Press Freedom in the New Algerian Democratic Charters - A Legal Analysis - Algerian Constitution 2020, Organic Law No. 23/14, Law No. 23/19, Law No. 23/20 *(During the Presidential Term 2019/2024)*

حرية الصحافة في المواثيق الديمقراطية الجزائرية الجديدة – تحليل قانوني

Younsi Sabrine*	Zerari Awatif
Alger 3 - Algiers	Alger 3 – Algiers
sabrineyounsi1990@gmail.com	Zerari.2018@gmail.com

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Abstract

Press freedom is a cornerstone of democratic systems, ensuring transparency, accountability, & public participation. In Algeria, the period from 2019 to 2024 witnessed significant reforms aimed at regulating & protecting press freedom. The 2020 Constitution marked a milestone by enshrining press freedom as a constitutional right, complemented by key legislative developments such as Organic Law No. 23/14 on information, Law No. 23/19 on print & electronic media, & Law No. 23/20 on audiovisual activities.

This study investigates how these legal frameworks have institutionalized press freedom, focusing on their practical impact and consistency with international standards. Through a critical analysis of these reforms, the research seeks to provide insights into the current state of press freedom in Algeria & the obstacles it encounters under the changing legal & constitutional framework.

Keywords: Press Freedom**;** Algerian Constitution 2020**;** Media Legislation**;** Democratic Reforms**;** Legal Framework

الملخص

حرية الصحافة هي حجر الزاوية في الأنظمة الديمقراطية، حيث تضمن الشفافية والمساءلة والمشاركة العامة. في الجزائر، شهدت الفترة من 2019 إلى 2024 إصلاحات هامة تهدف إلى تنظيم وحماية حرية الصحافة. مثل دستور 2020 نقطة فارقة من خلال ترسيخ حرية الصحافة كحق دستوري، بالإضافة إلى تطورات تشريعية هامة مثل القانون العضوي رقم 14/23 المتعلق بالإعلام، القانون رقم 19/23 المتعلق بالإعلام المكتوب والإلكتروني، والقانون رقم 20/23 المتعلق بالنشاط السمعي البصري.

* *Corresponding author* **Younsi Sabrine Email** : sabrineyounsi1990@gmail.com

تدرس هذه الدراسة كيفية تجسيد هذه الأطر القانونية لحرية الصحافة، مع التركيز على تأثيراتها العملية وتوافقها مع المعايير الدولية. من خلال تحليل نقدي لهذه الإصلاحات، تهدف الدراسة إلى تقديم رؤى حول الحالة الحالية لحرية الصحافة في الجزائر والعقبات التي تواجهها في ظل الإطار القانوني والدستوري المتغير.

الكلمات المفتاحية: حرية الصحافة ؛ دستور الجزائر 2020 ؛ التشريع الإعلامي ؛ الإصلاحات الديمقراطية ؛ الإطار القانوني.

Introduction

Freedom of the press is one of the cornerstones of modern democratic systems, serving as a fundamental pillar to ensure transparency, accountability, & active societal participation in public affairs. In the Algerian context, press freedom has witnessed notable developments in recent years, particularly in light of constitutional & legal reforms introduced during the 2019-2024 presidential term.

The 2020 Algerian Constitution represents a significant turning point in enshrining human rights & fundamental freedoms, including press freedom, which has been affirmed as a constitutional principle. Furthermore, a series of laws have been enacted to regulate media in its various forms, such as Organic Law No. 23/14 concerning information, Law No. 23/19 addressing print & electronic journalism, & Law No. 23/20 governing audiovisual activities.

However, many questions arise regarding the effectiveness of these legal provisions in achieving press freedom on the ground and their alignment with international standards for media freedom. Thus, this study aims to analyze the constitutional & legal framework governing press freedom in Algeria during the 2019–2024 presidential term, through a critical examination of the relevant legislative texts & their impact on journalistic practices.

