The cinematographic industry in Algeria after the 2020 constitutional revision :Artistic freedom,Cultural sovereignty and Industrial regulation under law n°24-07

صناعة السينما في الجزائر بعد التعديل الدستوري لعام 2020:

الحرية الفنية والسيادة الثقافية والتنظيم الصناعي في ظل القانون رقم 24-07

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Abstract:

Algeria's cinematographic sector is increasingly conceived as an organised industry rather than a purely cultural activity. The 2020 constitutional revision reinforces freedom of expression, artistic creation and intellectual property, while Law No. 24-07 of 29 April 2024 reorganises production, distribution, exhibition and promotion around this constitutional foundation.This article asks whether the new framework reconciles artistic freedom with administrative supervision and cultural sovereignty.

Keywords: cinematographic industry; freedom of creation ; cultural sovereignty; copyright and audiovisual regulation.

ملخص:

يُنظر إلى قطاع السينما في الجزائر بشكل متزايد باعتباره صناعة منظمة وليس مجرد نشاط ثقافي بحت. إذ يعزز التعديل الدستوري لعام 2020 حرية التعبير والإبداع الفني وحقوق الملكية الفكرية، بينما يعيد القانون رقم 24-07 المؤرخ في 29 أبريل 2024 تنظيم عمليات الإنتاج والتوزيع والعرض والترويج استناداً إلى هذا الأساس الدستوري. ويبحث هذا المقال فيما إذا كان الإطار الجديد يوفق بين الحرية الفنية من جهة، والرقابة الإدارية والسيادة الثقافية من جهة أخرى.

كلمات مفتاحية: صناعة السينما؛ حرية الإبداع؛ السيادة الثقافية؛ حقوق المؤلف؛ التنظيم السمعي البصري.

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INTRODUCTION

Cinema is an unusual object for legal analysis. It is at once an artistic language, an economic activity, a vehicle of collective memory and a medium of public communication capable of reaching very large audiences. A legal system that regulates cinema therefore does more than organise a market: it determines, directly or indirectly, the conditions under which stories may be produced, financed, exhibited and preserved. This is particularly significant in Algeria, where cinema has historically been connected with the construction of national identity and with the representation of the liberation struggle.

The Algerian legal framework gradually evolved away from the highly centralised model that characterised the first decades following independence, during which film production and exhibition were largely integrated into a strong state-led cultural policy. The economic liberalisation initiated in the 1990s did not, however, result in the establishment of a stable and self-sustaining cinematographic market. The challenge was not merely the reduction of direct state control, but also the absence of a sufficiently developed alternative institutional and economic structure capable of supporting the sector. Law No. 11-03 of 17 February 2011 on cinematographic activities sought to modernise the legal framework governing the sector. Nevertheless, its implementation remained closely dependent on administrative mechanisms and on a still-fragile industrial ecosystem. As a result, film production continued to depend substantially on public support and occasional co-production arrangements rather than on a sufficiently developed market capable of ensuring the sector's long-term economic sustainability.The interest of the subject lies precisely in the conjunction of two recent developments. On one hand, the 2020 constitutional revision offers a new normative point of departure: it is not a cinematographic constitution in the narrow sense, but it strengthens the legal environment in which cinema operates by recognising freedom of expression, artistic and intellectual creation, cultural rights and the protection of intellectual property[1]. On the other hand, Law No. 24-07 of 29

April 2024 on the cinematographic industry gives this constitutional evolution a sectoral expression, defining the industry broadly and addressing production, cinematographic services, distribution, exhibition and promotion[2]. This double movement — constitutional and sectoral — has not yet been examined together in a systematic manner, even though Algerian researchers have separately studied the historical crisis of production[3] and the legal treatment of co-production[4]. The present study proposes to read these strands together, and to situate them against a comparative background, in particular the French cinematographic law described by Kamina, whose treatise remains the most complete pluridisciplinary account of a mature cinematographic legal order combining public law, private law, international law, fundamental freedoms and competition law[5].

This conjunction raises an important legal question. Industrial development cannot be achieved by administrative control alone, while artistic freedom cannot be protected effectively if the economic and institutional conditions for producing and distributing films remain weak. The central issue is therefore not whether the State should regulate cinema, but how it should regulate it without turning regulation into an excessive barrier to creation and investment.

