



False News in Algerian Legislation
An Analytical Study of the Latest Relevant Legal Texts

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Abstract:

The Algerian legislator attempted to address the legal gap in combating fake news by introducing amendments to the latest relevant legislative texts. However, the question arises whether the legislator's endeavors in the general laws, represented by the penal code, and public laws, represented by media law, are sufficient to confront this "new crime." This study delves into this matter through a meticulous analysis of the latest relevant legal texts. It concludes that despite the diligent efforts of the Algerian legislator in this field, the ambiguity surrounding these legislations increases the likelihood of misinterpretation and, consequently, ineffective implementation. Therefore, there is a need to expedite a more precise definition of terms, at least in the practical applications of the new media law.

Keywords: False news – Legislation – Publishing – Spreading.

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I. INTRODUCTION

Fake news is not a recent phenomenon, but its proliferation, consumption, and believability have increased in recent years, exacerbated by boundless technological advancements and the overwhelming reach of social media and its diverse applications. The public, having shifted far from its "original role" at the advent of mass media, now engages as active participants. Rather than being mere passive recipients, individuals eagerly await the "magic bullet" that these platforms present. In many cases, they not only receive but also become content creators on social media. Moreover, they become publishers of information and news, created by themselves or others, without taking the trouble to verify its authenticity. This misuse has significantly worsened, aggravating societal and political crises with ambiguous contours.

The saying "**repeating a lie makes it the truth**," attributed to **Joseph Goebbels**, the political propaganda head for Adolf Hitler, is countered in psychology by the concept of the "illusion of truth." The news, whether true or false, or what has been termed "fake news" in recent years, spreads from one person to ten, a hundred, a thousand, a million, and so forth, with just a click.

Depending on the purpose behind disseminating this fake news from one person to another, its spread on social media has varying effects. The quality of this news, as well as the individuals, groups, organizations, or even countries behind it, can influence the impact. Just as countries may stand behind false news, the effects of these stories can extend beyond individuals to impact communities and nations, causing harm.

Therefore, the legislator found it necessary to intervene to combat this "new crime" by enacting legal texts to punish its perpetrators. However, is what the Algerian legislator has legislated sufficient to combat fake news on social media and deter those responsible?

In this research paper, we attempt to answer this question through three axes. In the first axis, we delve into the origins of fake news and various general definitions. In the second axis, we explore the motives of perpetrators of fake news crimes and their methods. Finally, we dedicate the third axis to the crime of disseminating fake news in Algerian legislation, represented by the latest media law (*Algerian Organic Law No. 23-14, 2023*) and the recent amendment to the penal code (*Decree No. 20-01, 2020*).

1 Genesis and Concept:

1.1. Genesis:

The history of fake news is intertwined with the history of news itself, with variations in terminology (false, counterfeit, misleading, etc.). However, they all converge on the notion that these are news items devoid of truth, containing either partial truth and partial fabrication. Their creators disseminate them using the available means for "malicious" purposes—political, economic, social, or even personal.

Some attribute the initial appearance of fake news to the campaign led by the Roman emperor Octavian against his political rival Mark Antony. Octavian utilized metal currency stamped with opposing slogans, exploiting Antony's involvement in an affair with the Egyptian pharaoh queen, Cleopatra.

Octavian's campaign conveyed a part of the truth to his people, sufficient to turn them against Antony, including the parliament. However, Octavian entirely omitted to inform them that Antony had made a deal with Cleopatra, granting him Egypt's wealth and territories in return for him remaining on the throne.

This campaign significantly contributed to Octavian seizing power from Mark Antony, overthrowing the republican rule, and transforming Rome into an empire (بوست، 2019).

Some link the emergence of fake news to the advent of yellow journalism in the late 19th century. Yellow journalism, seeking sensation, was first coined in 1896 in New York by journalists dismayed by the deterioration and deviance within their profession. They manipulated news or invented stories without any basis in truth, utilizing all elements of excitement in both writing and imagery to boost circulation.