Main Question:

- **How has press freedom been enshrined & regulated in Algeria within the new constitutional & legal framework during the 2019–2024 presidential term?**

Sub-questions:

1. How does the 2020 Constitution of the People's Democratic Republic of Algeria address the issue of press freedom?
2. What legal frameworks have been established by Organic Law No. 23/14 on information to ensure & regulate press freedom?

3. How does Law No. 23/19 regulate press freedom in print & electronic media in Algeria?
4. What provisions does Law No. 23/20 introduce for regulating press freedom in the audiovisual sector?

1.Concepts

1.1 Freedom of the Press:

Freedom of the press refers to the right of journalists & media organizations to publish & disseminate information without undue censorship, restrictions, or interference by governments or other entities, provided they respect laws & ethics (Reporters Without Borders, 2023).

1.2 Charters:

Charters are official documents or agreements that outline principles, rights, or obligations. In a legal & political context, charters often serve as frameworks that define rights & freedoms, including those related to media & governance (United Nations, 1948).

1.3 Democracy:

Democracy is a system of governance where power is vested in the people, who exercise it directly or through elected representatives. It is characterized by free elections, rule of law, and the protection of fundamental rights, including freedom of expression (Dahl, 1998).

1.4 Democratic Charters:

Democratic charters are legal or constitutional documents that embody the principles & practices of democracy. These include the protection of civil liberties, the rule of law, & institutional frameworks ensuring accountability & transparency (Inter-American Democratic Charter, 2001).

1.5 Presidential Term:

A presidential term refers to the fixed period during which an elected president serves in office, as defined by a nation's constitution. In Algeria, this period typically spans five years, with specific legislative & constitutional milestones marking each term (Constitution of Algeria, 2020).

2. Freedom of the Press in the 2020 Algerian Constitution:

The Constitution of the People's Democratic Republic of Algeria, issued on December 30, 2020, in the official gazette of the Algerian Republic (Issue No. 82), is the most important document enshrining press freedom. It addresses this right in Title II, which organizes fundamental rights, public freedoms, & duties, specifically in Chapter One concerning fundamental rights & public freedoms through Article 54, which states the following:

"Freedom of the press, including written, audiovisual, & electronic media, is guaranteed. Press freedom includes, in particular, the following:

- The freedom of expression & creativity of journalists & media collaborators.
- The right of journalists to access information sources within the framework of respecting the law.
- The right to protect the journalist's independence & professional secrecy" (Official Journal, 2020, P14).

These three constitutional rights protect journalists, allowing them to carry out their duties with professionalism & freedom. This is considered a gain for the citizens and a guarantee of their right to receive information with credibility.

- **The right to establish newspapers & publications by simple declaration.**
- **The right to establish television & radio channels, websites, & electronic newspapers under conditions defined by law.**
- **The right to publish news, ideas, images, & opinions within the framework of the law, respecting the nation's constants & its religious, ethical, & cultural values** (Official Journal, 2020, P14).

These laws enshrine the protection of media activities through its institutions (newspapers, publications, television & radio channels, & electronic websites), while overlooking how to organize the work of the modern media (digital) (United Nations, 1948).

Freedom of the press cannot be used to harm the dignity, freedoms, & rights of others (Official Journal, 2020, P14).

Here, the legislator emphasizes the legal protection of the citizen & the prevention of journalistic abuses, stating that the media must perform its role responsibly to avoid violating the rights & dignity of others through its influence.

• **The publication of discriminatory & hate speech is prohibited** (Law 20-05, 2020). This phenomenon of discriminatory & hate speech spread on social media after the Algerian popular movement (Friday, February 22, 2019), & the Algerian legislator considered it a crime. To combat & prevent this, Law 20-05 was issued, & further measures were taken with the establishment of the National Observatory for the Prevention of Discrimination & Hate Speech in 2020. This body was placed under the President of the Republic & activated as a national authority with legal personality, ensuring financial & administrative independence. It consists of six (06) members selected by the President from among national experts, including a representative from the Audiovisual Regulatory Authority. The Observatory also reported crimes to the competent judicial authorities, including three (03) crimes related to media & communication. Dr. Ahsen Gharbi from the Law Department at the University of Skikda addressed this in his 2021 article, "The Legal Nature of the National Observatory for the Prevention of Discrimination and Hate Speech," as follows:

- **The crime of discrimination or hate speech through information & communication technologies.** (Gharbi, 2021 P. 162).
- **The crime of creating or supervising a website or social media account promoting discrimination & hate.**
- **The crime of promoting discrimination & hate speech through the production, sale, distribution of goods, publications, recordings, films, or other forms of expression (Official Journal, 2020, P14).**

Press offenses cannot be subject to imprisonment penalties

The activity of newspapers, publications, television, radio channels, & electronic websites can only be suspended by a court decision (Constitution of Algeria, 2020).

The Algerian legislator has protected press freedom, even in the face of crimes committed by journalists & media practitioners, as established by judicial rulings & decisions. Offenders are penalized with financial fines & asset confiscation, according to Organic Law No. 23/14 related to media law, & its application in line with the Penal Code. For example, it mentions the penalty of final suspension of a media outlet's activity, the closure of its premises, & the confiscation of equipment in Article 45 of Chapter Seven, which regulates offenses committed within the framework of media activity, among thirteen (13) penalties. The law removed prison sentences for journalists, which is considered a real gain for press freedom & its practice under the applicable laws.

3. Press Freedom in Organic Law No. 23/14 on Media:

After the opinion of the State Council & the approval of Parliament, & following the Constitutional Court Decision No. 04/Q.M.D/R.M.D/23, dated August 6, 2023, regarding the compliance of the Organic Media Law with the Constitution, President Abdelmadjid Tebboune issued Organic Law No. 23/14 in August 2023, published on the 29th, in the Official Gazette of the People's Democratic Republic of Algeria, Issue No. 56 (Organic Law No. 23/14, 2023). According to Article 1, this law regulates media activities & their practice freely in accordance with its principles & rules. (Official Journal, 2020, P10). It is divided into seven (07) chapters containing fifty-six (56) legal articles, as follows:

Chapter One: General Provisions, with four (04) legal articles.

Chapter Two: Media Activities, divided into two sections: Section One defines written & electronic press activities in Articles 05 & 06, while Section Two covers audiovisual activities in Articles 07 & 08.

Chapter Three: Common Provisions for Media, with four legal articles (Articles 09, 10, 11, & 12).

Chapter Four: Media Activity Regulation & Oversight Mechanisms, divided into two sections: **Section One** created the Regulatory Authority for Written & Electronic Press (Article 13), & **Section Two** established the National Independent Audiovisual Regulatory Authority (Article 14).

Chapter Five: The Journalism Profession & its Ethics, divided into three (03) sections: **Section One** outlines the journalist's profession in eight (08) legal articles (Articles 15-22), **Section Two** covers journalist protection in eleven (11) legal articles (Articles 23-33), & **Section Three** defines journalism ethics in three (03) legal articles (Articles 34-36).

Chapter Six: Right of Reply & Correction, covered in seven (07) articles (Articles 37-43).

Chapter Seven: Legal Provisions for Offenses Committed in the Practice of Media Activity, covered in thirteen (13) articles (Articles 44-56).

Upon reviewing Organic Law No. 23/14 on Media, we concluded that the freedom of press practice in Algeria follows these principles:

A. Media activities are conducted freely within the framework of the Constitution & regulated by the legal rules of Organic Law No. 23/14.

B. Respect for religious, ethical, cultural, & national references (Islamic religion & other religions, national identity, national sovereignty, national unity).

C. Consideration of public order, national security, & defense, while respecting human freedom, dignity, & the right to full, fair, & objective information.

D. Media freedom takes into account the country's economic interests, the confidentiality of preliminary & judicial investigations, as well as the pluralistic nature of ideas & opinions.

E. Establishment of written & electronic press requires filing a declaration with the Ministry of Communication.

F. Establishment of audiovisual communication services, including the internet, requires prior approval from the Ministry of Communication.

