislative evolution of the audiovisual regulatory authority in Algeria, from its establishment to its modernization, Tables (1) and (2) are employed to facilitate comparison and analysis.

Table (1) : Legal establishment and independence of the authority

	Organic Law N° 12-05	Law N° 14-04	Law N° 23-20
Authority Name	Audiovisual Regulatory Authority	Audiovisual Regulatory Authority	<u>National Independent</u> Audiovisual Regulatory Authority
Legal Basis & Genesis	Establishes the "Audiovisual Regulatory Authority" (Article 64), granting it legal personality and financial autonomy.	Defines its tasks, powers, composition, and operation under this law, referring to its establishment by Article 64 of Organic Law N° 12-05 (Article 52).	Defines its tasks, powers, composition & operation under this law, referring to its establishment according to the provisions of Article 14 of Organic Law N° 23-14 related to Media (Article 39).
Independence	"Independent Authority" (Article 64)	"Exercises its functions with complete independence" (Article 58)	"The Authority exercises its functions with full independence" The name itself adds "Independent"

The source : Researchers based on legal texts

This table reflects a conceptual and legal evolution in defining the nature of the regulatory authority over the audiovisual sector in Algeria. The legal framework for regulating Algeria's media sector began with the promulgation of Organic Law N° 12-05, this Organic Law, functioning as a general framework, stipulated in its Article 64 the establishment of the "Audiovisual Regulatory Authority" endowing it with legal personality and financial autonomy. This organic establishment granted the Authority robust legitimacy and an independent legal status, distinct from the traditional governmental administrative structure (Zouaïmia, 2013, 27).

In the context of activating this establishment, Law N° 14-04 pertaining to audiovisual activity, served as the executive text that detailed the operations of this authority, this law directly drew upon the previous Organic Law, defining its tasks, powers, composition, and operational procedures, thereby becoming the de facto legislative framework regulating the audiovisual sector during that period. With the emergence of new challenges and rapid developments in the media sector, Organic Law N° 23-14 related to Media was issued to supersede the previous Organic Law 12-05. This change signifies a new vision for the media as a whole and a comprehensive overhaul of the legal system. This was followed by the promulgation of Law N° 23-20 pertaining to Audiovisual Activity, which reorganized

audiovisual activity to align with the new Organic Law and its vision, consequently abrogating Law N° 14-04. Regarding the adaptation and development of the Authority's name and independence, its designation has undergone a significant evolution reinforcing the notion of its autonomy and role. While Organic Law N° 12-05 and Law N° 14-04 referred to it as the "Audiovisual Regulatory Authority" with an indication of its independence, Law N° 23-20 explicitly added the words "National" and "Independent" to its name, becoming the "National Independent Audiovisual Regulatory Authority"(Law N° 23-20, 2023, 8). Recent Algerian legal reforms aim to modernize the audiovisual sector, enhancing the regulatory authority's independence, impartiality, and scope to address digital media challenges and financial transparency. This modernization, evident in the transition from Organic Law N° 12-05 and Law N° 14-04 to Organic Law N° 23-14 and Law N° 23-20, signifies a commitment to strengthening constitutional independence and national identity, while instilling confidence in the Authority's neutrality.

Despite the consistent nine-member composition across subsequent laws, significant changes in appointment mechanisms exist. While Law N° 14-04 involved the President and parliamentary chambers, suggesting a balance of power, Law N° 23-20 exclusively vests appointment power in the President, this shift raises concerns about the Authority's independence from executive influence. Additionally, the term duration was amended from a non-renewable six years in Law N° 14-04 to a renewable five years in Law N° 23-20.