The research question may consequently be formulated as follows: to what extent does the post-2020 Algerian legal framework, and particularly Law No. 24-07, establish a genuine

cinematographic industry while maintaining a constitutionally acceptable balance between freedom of artistic creation, cultural sovereignty, public order and economic regulation?

The study adopts a legal, institutional and comparative methodology. It combines doctrinal analysis of the 2020 constitutional revision and of the principal legislative and regulatory instruments published in the Journal officiel with a structural reading of Law No. 24-07 and its 2025-2026 implementing decrees. It also draws on Algerian academic literature indexed on the ASJP platform, on international scholarship on Maghrebi cinema, and on Pascal Kamina's Droit du cinéma as a comparative reference for a more mature cinematographic legal order. The approach is deliberately functional: rather than reproducing the legislation article by article, it asks what the rules mean for creators, producers, investors, exhibitors and the public.

The argument is developed in two main parts. The first examines the constitutional and normative foundations of cinematic creation in Algeria and the manner in which freedom of expression is reconciled with public order, cultural sovereignty and the protection of intellectual property. The second analyses the industrial architecture established by Law No. 24-07 and its implementing framework, with particular attention to professional access, financing, international co-production and the structural

difficulties that Algerian research has identified in the production process itself.

1. The Constitutional and normative fondations of cinematic creation.

1.1 *From administrative tutelage to constitutional protection of creation*

The history of Algerian cinema helps explain why regulation remains politically and legally sensitive. In the years following independence, the State considered film production an important instrument of cultural construction, and public bodies occupied a central position in production and circulation. The liberalisation of the 1990s changed the economic environment without immediately providing the sector with the infrastructure and financing mechanisms necessary for a sustainable market. Algerian empirical research retracing the trajectory of Algerian cinema "since the liberation revolution to the post-independence period" and through the golden years of the 1970s and 1980s shows that the quality of production during that period depended heavily on state funding or co-production, and that the scenario-writing stage in particular has remained one of the principal obstacles to production ever since . A separate ASJP study of the legal mechanisms governing cinematic activity concludes, more critically, that the 2011 legislative reform "did not contribute to the success and protection of the sector" and in practice tended to

constrain the exercise of cinematographic activity and to reinforce administrative control over production.

The 2020 constitutional revision changes the legal perspective because cinematic creation must now be understood within a broader architecture of fundamental rights. Freedom of expression and freedom of artistic and intellectual creation are not abstract principles detached from cultural production: they have concrete consequences for the making of a film, the choice of subject, the expression of an artistic position and the circulation of a completed work.

Constitutional protection is not, however, absolute. Artistic freedom operates within a legal order that also protects public order, national sovereignty, the rights of others and the fundamental components of national identity . The legal challenge is therefore one of balance: a restriction may be legitimate when it has a clear legal basis and pursues a recognised public interest, but it becomes problematic when administrative discretion substitutes for a sufficiently precise legal rule, or when the restriction is broader than necessary. Kamina's account of the French classification and exhibition-visa regime is instructive here by contrast: even in a jurisdiction with a long-established cinematographic administration, prior control of a film's exploitation visa remains subject to a specialised commission, published criteria and judicial review before the administrative courts , which suggests that a police-type regime for cinema is not

in itself incompatible with a liberal understanding of artistic freedom, provided that its criteria are precise and that its decisions remain reviewable.

1.2 Cultural sovereignty, collective memory and the limits of a single authorised narrative

Cinema has a characteristic that distinguishes it from many other cultural industries: once produced, it becomes part of the visual memory of a society. Algerian films dealing with the liberation struggle, social transformation, migration or everyday life do not merely entertain their audiences; they preserve images and narratives that may later become valuable historical and cultural sources. This cultural function has legal consequences. Preservation, archiving and access to audiovisual works should not be treated as secondary matters, and a coherent cinematographic policy must think about the life of a film after its first screening.

Yet cultural heritage should not become a legal justification for imposing a single authorised narrative. Historical cinema necessarily involves interpretation, and a documentary, a historical drama and a fictional reconstruction may approach the same event from different perspectives. The State has a legitimate interest in protecting national memory and historical heritage, but that interest is compatible with plural artistic expression. The distinction is especially relevant when public funding is involved: if financing becomes dependent on conformity with an implicit

ideological model, the economic instrument becomes a form of indirect censorship, whereas objective and published criteria can transform public support into a genuine instrument for cultural diversity and industrial development — a concern directly addressed, at least in principle, by the 2025 decree establishing the composition and functioning of the cinematographic support committee.