G. Creation of the Regulatory Authority for Written & Electronic Press.

H. Creation of the National Independent Audiovisual Regulatory Authority.

I. The journalist adopts media activity as a regular profession & main source of income, ensuring freedom of expression & legal protection against workplace abuse, access to

information sources, the right to professional secrecy, & protection under life insurance in case of danger, as well as continuous professional development.

J. Creation of a Supreme Council for Journalism Ethics, which defines disciplinary penalties for journalists who breach ethical codes.

K. Respect for the right of reply & correction in cases of false claims.

L. Offenders of media activities are penalized with fines ranging from one hundred thousand (100,000 DZD) to two million (2,000,000 DZD) dinars, with asset confiscation & penalties in line with the application of the Penal Code (Organic Law No. 23/14, 2023).

This penalty is mentioned once in Article 45 of Chapter Seven, which regulates offenses committed in media activities among thirteen (13) penalties. Notably, prison sentences have been omitted from media offense rulings, which is seen as an advantage for journalists to freely practice their work without fear, under the condition of respecting the current law & journalism ethics.

5. Press Freedom in Law No. 23/19 on Written and Electronic Press:

After the opinion of the State Council & the approval of Parliament, President Abdelmadjid Tebboune issued Law No. 23/19 in December 2023, on the 2nd, published by the General Secretariat of the Government in the Official Gazette of the People's Democratic Republic of Algeria, Issue 77. According to Article 1, this law aims to define the principles & rules governing the activities of written & electronic press & the freedom to practice them (Footnote 9). It is divided into six (06) chapters containing eighty-one (81) legal articles as follows:

Chapter One: General Provisions, consisting of four (04) legal articles. It enacts the freedom of written press activities (periodical publications, general media periodicals, specialized periodicals, local or regional periodicals, periodical supplements, special issues of periodicals) & electronic press activities (periodical publications &/or electronic newspapers, with the exception of the internet version of paper periodicals).

Chapter Two: Regulates written press activities in two sections. The first section covers the publication of periodicals in eighteen (18) legal articles (from Article 5 to Article 23), while the second section addresses the distribution, sale, & import of periodicals in four (04) legal articles (Articles 24, 25, 26, & 27).

Chapter Three: Regulates electronic press activities in fourteen (14) legal articles (from Article 28 to Article 41).

Chapter Four: Establishes the duties and structure of the nine (09) members of the Authority for Regulating Written & Electronic Press and how it operates & is managed (President, Board, Executive Body "General Secretariat + Administrative & Technical Services") in twenty (20) legal articles from Article 42 to Article 61.

Chapter Five: Rules the responsibility, right of reply, & correction in six (06) articles (Articles 62, 63, 64, 65, 66, 67).

- **Chapter Six:** Outlines offenses committed within the scope of written or electronic press activities in two sections. The first section contains five (05) legal articles (Articles 68, 69, 70, 71, 72) for administrative penalties, while the second section contains six (06) articles for criminal penalties (Articles 73, 74, 75, 76, 77, 78).

The law concludes with three (03) legal articles (Articles 79, 80, 81) covering transitional and final provisions.

We conclude that press freedom for both written & electronic press in Algeria, according to Law No. 23-19, is based on several principles, which we summarize as follows:

A.The activities of both written & electronic press are freely practiced under the provisions of the Constitution, Organic Law No. 23-14 related to media, & the provisions of Law No. 23-19 as well as the applicable legislation & regulations.

B. The written **and** electronic press operate legally by Algerian individuals (natural persons) and legal entities subject to Algerian law, with the obligation of having entirely national capital.

C. The publication of periodicals is subject to approval by the Ministry responsible for communication (the declaration), which also informs the Authority for Regulating Written and Electronic Press.

D. Periodical publications are subject to various conditions, including declaration, publishing entity, editor-in-chief, language of publication, printing conditions, publishing frequency (every 6 months), publishing system, correction or modification, ownership or control of the publication, advertising & its space, supplements & special editions, geographic coverage (50% for the publication's area of distribution), & the number of copies (two) provided to the Ministry & the regulatory authority.