Table(2): Composition Members and Authority Structure

	Law N° 14-04	Law N° 23-20
Composition Members	Composed of nine members (art. 57).	Composed of nine members, including the President (43)
Appointment Method	Appointed by presidential decrees: five chosen by the president of the republic, two proposed by the president of the council of the nation, two proposed by the president of the people's national assembly	Appointed by the president of the republic (article 43).
Term Duration & Renewal	Six years, non-renewable (article 60).	Five years, renewable once (article 43).
Member Selection Criteria	Based on their competence, experience, and interest in audiovisual activity (article 59).	From among competencies, personalities, and researchers with practical experience, particularly in the media, technical, legal, and economic fields, and recognized for their works, research, and contributions to audiovisual development (article 43).
Incompatibility & Restrictions	Membership is incompatible with any elective mandate, public office, professional activity, or executive responsibility in a political party (article 61). Restrictions on personal interests (Art. 63 /64).	Membership is incompatible with any elective mandate, public office, professional activity, or executive responsibility in a political party, trade union, or association (Art 45). Restrictions on interests and benefits. Post-term restrictions

Source: Researchers based on legal texts

Algeria's recent media law changes have two main implications: the renewability of terms for regulatory authority members, which could bring continuity but also risks compromising independence, and a shorter term of five years, aiming for greater dynamism. Additionally, member selection criteria now prioritize specialized expertise in media, technical, legal, and economic fields, ensuring the authority can better navigate the modern audiovisual landscape. All laws affirmed the necessity for Authority members to adhere to professional secrecy. However, Law N° 23-20 added a crucial provision: "Professional secrecy shall not be invoked before the judiciary": this amendment is highly significant from the perspective of transparency and accountability, as it allows judicial authorities to intervene and access information when necessary within the framework of legal disputes, thereby balancing the

confidentiality of operations with the necessity of judicial oversight. Law N° 23-20 broadened incompatibility rules for regulatory authority members.

Now, executive roles in trade unions and associations, not just political parties, are prohibited. This ensures greater impartiality and prevents conflicts of interest. Below, Table (3) highlights the Authority's core functions and the expansion of its scope, alongside accountability and transparency mechanisms.

2.2. Evolution of powers and missions in regulating laws

Table (3): Missions & powers in regulating laws

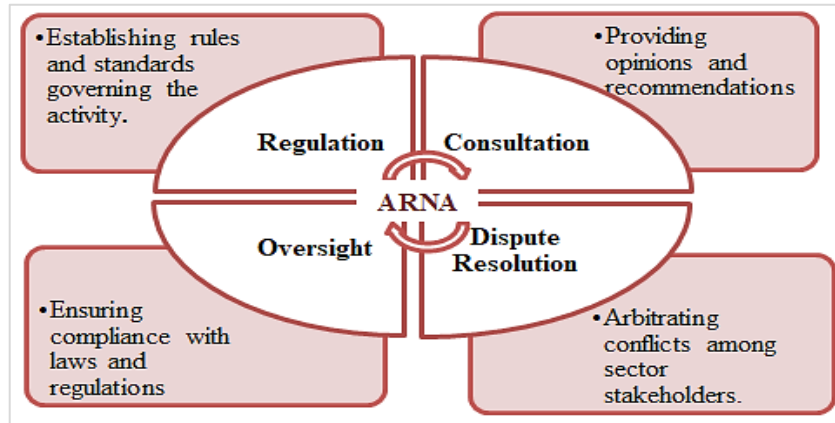
	Law N° 14-04	Law N° 23-20
Missions & Powers	Comprehensive detailing of missions and powers (regulation, oversight, consultation, dispute resolution) In(Art. 54 & 55).	Comprehensive detailing of missions & powers (regulation, oversight, studies & consultations, dispute resolution) in(Art. 40 & 41), with the addition of transparency in funding.
Geographical/Internet Coverage	Its missions extend to audiovisual activity via the Internet (Art. 56).	Its missions extend to audiovisual activity via the Internet (Art. 42).
Annual Reports	Submits annual reports to the President of the Republic and the Speakers of both parliamentary chambers, and they are published (Art. 86).	Submits annual reports to the President of the Republic and the Speakers of both parliamentary chambers, and they are published (Art.e 60).
Appeals against Decisions	Its decisions can be appealed in accordance with the legislation in force (Art. 88).	Its decisions are subject to appeal before the competent judicial authorities in accordance with the legislation in force (Art. 54).
Financial Oversight	The Head of the authority is the disbursing officer. The authority's accounts are audited according to public accounting rules (Art.73).	The Head of the authority is the disbursing officer. The authority's accounts are audited according to public accounting rules and the financial accounting system. Detailed breakdown of budget components (revenues and expenditures) (Art61/62).