The term's origin is traced back to the dispute between the owners of the American newspapers New York Journal and New York World, Randolph Hearst and Joseph Pulitzer, respectively, over a cartoonist named Outcault. His drawings, known as "The Yellow Kid's Adventures," attracted readers, prompting them to rush to buy the newspaper.

"The Yellow Kid" began publishing his cartoons in Pulitzer's newspaper and later moved to Hearst's newspaper. This led Pulitzer to hire another cartoonist to compete with him and attempt to regain what his newspaper lost due to "The Yellow Kid" leaving. This incident marked the start of a fierce battle between journalism giants, where they utilized all means of excitement to obtain the largest share of revenues (الابراهيم، 2020).

In the meantime, with the evolution and widespread influence of yellow journalism, another term emerged: "rumor." Rumors are not a modern invention, but their scope expanded during the World Wars and the subsequent Cold War. This compelled researchers, especially Americans, to delve into rumors and their specific impact on the morale of soldiers and the general populace.

Among the first to delve into this term were Allport and Postman, who concluded that a rumor "is nothing but an assumption connected to current events intended to be generally believed, usually circulated from person to person through word of mouth, often without any concrete evidence to prove its accuracy" (كابفير، 2008).

The concept of rumor would later intersect with the modern concept attributed by some to the former U.S. President, Donald Trump, during and after the 2016 presidential campaign—the term "fake news." However, the first to use it was Canadian journalist Craig Silverman in a tweet on Twitter on October 14, 2014. He criticized "fake news on a fake website, nationalreport.net," where the fabricated news he pointed out falsely claimed a quarantine in a Texan city due to the spread of the Ebola virus, a highly contagious virus that had spread across West Africa from 2014 to 2016. Silverman specialized in tracking fake news on social media platforms and exposing them, establishing the website emergent.info for this purpose in the same year (2014) (corporation, s.d.)

In reality, Silverman's work did not receive much attention until after former U.S. President Donald Trump's emphasis on fake news and his continuous condemnation of it during the

election campaign that propelled him to the White House. Even after taking office, the term "fake news" became the word of the year according to the selections of Collins Dictionary for the most impactful and prevalent words (الدليمي, 2018)).

1.2. Concept:

There is no comprehensive, overarching definition for fake news, which has become prevalent on social media, replacing rumors. Despite the subtle differences, the term "rumor" may occasionally turn out to be true, and those behind it don't always intend deception, regardless of the mode of dissemination.

However, recent studies have attempted to define it. A study from Bournemouth University in the United Kingdom defines fake news as "the intentional spread of misleading information, whether through traditional media or social media" (Lillcker & Darren, 2017)).

On the other hand, the United Nations Educational, Scientific and Cultural Organization (*UNESCO*) prefers to use the term "disinformation" instead of "fake news." They justify this by stating that the word "news" implies information that can be verified and serves the public interest. Thus, information that doesn't meet these criteria doesn't deserve to be categorized as news.

From this perspective, "fake news" carries an inherent contradiction that undermines the credibility of information that genuinely passes the verification threshold and serves the public interest, which is authentic news (Unesco, 2020)).

Based on these preceding definitions, a comprehensive definition of fake news can be inferred: it's false or misleading information crafted with ill intent to serve political, economic, or hate speech propagation purposes.

2. Motives and Methods of Fake News:

2.1. Motives:

The motives and objectives of disseminating fake news vary, encompassing political, economic, racial, and hate speech propagation motives.

2.1.1. Political Motives:

Purveyors of fake news thrive in turbulent times, finding ample opportunities during wars and crises. The global health crisis caused by the "COVID-19" virus, along with the accompanying false health-related news about the virus, its consequences, and the marketing of vaccines for prevention or mitigation, is not far from our attention.

However, if we rewind a bit, we must pause at the speech of the former US Secretary of State, Colin Powell, on February 5, 2003, and the contained false information about Iraq possessing weapons of mass destruction and harboring elements of "Al-Qaeda." No one dared to refute the chief diplomat of the most powerful nation until he himself admitted in December 2010 that the speech would remain a stain on his record, as everything it contained was a lie (jazeera, 2021).