E. The distribution of periodicals is regulated, & their sale requires prior authorization from the local municipal council, while the Ministry responsible for communication grants the authorization to import foreign periodicals. The Ministry of Foreign Affairs grants authorization for the issuance or importation of free periodicals for foreign bodies & diplomatic missions.

F. Electronic press activities require approval from the Ministry responsible for communication (the declaration), which also informs the Authority for Regulating Written & Electronic Press.

G. The electronic press is subject to conditions such as declaration, publishing entity, the characteristics of the electronic newspaper, & editor-in-chief.

H. Articles 10, 11, 15, 17, 18, and 20 of Law 23/19 regulate electronic press activities.

I. It is required to ensure the use of the domain name "dz" in Algerian electronic press websites. Services directed at the public & websites for entities, institutions, & companies are excluded from being classified as electronic newspapers.

J. The structure of electronic press websites must comply with Article 35 of Law 23/19, ensuring the regularity of content and hosting of the electronic newspaper.

K. Publishing entities must combat illegal content & work to correct breaches or hacking attempts. They must preserve their content for six (06) months, as must their hosts, who must retain the technical logs for site access and management.

L. The Authority for Regulating Written & Electronic Press oversees activities such as ensuring freedom of practice under Organic Law 23-14, promoting media pluralism, regular distribution & publication of periodicals & electronic newspapers, confirming their publication, economic management with transparency, protection from financial, political, or ideological influence of the owners, ensuring the quality of the media message, promoting national culture, respecting advertising standards, monitoring media financing, & supervising publishing institutions.

M. The Authority is consulted on various points, including legislative and regulatory texts related to media activities, judicial cases, notifications from state bodies or media organizations, and establishing cooperative & partnership relations with national & international bodies with similar objectives.

N. The President of the Republic appoints the nine members of the authority for a term of five (05) years, renewable once. The authority operates according to an internal system approved at its first session, outlining member roles, duties, violations, penalties, professional secrecy, salary system, representation in court, structure, & management system (President, Board, Executive Body "General Secretariat + Administrative & Technical Services") funded by the state budget & subject to public accounting procedures.

O. Responsibility & the right of reply & correction fall to the editor-in-chief & the media owner, with provisions for individuals or entities requesting a reply or correction in the same manner and within the same place, adhering to the deadlines for inclusion, which are reduced to 24 hours during election campaigns.

P. Those who commit violations in the practice of written or electronic press are subject to administrative penalties (warnings, suspension of the publication, temporary suspension, permanent suspension) & criminal penalties (fines ranging from 100,000 DZD to 500,000 DZD, closure of establishments, confiscation of publications & tools, closure of websites, or prohibition of access, & confiscation of equipment used).

We note that imprisonment has been removed from penalties for administrative & criminal violations in the practice of written & electronic press activities. This is a significant gain for journalists & media institutions, allowing them to exercise their media activities freely & without fear, as long as they comply with Law 23-19 & the authority's regulations for regulating written & electronic press.

6. Freedom of the Press in Law No. 23/20 Concerning Audiovisual Activity

After the opinion of the State Council & the approval of Parliament, President Abdelmadjid Tebboune issued Law No. 23/20 in December 2023, published on the second day (02) by the General Secretariat of the Government in the Official Gazette of the Algerian Republic, issue number seventy-seven (77). According to Article 1, this law aims to regulate audiovisual activity & define the rules related to its practice. The law is organized into eight (08) sections containing eighty-seven (87) legal articles as follows:

1. **Section One: General Provisions**

This section contains seven (07) legal articles & legislates the freedom to practice audiovisual activity, including audiovisual communication, TV & radio broadcasting services, thematic & encrypted channels, digital platforms for audiovisual content distribution, & other related aspects such as public service & advertising.