Source: Researchers based on legal texts

Regarding the missions and powers in Organic Law N° 12-05 as an organic law, it did not directly detail the regulatory authority's missions and powers. Instead article 65 explicitly stated that “the missions and powers of the audiovisual regulatory authority, as well as its composition and functioning, shall be determined by the law related to audiovisual activity”, its primary role was to establish the Authority and grant it legal personality and financial independence, deferring the specifics of its operations to subsequent legislation.

Law N° 14-04, which provided the practical details for the audiovisual regulatory authority's missions and powers, built upon the foundation laid by Organic Law N° 12-05 according to available information, this law offered “comprehensive detailing of missions and powers”, which can be categorized into four main areas (lock figure 1):

Figure (1): the audiovisual regulatory authority's missions & powers



Source: Researchers based on legal texts

The Algerian National Independent Audiovisual Regulatory Authority has undergone a significant legislative evolution, designed to ensure robust oversight of the nation's expanding media landscape. The Algerian legislator has strategically endowed ANIRA with broad missions and powers to foster an effective, transparent, and rights-conscious media environment. Central to its responsibilities (Law No. 23-20, 2023) is the continuous enforcement of legal and regulatory provisions, upholding the fundamental principles of freedom, objectivity, and transparency in audiovisual content. A key human-centric aspect of its work involves verifying funding transparency in investments to safeguard the sector from undue influence, alongside promoting national languages, supporting local culture, ensuring pluralistic expression, and notably protecting human dignity and children.

Furthermore, ANIRA strives to facilitate program accessibility for individuals with special needs, promote environmental awareness, and guarantee non-discriminatory public access to crucial national events. NIARA's comprehensive authority spans various domains; it provides technical opinions for service establishment, develops regulatory specifications, controls broadcasting products and advertising. Its oversight includes monitoring program compliance, frequency usage, adherence to national production and language quotas.

Beyond direct regulation ANIRA fulfills vital advisory and research roles, conducting strategic studies, offering opinions on legislative drafts and contributing to international cooperation. Crucially, it possesses dispute settlement powers, enabling arbitration among stakeholders and the resolution of complaints from diverse entities including political parties, unions, associations, and individuals (Law No. 23-20, 2023). These extensive powers underscore the Algerian legislator's vision for a future audiovisual sector that is not only free and responsible but also profoundly serves the public interest, champions cultural and intellectual diversity and effectively navigates the complexities of the digital era.

3. Evaluation of the independence of (NIARA) under Law N° 23-20

In contemporary Algerian law, the audiovisual regulatory authority's independence is crucial for fostering a diverse, free, and unbiased media landscape. However, achieving this independence presents significant internal challenges even as it creates opportunities for the authority's future influence (Haddouche, 2024, 65).

3.1. Legal Guarantees of Independence: Organic and Functional Provisions:

Algeria's national independent audiovisual regulatory authority has legal personality, financial and administrative independence, freeing it from administrative control. This is crucial for its autonomy allowing it to act independently, handle legal matters, manage finances and sign contracts (Haddouche, 2024, 338). Algerian law formally establishes the National Independent Audiovisual Regulatory Authority as an independent body, separate from the government. However, this legal independence is "relative" in practice, hindering its impartial and objective performance. The authority's true independence is crucial to its ability to operate free from external influences and pressures. These stakes include:

a. Independence from the Executive Authority; this represents the most prominent challenge. Despite the explicit provisions in Algerian laws -from Organic Law 12-05 to Law 23-20- on the Authority's independence, the mechanism for appointing members (especially in Law 23-20,

which centralized the appointment of all members by the President of the Republic) may raise questions about the extent to which decisions are independent from the appointing body. The challenge here is the members' ability to make regulatory decisions without fear of impacting their continuity or career path.

b. Financial Independence; ensuring adequate and independent financial resources for the Authority prevents its dependence on the traditional government budget, which might be subject to fluctuations or pressures. The challenge lies in achieving financial self-sufficiency that allows it to operate its staff, develop its infrastructure, and implement its research and oversight programs without compromises.