In parallel with the continuous condemnation of fake news by the former US President, Donald Trump, during the electoral campaign and after his victory in the presidency, to the extent that many researchers in the field began attributing the origin of the term to him, his political rival, Hillary Clinton, affirmed that the fake news propagated by him and his team on social media during the same electoral campaign played a crucial role in his victory and her loss. She described it as an unethical act that could mislead public opinion. Moreover, she likened it to a plague and called for legislation to combat it (monde, 2016).

2.1.2. Economic Motives

Many exploits fake news by fabricating or distorting facts, disseminating all of this widely on social media to garner a large number of likes, comments, shares, readings, views, and followers, all in exchange for financial compensation.

This occurs especially in news related to celebrities in various fields (sports, arts, politics), without the slightest concern for the potential harm these fake news stories might cause to the victims.

Among these fake news stories were manipulated photos of Meghan Merkel, the wife of Prince Harry, the youngest son of the new British king, Charles. These photos depicted her joyfully dancing upon the death of Queen Elizabeth II in front of Buckingham Palace, wearing a dress with the words "The Queen is dead." The video garnered high viewing and sharing rates (AFP, 2022)).

The competition that arose among coronavirus vaccine producers at the peak of the spread of the viral outbreak also opened up a wide arena for an electronic war fueled by fake news between major global companies in the field, aiming to win the largest deals for selling vaccines worldwide.

2.1.2. Racial Motives and Propagation of Hate Speech:

Among the significant objectives of fake news are undermining national security and sowing chaos among the people. This can escalate to the creation of complex diplomatic crises between countries.

The most prominent example of this is the campaign led by certain entities to incite the residents of AinDefla, particularly, and Algeria as a whole, against the residents of the TiziOuzou region following the killing of the young man Jamel Ben Smail, who had come to the area to help extinguish fires but was killed and his body mutilated.

Even some of the accused in the crime confessed to the specialized security services that they fell victim to false news rapidly circulated through social media (Skynews, 2021)

On the diplomatic front, false statements, in the form of a doctored video, caused a crisis between the Kingdom of Saudi Arabia and Lebanon. The video included

a recorded statement by Lebanon's Foreign Minister, AbdellahBouleHabib, in which he denied that Riyadh had offered any assistance to Beirut. Moreover, he accused the Kingdom of being a "major drug market."

The video spread like wildfire, especially after it was broadcasted by the official Saudi television, fueling a "virtual" war of words between users of social media in both countries. This required intervention from the Saudi Foreign Minister himself to refute everything stated in the recordings and affirm that they were "selective and misleading narratives that add fuel to the fire" (arabia, 2021).

Hate speech transcends the highest political or diplomatic levels, passing through the populace. The events between the Algerian and Egyptian peoples in 2009, with their consequences still visible today, serve as the best example. It extends to society and even families. How many false news stories spread through social media have shattered families and torn them apart.

2.2. Methods of Fake News:

Publishers of fake news employ various methods to manipulate the truth, regardless of the harm it may cause to the victims. In political contexts, they may deliberately aim to harm others. Among the key methods are:

- a) **Misrepresentation:** This involves manipulating real news and information out of context, carefully selected to make it difficult to detect the deception. This method often uses real images and videos but shares them in a different place or time than when the events actually occurred.
It's important to note the emergence of a new term related to fake news disseminated through videos: "Deep fake," a technique that uses artificial intelligence to create fake videos by replacing someone's image or voice.
- b) **Misleading Associations:** This method links headlines, images, or videos to unrelated content. The title does not reflect the content but is used to attract the maximum number of views and interactions from the audience.
- c) **Fabrication:** This method pushes readers, followers, or social media users to adopt misleading ideas with no basis of truth. It becomes difficult in the future to change these misconceptions that have been entrenched in the minds of the recipients, who perceive them as accurate information even though their foundation is false.
- d) **Content Manipulation:** This involves cropping, editing, or assembling content in a way that convinces the recipient of its seriousness and credibility.
- e) **Bias:** Humans tend to lean towards information that aligns with their beliefs. Fake news publishers exploit this tendency to achieve their purposes.
- f) **Satire:** Satire is used to highlight an incident or event, deceiving the audience and gaining a high following.