2. **Section Two: Organization of Audiovisual Communication Services**

This section is divided into three (03) chapters. Chapter one addresses public sector audiovisual services, covered by Articles 08, 09, and 10. Chapter two regulates licensed audiovisual communication services through Articles 11 & 12, branching into two sub-sections: one concerning licensing (Articles 13–26) and the other regarding the conditions for the use of licenses (Articles 27–30). Finally, chapter three outlines common provisions for audiovisual communication services in Articles 31–34.

3. **Section Three: Responsibility, Right of Reply, & Correction**

This section addresses issues of responsibility, the right of reply, & correction, covered by four (04) articles: Articles 35–38.

4. **Section Four: Independent National Authority for Audiovisual Regulation**

This section includes two chapters. Chapter one specifies the tasks & powers of the Independent National Authority for Audiovisual Regulation in four (04) articles (Articles 39–42). Chapter two discusses the organization, operation, & composition of the authority in twenty (20) articles (Articles 43–62).

5. **Section Five: Audiovisual Production & Filming**

Articles 63–66 regulate audiovisual production & filming.

6. **Section Six: Digital Platforms for Audiovisual Services Distribution**

Articles 67–69 discuss digital platforms for audiovisual content distribution.

7. **Section Seven: Legal Deposit and Audiovisual Archiving**

Chapter one covers legal deposit (Articles 70 and 71), while chapter two focuses on the preservation of audiovisual heritage (Articles 72 & 73).

8. **Section Eight: Violations and Sanctions**

Chapter one deals with administrative violations and sanctions (Articles 74–79), while chapter two outlines criminal penalties (Articles 80–84).

Finally, Law No. 23/20 concludes with three (03) transitional and final provisions (Articles 85–87).

Principles Governing Freedom of the Press in Law No. 23/20

The freedom of the press is practiced under a set of principles and frameworks defined by Law No. 23/20 concerning audiovisual activity, which include the following:

A. Audiovisual activity is exercised freely within the framework of the Constitution & the Organic Law No. 23-14 on media, as well as the provisions of Law No. 23/20 & applicable legislation.

B. Audiovisual activity is conducted in accordance with the law by media outlets owned by public institutions and bodies, as well as legal entities under Algerian law. The ownership of these entities is restricted to Algerian natural persons or legal entities that also comply with Algerian law & are owned solely by Algerian citizens.

C. The Independent National Authority for Audiovisual Regulation performs its tasks independently, including ensuring the compliance of audiovisual practices with relevant

laws, promoting transparency, protecting cultural & linguistic diversity, & ensuring the protection of human dignity & the environment.

D. The regulatory authority oversees & ensures compliance with broadcasting standards, such as monitoring the use of radio frequencies, production quotas for national audiovisual content, and advertising guidelines.

E. The authority is also responsible for examining and advising on matters related to the development of audiovisual strategies, legislative projects, & international broadcasting negotiations.

F. Disputes between audiovisual service providers, political parties, & associations are mediated by the authority, which also ensures compliance with regulations for internet-based audiovisual activities.

G. The president appoints nine (09) members to the authority for a term of five (05) years, which can be renewed once. The authority operates under an internal regulation that covers membership, tasks, violations, & penalties, as well as the financial management of its activities.

H. A license is required from the Ministry of Communication for audiovisual production & filming activities.

I. The state promotes professional development, encourages creativity, & supports the audiovisual sector.

J. Law No. 11-03, issued on 17/02/2011, governs the activities of film production, distribution, and exploitation.

K. Digital platform operators for audiovisual services must enter into a contract with the public broadcasting authority & are responsible for the content they distribute.

L. A legal copy of any audiovisual work broadcast to the public must be deposited with a qualified public authority.

M. Public entities maintain & promote the audiovisual heritage, ensuring its archiving & restoration.

N. Violations of audiovisual regulations are subject to administrative & criminal penalties, including fines & license revocation, without the imposition of prison sentences.

This law represents a significant advancement in the freedom of the press, fostering a more open and regulated environment for media practice, free from arbitrary restrictions,

and under the watchful supervision of the Independent National Authority for Audiovisual Regulation.