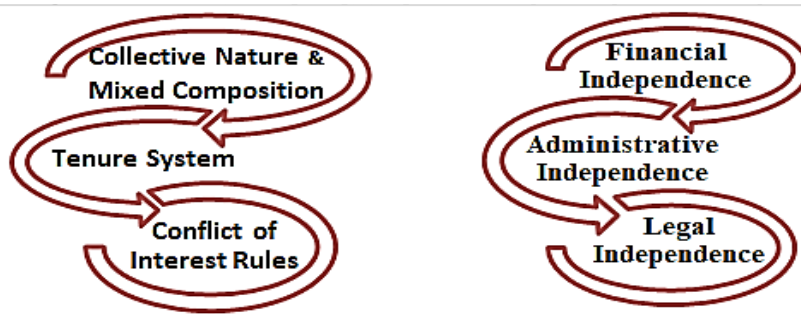
c. Independent

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3.2. Legal In

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formal structure, also highlight the distinction between de jure (by law) and de facto (in practice) independence as shown in Figures (2) & (3).



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**Figure (2): Indicators
of organic independence**

**Figure (3): Indicators
of functional independence**

Source: Researchers
based on legal texts

Source: Researchers
based on legal texts

3.2.1. Indicators of Organic Independence:

a- Collective Nature and Mixed Composition(Law No. 23-20, 2023,19); NIARA is designed as a collective body of nine members including the president; these members are chosen for their expertise across technical, legal, and media fields, aiming to foster neutrality, objectivity and balanced decision-making. This diversity is stipulated to create a work environment free from external influences.

b- Tenure System(Law N° 23-20, 2023; Members are granted a fixed five-year tenure renewable once. They are protected from dismissal, suspension, or exclusion, except in cases of serious misconduct. This system aims to shield them from undue influence or pressure from the appointing authority, thereby providing a degree of stability.

c- Conflict of Interest Rules(Law N° 23-20, 2023,19); A robust conflict of interest system prohibits members from holding conflicting public or private sector positions, or executive responsibilities within political parties or unions; with specific exceptions for higher education and scientific research. It also prevents them from holding interests or benefits in entities active in the audiovisual field, with this prohibition extending for two years after their term ends. This is designed to ensure impartiality and prevent undue influence.

3.2.2. Indicators of Functional Independence(Law N° 23-20, 2023):

a- Financial Independence; Law 23-14 explicitly affirms the Authority's financial independence. Article 61 of Law 23-20 clarifies that the Authority can impose fees on licenses

for audiovisual communication services and benefits from revenues generated by its activities. The President is responsible for freely managing these financial resources without requiring approval from other administrative authorities.

b- Administrative Independence, this is evident in the President's authority to prepare and adopt the Authority's basic statute and internal regulations, and to determine the organization of its administrative and technical departments, including technical management and authority over staff.

c- Legal Independence; the authority possesses the right to establish its internal regulations without external interference, and these regulations are published in its official gazette, it also holds legal personality, granting it formal rights related to litigation, financial responsibility, and contractual capacity.

3. Digital media and the legal challenges for NIARA in the digital space

The rapid proliferation of digital media and the emergence of new, transnational broadcasting platforms present unprecedented legal and regulatory challenges for national audiovisual authorities, including Algeria's NIARA. While traditional frameworks were designed for analogue broadcasting, the digital space demands a radical adaptation of regulatory roles (Just, 2019, 74). A primary hurdle lies in the difficulty of defining and classifying diverse digital content -from user-generated videos to live streams -which raises fundamental questions about legal responsibility and the application of national laws to often global entities. This complexity is compounded by jurisdictional and enforcement issues, as imposing local laws on foreign-headquartered platforms remains challenging, necessitating robust, albeit slow, international cooperation(Just, 2019).

Moreover, digital media's fluid nature makes it a fertile ground for illegal and harmful content, creating a dilemma between safeguarding freedom of expression and protecting society from issues like fake news, hate speech, intellectual property infringement, and threats to national security or minors. Detecting and removing such content requires sophisticated technical and legal mechanisms. The digital shift also distorts fair competition and financial transparency; regulated traditional channels face unequal competition from less-regulated digital platforms, underscoring the critical need for transparent funding and advertising to ensure a level playing field. As Natascha Just (2019) observes, "The fluid nature of digital media presents a significant challenge, as it often transcends national borders and eludes traditional regulatory frameworks, necessitating new strategies for policy principles to be applied " (Just, 2019, 75). The Algerian legislator has acknowledged these challenges, as evidenced by the expansion of the regulatory authority's powers to include audiovisual activity via the Internet in Law N° 23-20. This legislative adaptation marks the beginning of a path towards addressing these contemporary challenges, though the task requires continuous investment in technical capabilities, development of the legal framework, and strengthening international cooperation to ensure effective and sustainable regulation in this constantly evolving space.