3. Fake News in Algerian Legislation:

Faced with the staggering spread of fake news and its threat to national security and public order by causing fear, panic, and disruption, legislators found it necessary to intervene to deter those responsible for it and those behind it.

In this section, we will discuss the legal texts that criminalize fake news in Algerian general legislation, represented by Law No. 20-06, dated April 28, 2020, amended and supplemented by Order No. 156, dated June 8, 1966, which contains the Penal Code. Then, we will explore what is stated in the special law, specifically Law No. 23-14, dated August 27, 2023, related to the media.

3.1. Fake News in General Legislation:

The legislator observed that publishers of fake news exceeded the limits of exercising the right to freedom of expression established in international agreements, particularly the Universal Declaration of Human Rights, and in national laws, including the constitution. Moreover, the negative impact of fake news on public opinion and the potential threats it poses to public order and national security necessitated imposing restrictions on what some consider an absolute individual freedom.

These restrictions are outlined in Article 196 of Law No. 20-06, which was amended and supplemented by Order No. 156, contained in the Penal Code, dated April 28, 2020, as follows:

Anyone who publishes or intentionally promotes false or malicious news among the public, using any means, shall be punished by imprisonment for a period ranging from one (1) to three (3) years and a fine of between DZD 100,000 to DZD 300,000. The punishment is doubled in the case of recurrence."

This article indicates that the legislator has specified the actions that require criminalization and outlined their elements and components. However, the text remains somewhat ambiguous, which we will clarify below.

3.1.1 Elements of the Crime of Spreading Fake News:

- a) **Material Element:** The crime involves the act, the result, and the causal relationship between them. The material element of the crime, in general, is the act, whether it is positive, by committing an action prohibited by law, or negative, by failing to do something required by the law, resulting in the commission of the crime. In our case (spreading false news), the criminal conduct is the publication or promotion of false or malicious news among the public, using any means.
- b) **Intent:** The crime is committed intentionally, meaning the criminal conduct here is the publication or promotion of false or malicious news. The legislator did not specify whether these news items are old or new. Still, it is inferred that they were not previously known to the public. Furthermore, the news items should be either false (not conforming to reality) or malicious (containing malice in the content or in the way they are disseminated) with the aim of posing a danger to public security or public order.
- c) **Causal Relationship:** This is the third element in the material aspect of the crime. Notably, the legislator has left the result of the criminal conduct somewhat vague, with the phrase "may affect public security or public order." This phrasing grants the judge broad discretionary authority in determining the potential danger posed by the fake news, even if it's merely possible.

The ambiguity in the text leaves the judge with significant latitude in assessing the criminality of spreading fake news. In other words, the judge decides whether the criminal act (spreading false news) has resulted in a criminal outcome (affecting public security or public order). The phrase "may affect" allows for penalties to be imposed when the judge deems that the news disseminated poses a threat to public security or public order.

3.1.2. Publicity Corner:

Publicity is a term that signifies "disclosing a matter openly to the public", and it means "an individual's understanding of behavior by observing or hearing it, if the behavior indicates its substance, or if the act, in the manner in which it occurred, would be visible or audible to others" ((بهنام، 182))

In the context of the crime of spreading false news, publicity refers to the information being made known to the public, whether through speech, action, writing, or any other means of expressing an opinion. It is "the distinctive pillar of this type of crime and represents the foundation for its punishment because the severity of these crimes against the social and individual values and interests protected by the law lies not only in the false news but in its public announcement" (شریف، 1993)

This is the principle on which the Algerian legislator based the requirement of the element of publicity for the crime of disseminating or promoting false news, using the phrase "anyone who deliberately disseminates or promotes...". Here, dissemination or promotion means conveying the news to others, i.e., making it public. The phrase "by any means..." was deliberately included, leaving room for the judge to assert that the crime has occurred and not tying it exclusively to modern technologies, which everyone acknowledges significantly contribute to the spread of false news.