1.3 Copyright as the legal infrastructure of a cinematographic industry

The industrialisation of cinema cannot succeed without secure rights. A film is the result of several creative and technical contributions, and its commercial exploitation may continue for many years through different forms of distribution. Algerian copyright law expressly protects cinematographic and other audiovisual works: Ordinance No. 03-05 of 19 July 2003 recognises protection for original artistic works and includes cinematographic and audiovisual works among the protected categories[6]. Producers need to know who owns the exploitation rights, directors, screenwriters, composers and performers need protection for their respective contributions, distributors need contractual certainty, and digital platforms need lawful rights of communication and exploitation.

Comparative doctrine helps clarify what is at stake. Kamina describes the cinematographic work under French law as the paradigmatic "collaborative work" (œuvre de collaboration),

whose exploitation on successive markets — theatrical release, then television, video and video-on-demand — requires a chain of contracts capable of tracing rights back to each contributor[7]. The development of digital circulation makes this issue more urgent for Algeria as well: a film can now move from a cinema screen to television, a video-on-demand service or an online platform in a very short time, and Law No. 23-20 of 2 December 2023 on audiovisual activity forms part of the wider legal environment within which such circulation must now be read together with copyright law[8]. The industrial logic of Law No. 24-07 should not, therefore, be separated from the intellectual-property framework: they are complementary components of the same value chain.

2. The industrial architecture established by law n°24-07 and its implementing texts.

2.1 The legal meaning of the shift from "cinematography" to "cinematographic industry"

The most important conceptual contribution of Law No. 24-07 is contained in its very title. The legislator chose the expression "cinematographic industry", moving beyond a purely cultural description of cinema. According to press coverage of the text once published in the Journal officiel, the law comprises 88 articles and organises production, filming, distribution and exploitation activities, which under Article 4 may be freely exercised subject to conditions including respect for the Constitution and the laws of the Republic, national constants and

values, Islam and the other religions, national sovereignty and unity, the principles of the Revolution of 1 November 1954, and the dignity of persons[9]. Article 1 states that the law governs production, distribution, exploitation and promotion of cinematographic films and the organisation of related activities, and Article 2 defines the industry as a set of integrated and interdependent production and service operations contributing to the making of films[10].

This wording is significant because it places cinema within an economic chain. A film requires financing, scripts, technical services, equipment, studios, post-production, distribution, exhibition and promotion; if one of these components is missing, the weakness affects the entire sector. The industrial approach therefore encourages the State to think in terms of an ecosystem rather than isolated subsidies to individual productions.

The new approach also creates room for private investment. The interaction between Law No. 24-07 and Law No. 22-18 on investment[11] is important in this respect: cinematographic infrastructure — studios, production facilities, exhibition complexes and technical services — may be viewed not merely as cultural facilities but as investment projects. This does not remove the cultural character of cinema; it recognises that cultural production requires capital, technology and professional organisation. The real test, however, is implementation: a legal text can proclaim an industry without creating one, and the

transition will only become concrete if procedures are predictable, licensing is reasonably rapid, support mechanisms are accessible and investors can anticipate the legal conditions under which projects will operate.

2.2 Professional access and the risk of administrative overreach

One of the delicate aspects of the new framework concerns access to cinematographic activities. Executive Decree No. 26-108 of 1 March 2026 gives operational form to the principle that professional activities are subject to specified administrative conditions, fixing the procedures for authorisations and declarations of exercise relating to the cinematographic industry[12]. Such a system can be justified: cinematographic production involves public spaces, technical installations, foreign personnel, intellectual property, taxation and sometimes substantial public support, so the State needs a regulatory mechanism.

The legal difficulty lies in the way that mechanism is used. An authorisation regime should facilitate orderly professional activity rather than become a discretionary filter through which projects are evaluated according to vague criteria. The distinction between regulation and censorship is not always visible in practice, which is why legal certainty matters: the grounds for refusal should be identifiable, the competent authority should be clearly determined, deadlines should be known, and decisions should be open to challenge. The same reasoning applies to filming permits and

exploitation visas. Prior control can pursue legitimate objectives such as the protection of minors, public safety or compliance with statutory requirements, but it should not become a substitute for substantive judicial review: where a film is refused, restricted or delayed, the administration should be able to explain the legal basis of the decision and the necessity of the measure.