Results of the Study

The study focused on analyzing the regulatory framework surrounding audiovisual activities in Algeria, particularly under Law No. 23/20, & its impact on media freedom & the sustainability of media institutions. The key findings are as follows:

1. **Regulatory Authorities and Their Role**

The study confirmed the pivotal role of the **Independent National Authority for Audiovisual Regulation** in overseeing the implementation of the law. The Authority is tasked with ensuring compliance with audiovisual laws & regulations, monitoring media content, & managing the allocation of licenses for audiovisual services. Its independence is a significant step towards creating a fair and transparent media environment.

The **Supreme Media Council** was mentioned as an important body for strengthening the media landscape in Algeria. Although not directly regulated under Law No. 23/20, its creation would contribute to the long-term sustainability & objectivity of media regulation in the country. This would allow for better coordination with the audiovisual regulatory body, ensuring alignment between media content & national interests.

1. **Digital Platforms for Audiovisual Services**

The study also highlighted the growing role of **digital platforms** in the distribution of audiovisual content. With the rise of internet-based services, the law has provided a framework to regulate these platforms, ensuring that they adhere to the same content standards and broadcasting regulations as traditional media outlets. This regulation is vital for controlling the spread of misinformation and ensuring the protection of national values and interests in the digital space.

2. **Financial Penalties and Their Impact**

One of the most concerning outcomes highlighted in the study was the **financial penalties** imposed for non-compliance with the audiovisual law. The study noted that the **high fines** (ranging from 1,000,000 DZD to 10,000,000 DZD) could be excessively burdensome for many media organizations, especially small & independent outlets. The penalties are often higher than the capital of these media institutions, which could lead to their **closure** or **bankruptcy**. This, in turn, poses a threat to media pluralism and may result in fewer outlets being able to operate, thus reducing the diversity of viewpoints available to the public.

3. **Violations & Sanctions**

The study also explored the types of **violations** that could trigger sanctions. These included failure to adhere to content regulations, non-compliance with broadcasting quotas for local audiovisual production, improper use of radio frequencies, & breaches of advertising guidelines. While these regulations are necessary to maintain order & fairness in the media landscape, the financial penalties for these violations may have unintended consequences, particularly for smaller media entities that are not financially robust enough to absorb such high fines.

Conclusion

In conclusion, the study highlights that Law No. 23/20 marks a notable advancement in regulating audiovisual activities and safeguarding media freedom in Algeria. Establishing a clearer legal framework, the law aims to promote transparency, accountability, and professionalism within the media sector. However, the study also identifies critical challenges, particularly regarding the financial penalties imposed for violations. These penalties, while intended to enforce compliance, risk disproportionately affecting smaller media institutions, potentially threatening their financial sustainability and, by extension, media diversity.

The creation of the Supreme Media Council is a positive step toward ensuring independent oversight and fostering a balanced media environment. Nevertheless, the study underscores the need for a more nuanced approach to fines and penalties. Excessive financial burdens could inadvertently stifle press freedom, discourage innovation, and limit the ability of smaller outlets to operate effectively. To address these concerns, the study recommends revisiting the penalty structure to ensure it is proportionate and does not undermine the viability of media institutions.

Furthermore, the study emphasizes the importance of aligning regulatory measures with international standards on press freedom. This includes fostering an environment where media organizations can operate without fear of undue financial or political pressure. By adopting a more balanced approach to regulation, Algeria can strengthen its commitment to media freedom, promote diversity, and ensure that the media remains a vibrant and independent pillar of democracy.

Ultimately, while Law No. 23/20 represents progress, its success will depend on how it is implemented and whether it can strike a balance between regulation and the protection of press freedom. The study calls for ongoing dialogue among stakeholders, including policymakers, media professionals, and civil society, to refine the legal framework and ensure it supports a sustainable and pluralistic media landscape in Algeria.