Moreover, the judge may exercise his discretionary power to state that verbally transmitted news poses a threat to public security and public order, and consequently, convict the disseminator of false news, according to Article 196 bis of the Penal Code, which left room for interpretation regarding the means of spreading or promoting false news, ranging from verbal communication to the most precise and advanced technological means.

In summary, for the element of publicity to be established, it is enough for the news to transition from being confidential to being made public. However, what is certain is that the more advanced the means of dissemination or promotion, the broader the awareness of the false news, and thus, the wider its impact. This is what the judge, presiding over cases of spreading false news, will consider when exercising his discretionary power. In fact, it suffices for the "publication" or "promotion" stipulated in Article 196 bis of the Penal Code to occur for the element of publicity to be fulfilled.

3.1.3. The Moral Pillar:

Having the material element alone is insufficient to establish the commission of the crime and impose the prescribed legal penalty on the accused. The moral element, represented by "intent," which is equivalent to "intentionality" in Algerian legislation, must also be present. Additionally, the will, considered by legal scholars as "the essence of the moral element," is described as "the psychological aspect of the crime (خلفي، 2013)

3.1.3.1. Criminal Intent

Criminal intent poses a challenge to the legislator and is the foundation of crimes, while error is an exception. The Algerian legislator does not mention the word "intention" in various legal texts, unlike most laws worldwide, especially in Arab countries. Instead, it is replaced by the word "intentional," as in "intentional murder," "intentional assault and battery," etc. This is the approach followed in our case (publishing or promoting false news) by stating "...everyone who intentionally publishes or promotes...". Intentionality means that the perpetrator is aware of the subject of the infringed right.

In the case we are studying, the accused is aware that what they are publishing or promoting is false news and that it may harm others, affect public security and public order, or instill fear, panic, and distress among citizens. They know that they may face legal accountability because of it, yet they insist on publishing it. This is criminal intent in its simplest form.

3.1.3.2. Will

Will is defined as "a psychological force or mental activity that directs all or some parts of the body toward achieving an unlawful purpose" (خلفي، محاضرات في القانون الجنائي العام- دراسة مقارنة، 1982). This means that the offender's will is directed towards committing the criminal act and achieving its result.

In the case we are considering, the accused must be aware that what they will publish or circulate is false news, and that it will harm public security and public order. However, they commit this crime of their own free will and intentionally.

Regarding the violation, if the accused is unaware that the news they are publishing is false, then criminal intent, including the moral element of the crime, is not achieved.

If it were not for the requirement of the presence of the moral element of the crime (intent - will), everyone who liked, shared, or commented on the news, with all the resulting increase in the news reaching a larger number of recipients through social media, would fall under the penalty of Article 196 bis of the Penal Code, which equates the publisher with the promoter, without precisely specifying where the publisher's responsibility begins and ends, and the same applies to the promoter, leaving all the phrases ambiguous.

3.1.4. Punishment for the Crime of Spreading False News in the Penal Code

As mentioned earlier, the Algerian legislator equated the disseminator of false news with its promoter in the text of Article 196 bis of the Penal Code and did not differentiate between them in the punishment. The penalty includes deprivation of freedom for a period ranging from

one year to three years, in addition to a financial penalty in the form of a fine ranging from one hundred thousand (100,000) dinars to three hundred thousand (300,000) dinars.

Thus, the legislator classified the crime of publishing or promoting false news as a misdemeanor in accordance with the text of Article 5 of the Penal Code.

However, the judge may impose a lesser penalty if the accused reports mitigating circumstances. The penalty for the violation may be reduced to imprisonment from a minimum of one day to a maximum of two months and a fine not exceeding two thousand dinars. Conversely, the judge may impose a penalty falling within the penalties prescribed for felonies, such as (06) years of imprisonment in the case of recidivism, which is considered an aggravating circumstance. Recidivism is the recommitment of the same crime. However, what matters in classifying crimes is what the legislator has approved, not what the judge rules.