III. Results discussion :

In contemporary Algerian law, the audiovisual regulatory authority's independence is crucial for fostering a diverse, free, and unbiased media landscape. However, achieving this independence presents significant internal challenges even as it creates opportunities for the authority's future influence.

The Algerian legislator has worked to embody a significant reform trajectory, culminating in the formal establishment of an independent regulatory authority for the audiovisual sector. Notably, Law N° 23-20 unequivocally enshrines this autonomy, explicitly integrating the designation "independent" into the authority's official nomenclature. This linguistic shift underscores a resolute legislative intent to disentangle the regulatory function from direct governmental oversight. Nevertheless, despite these legislative pronouncements, the study reveals that the Authority's *de facto* independence remains constrained by substantial challenges, positioning its autonomy as inherently "relative." Among the most prominent of these challenges are:

► Mechanisms for member appointment; the unilateral centralization of all member appointments under the purview of the president of the republic, as stipulated in Law N° 23-20, elicits legitimate inquiries regarding the potential for undue executive influence; this mechanism carries the inherent risk of undermining the perceived and tangible impartiality of the authority's decisions as its members may contend with pressures relating to their tenure or professional trajectory.

► While legally vested with financial independence; the authority's actual fiscal autonomy presents an enduring challenge, its reliance on the conventional government budget and the critical imperative for robust, stable and diverse funding streams are paramount to obviating financial pressures that could invariably compromise its neutrality and operational efficacy.

► The precipitous proliferation of digital media has ushered in unparalleled legal and regulatory complexities. These multifaceted challenges encompass formidable difficulties in defining and categorizing digital content (such as video-on-demand, user-generated content platforms and live streaming), intricate judicial jurisdiction and enforcement across transnational entities and the pervasive challenge of confronting illicit and harmful content (including disinformation, hate speech, intellectual property infringements, and content that imperils national security or exploits vulnerable minors). This exigency mandates a radical and ceaseless recalibration of the Authority's supervisory mandate, extending far beyond the confines of traditional broadcasting paradigms.

IV. Conclusion:

strategically fortify the independence and elevate the efficiency of the national independent audiovisual regulatory authority, the following compelling recommendations are advanced:

► Future legislative deliberations ought to proactively explore alternative mechanisms for member appointment that champion broader institutional participation (e.g: rigorous parliamentary oversight or recommendations from esteemed professional bodies), such reforms are crucial to mitigating executive influence and augmenting both the perceived and inherent impartiality of the authority.

► The imperative for bolstering financial independence necessitates the establishment of diverse and sustainable funding reservoirs for the authority rendering it less susceptible to governmental budgetary oscillations. This could encompass a percentage of licensing fees levies on digital platforms or dedicated endowments, thereby ensuring consistent and ample resources vital for its operational and developmental imperatives.

► The exigency calls for the development of a flexible and adaptable legal and digital regulatory framework, coupled with sustained investment in cultivating advanced technical and legal expertise. This is indispensable for effectively monitoring, analyzing and regulating the rapidly evolving digital media landscape, including the establishment of specialized units in cybersecurity, data analytics and digital legislation for granular content oversight and ensuring robust accountability across national and global platforms.

► Future scholarly inquiry can fruitfully investigate the transformative role of public awareness campaigns in solidifying the authority's legitimacy and fostering heightened media literacy among citizens, thereby empowering them to discern and effectively report harmful content.

► Strategic attention to comparative research with nations that have successfully navigated the intricate challenges of digital media regulation will yield invaluable insights; such studies will provide a substantive understanding of the practical impact on Algeria's audiovisual media and digital media regulatory landscape and the authority's de facto independence in the years to come offering critically important empirical data for future policy refinements.

Finally, we can assert that by addressing these formidable challenges and diligently pursuing these future directions, Algeria can advance towards building a truly independent, highly efficient regulatory body capable of fostering a free and responsible media environment in both traditional and digital realms.

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