Recommendations of the study

1. **Strengthening Legal Protections**: Ensure that the legal frameworks, such as Organic Law No. 23/14, Law No. 23/19, and Law No. 23/20, are fully aligned

with international standards on press freedom, including those set by the United Nations and other global human rights bodies.

2. **Enhancing Implementation**: Address gaps between legal provisions and their practical implementation by providing training and resources to government institutions, media organizations, and journalists to ensure compliance with the new laws.
3. **Promoting Transparency**: Establish independent oversight mechanisms to monitor the enforcement of press freedom laws and ensure accountability for any violations or abuses of power.
4. **Protecting Journalists**: Introduce measures to safeguard journalists from harassment, intimidation, or legal actions that could stifle their work, such as decriminalizing defamation and ensuring fair trials.
5. **Encouraging Media Pluralism**: Support the development of diverse and independent media outlets to foster a vibrant and inclusive media landscape that reflects a wide range of perspectives.
6. **Public Awareness Campaigns**: Educate the public about the importance of press freedom and their rights to access information, fostering a culture of transparency and accountability.
7. **International Collaboration**: Engage with international organizations and civil society groups to share best practices and receive technical assistance in strengthening press freedom.
8. **Reviewing Restrictive Provisions**: Identify and amend any provisions in the legal framework that may inadvertently restrict press freedom, such as vague or overly broad definitions of offenses related to media content.
9. **Supporting Investigative Journalism**: Provide funding, legal protection, and institutional support for investigative journalism to uncover corruption and hold power to account.
10. **Regular Assessments**: Conduct periodic reviews of the legal and constitutional framework to ensure it remains responsive to emerging challenges and continues to uphold press freedom.
11. **Establishing an Independent Media Regulatory Body**: Create an autonomous regulatory authority to oversee media practices, ensure fair competition, and protect journalists from undue interference.
12. **Encouraging Self-Regulation**: Promote the adoption of ethical codes of conduct and self-regulation mechanisms within media organizations to maintain professional standards and public trust.
13. **Ensuring Access to Information**: Strengthen laws and mechanisms that guarantee public access to government information, enabling journalists to perform their role as watchdogs effectively.
14. **Capacity Building for Journalists**: Provide training programs for journalists on legal rights, digital security, and investigative reporting techniques to enhance their ability to operate in a challenging environment.
15. **Protecting Whistleblowers**: Introduce legal protections for whistleblowers who provide information to journalists, ensuring they are shielded from retaliation.

16. **Promoting Gender Equality in Media**: Encourage policies that support the participation of women in journalism and media leadership roles, addressing gender-based discrimination and harassment.
17. **Combatting Disinformation**: Develop initiatives to counter fake news and disinformation while ensuring that such efforts do not infringe on legitimate press freedom.
18. **Strengthening Digital Media**: Support the growth of digital and online media platforms by providing technical and financial assistance, ensuring they operate within a fair and transparent legal framework.
19. **Engaging Civil Society**: Foster collaboration between media organizations, civil society groups, and academia to advocate for press freedom and monitor its implementation.
20. **Addressing Economic Challenges**: Provide financial support or incentives to independent media outlets struggling with economic pressures, ensuring their sustainability and independence.
21. **Encouraging Regional and Local Media**: Promote the development of regional and local media outlets to ensure diverse voices and perspectives are represented across the country.
22. **Monitoring International Commitments**: Regularly assess Algeria's compliance with international treaties and conventions related to press freedom, such as the International Covenant on Civil and Political Rights (ICCPR).
23. **Facilitating Dialogue**: Organize forums and dialogues between government officials, journalists, & civil society to address challenges & build mutual understanding.
24. **Reviewing Emergency Laws**: Ensure that any emergency or security-related laws do not disproportionately restrict press freedom or undermine democratic principles.
25. **Promoting Media Literacy**: Launch public campaigns to improve media literacy, helping citizens critically evaluate information & understand the importance of a free press.

These recommendations would aim to address the obstacles identified in the study and ensure that Algeria's legal and constitutional reforms effectively promote and protect press freedom in line with democratic principles and international standards.

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