Nevertheless, the problem lies in the ambiguous and vague phrases contained in Article 196 bis of the Penal Code, which have provided a wide scope for the discretionary power of the judge. The judge may exaggerate the charge and elevate it to a criminal offense, considering the circumstances in which the false news was published or promoted, especially during wars and crises, as well as the pressures they may face.

In this context, Algerian courtrooms have witnessed several cases since the beginning of the popular movement in February 2019 and the subsequent political changes, coinciding with the COVID-19 pandemic crisis. Among these cases were journalists from the newspaper "Al-Sawt Al-Akhar" who were charged with undermining national unity and disseminating information that threatens national interests. The newspaper had published an article alleging errors in the COVID-19 test analyses conducted by the Pasteur Institute for COVID-19 patients. This charge is now considered comparable to a terrorism offense in the latest amendment to the Penal Code. Those convicted of it could face the harshest penalty, the death penalty.

Similarly, a journalist from "El-Chourouk Al-Youmi" newspaper was put in temporary detention for publishing a report in which information from agriculture experts raised doubts about the quality of "DeglatNour" exported abroad. Later, he was sentenced to one year in prison, with two months to be served, and fined one hundred thousand dinars after being convicted of the offense of "publishing and promoting false news.

3.2 Fake News in Private Legislation

Organic Law No. 23-14 dated August 27, 2023, concerning the media, stands as the most recent legislation in this domain. It is presently the sole media legislation in effect, with no executive decree enacted yet. Furthermore, this law has annulled all previous legal provisions in this field (*Algerian Organic Law No. 23-14, 2023*). Therefore, our focus will be on the provisions concerning the dissemination of false news within this specific legal text.

3.2.1. Fake News in Media Law

The Organic Media Law of 2012 did not address fake news despite its prevalence during the significant political and social events referred to as the "oil and sugar uprising" internally, and the "Arab Spring Revolutions" externally. The widespread dissemination of this kind of news through various means was a notable feature during this time. Curiously, the term "fake news"

was not explicitly mentioned in the 2012 law. Instead, the phrase "false accusations" was used in Article 101 within Chapter Seven, dedicated to the right of reply and the right to correction. The article stated: "Every individual who believes they have been subjected to false accusations that could harm their honor or reputation may exercise their right to respond," without explicitly stating "publishing." However, the context implies it since it falls within the Media Law. This is reaffirmed by Article 125 of the same law, which explicitly mentions publishing and imposes a fine ranging from one hundred thousand (100,000) to three hundred thousand (300,000) dinars on anyone who refuses to publish or broadcast the right of reply.

Nonetheless, what the Media Law meant by the right of reply granted to individuals differs substantially from what was stipulated in the Penal Code, which linked false news to endangering public security and the public order of the state (*Algerian Organic Law No. 12-05, 2012*). Therefore, in Law 23-14, the legislator endeavored to rectify the deficiencies present in the prior law concerning fake news. This is especially significant given that the new law emerged at a time when the world was witnessing a distressing proliferation of fake news, accompanied by rapid, astonishing, and boundless advancements in the technological means employed for this purpose.

Article 20, found in the first chapter dedicated to the journalist's profession within Chapter Five, titled "The Profession of Journalism and the Ethics and Ethics of the Profession" in the new law, mandates that journalists "scrutinize information and verify its source, credibility, and validity before publishing or broadcasting it through the media." This strongly alludes to the necessity of avoiding and combating fake news, even though the term is not explicitly mentioned.

The organic law related to the media, comprising 56 articles, only explicitly mentioned the term "fake news" in Article 35 within the third chapter of the same section (fifth). This chapter is dedicated to the ethics and morals of the profession, stating: "...In particular, the journalist must refrain from: - publishing or broadcasting false or tendentious news..." without providing a precise procedural definition for this term.

However, the significance attributed by the legislator to combatting fake news is evident through its precedence over other provisions. The law explicitly compels journalists, in the same article, to refrain from exposing individuals to danger, glorifying colonization, or disparaging the national memory and the symbols of the revolutionary struggle, as well as directly or indirectly endorsing racism, terrorism, bigotry, and violence.

Moreover, the law, in the sixth section concerning the right to respond and rectify, ensures that any natural or legal person subjected to false news can exercise the right to respond. However, the legislator opted this time to use the term "false allegations" instead of "fake news," as well as the phrase "not true" instead of "false," in obligating the media institution to publish every correction received, granting the affected party the right to pursue legal action that may result in an urgent order for the publication of the response and correction, under the threat of a deterrent fine (*Algerian Organic Law No. 12-05, 2012*).

In the penal provisions, the punishment for disseminating fake news is not explicitly defined. This is except for what is mentioned in Article 49, which refers to a penalty ranging from one hundred thousand to five hundred thousand dinars imposed on any media outlet that refuses to publish or broadcast the right to reply and correction. This forces the judge to go beyond the

principle of "the specific restricts the general" and rule in accordance with the Penal Code — perhaps due to oversight by the legislator or recognition that spreading fake news is not limited to journalists in the era of social media. Any individual can, with a click of a button, disseminate or contribute to the promotion of fake news. In this case, they inevitably fall under the purview of the Penal Code.

II. Conclusion:

despite the severe dangers posed by fake news to individuals, communities, and nations, the Algerian legislator only began to recognize its importance in recent years. This awareness emerged with the onset of the popular movement on February 22, 2019, and the rapid exchange of information among citizens and activists, much of which was deemed false by the authorities. This led to an urgent amendment of the Penal Code to include Article 196 bis, criminalizing the dissemination and promotion of fake news.

However, analyzing this article reveals significant shortcomings and ambiguities in its wording. The legislator left many phrases vague, lacking clear boundaries. For instance, the phrase "...that may harm public security and public order..." was left undefined. Furthermore, the legislator did not clearly define the disseminator and promoter of fake news, nor did they specify the means of dissemination, merely using the phrase "...by any means whatsoever.

This ambiguity widens the discretionary power of the judge, particularly in politically sensitive cases in a country like Algeria, where there is a blurred separation of powers and significant executive interference in judicial affairs, especially after the popular movement. This necessitates a reevaluation of Article 196 bis of the Penal Code, aiming to define its terms precisely, limiting the scope for the judge to apply their discretionary power in cases related to the dissemination or promotion of fake news.

On the other hand, while the legislator demonstrated an intent to assist journalists in combating fake news by mandating various public entities to ensure their right to access information, they reverted to vague phrases, as seen since the first media law in Algeria in 1982. The legislator opted to include exceptions that negate this right, such as national defense, state security, national sovereignty, and legitimate interests of institutions that might be threatened. Unfortunately, these exceptions were left undefined.

Looking at Executive Decree No. 20-322 concerning online journalism, the legislator could have used its delay until November 2020 to address the growing global concern of fake news. The internet is a primary platform for its dissemination and promotion. However, the decree primarily focused on the right to respond and rectify, evident from its title, "Procedures for Practicing Online Media Activity and Publishing Replies and Corrections on the Website.

All of these factors have adversely affected those working in publishing and journalism, particularly in light of the pressures exerted by the judiciary. Some individuals have even been imprisoned, despite the constitutional prohibition against imprisoning journalists for their writings. While the charges ostensibly relate to the publication of false news, they can escalate to charges of undermining national unity, as interpreted by the prosecution or the investigating judge.

There remains great hope in the executive decrees accompanying the organic law related to the media. These decrees can help define the terms related to the dissemination and promotion of fake news in a way that aligns with media law. The principle of "specific restricts the general" should guide this alignment.

Addressing fake news on social media platforms necessitates a more precise definition of terms, starting from the word "publication," which no longer exclusively applies to journalists and media workers but extends to anyone swimming in the virtual world.

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