2.3 Financing the industry: from occasional subsidy to a diversified funding architecture

A cinematographic industry cannot depend indefinitely on occasional public grants. The post-2024 framework attempts to address this problem by combining public support with investment and more structured financing mechanisms. Executive Decree No. 25-313 of 10 December 2025 organises the management of the special allocation account for the development of cinematographic industry and techniques (known by its Arabic acronym FDATIC), while Executive Decree No. 25-314 of the same date fixes the criteria and conditions for public support and establishes the composition and functioning of the support committee[13]. These implementing texts, published together in the same issue of the Journal officiel, were themselves presented in the Algerian press as a decisive step toward re-establishing Algerian cinema on clear legal and institutional foundations, combining production aid with the modernisation of exhibition and distribution and the digital equipment of cinema halls.

The Finance Law for 2025 complements this architecture on the

revenue side. It introduces a levy on advertising turnover, a share of which is allocated to the national fund for the development of the cinematographic industry and techniques, together with fees on the various permits and visas connected with cinematographic activity, from filming permits to the exploitation visa for a cinematographic film[14]. This mechanism is important because it connects sectoral financing to the economic activity generated by cinema and related communication industries themselves, rather than to the general budget alone.

The support system should be understood as an economic policy tool rather than a permanent substitute for the market. Its legitimacy is strongest when it supports projects that contribute to cultural diversity, professional development, infrastructure, technological upgrading or access to audiences while maintaining transparent criteria and accountability. The relationship with investment law is equally important: Law No. 22-18 provides the general investment framework, while Law No. 24-07 identifies the specific characteristics of the cinematographic sector, and together these instruments can encourage private investment in studios, post-production facilities and exhibition networks, provided that cultural objectives and economic incentives reinforce each other rather than operate in separate administrative compartments.

2.4 International co-production and the opening of the Algerian market

International co-production can help Algeria overcome some of

the structural constraints of a relatively small domestic film market. Algerian legal scholarship has examined the co-production mechanisms available under national legislation and concluded that the successive reforms since 2011, while numerous, have not by themselves resolved the underlying weaknesses of the production sector, and that co-production in particular remains constrained by the same administrative logic that governs purely domestic production[15]. This finding resonates with Patricia Caillé's analysis of what she calls "cinemas of the Maghreb": her study of the transnational and polycentric dimensions of regional cinema shows that Maghrebi productions, including Algerian ones, are constructed, promoted and valorised through a set of interactions between people, institutions and funding bodies operating across national borders, so that the legal treatment of co-production cannot be assessed in a purely domestic frame[16]. Kamina's account of French co-production treaties, built around agreed nationality criteria, minimum participation thresholds and mixed film commissions, offers a further comparative benchmark for the kind of contractual and institutional predictability that Algerian co-production practice would need in order to attract foreign partners on a stable legal footing[17].

The legal framework should therefore be read as an invitation to build contractual and institutional bridges. Co-production requires clear rules concerning financing, ownership of rights, revenue

sharing, nationality of the work, participation of local professionals and the use of technical resources. The more predictable these rules are, the easier it becomes for foreign partners to assess risk and for Algerian producers to negotiate from a secure legal position. International openness nevertheless has to be reconciled with cultural sovereignty: the appropriate response is not isolation, but balanced openness, in which international capital and expertise strengthen the domestic professional ecosystem rather than merely using Algeria as a filming location without lasting benefits for local talent and infrastructure.

CONCLUSION

This study shows that the Algerian cinematographic legal framework has undergone a significant transformation since the 2020 constitutional revision and the adoption of Law No. 24-07. Cinema is increasingly approached not merely as a cultural activity subject to administrative supervision, but as an integrated industry encompassing production, services, distribution, exhibition and promotion, within a constitutional framework that provides stronger protection for artistic and intellectual freedom. Law No. 24-07 has also introduced a more structured industrial architecture than that established under the previous 2011 legislation, notably through dedicated financing mechanisms, a specialised support committee, tax measures and a more detailed

regulatory framework for professional activities.

Nevertheless, the study also demonstrates that legislative reform alone cannot resolve the structural difficulties affecting Algerian cinema. Academic research available through ASJP has consistently identified problems such as the weakness of script development, dependence on public or co-production financing and the concentration of administrative control over access to professional activities. These difficulties predate the 2024 reform and therefore require policies extending beyond the adoption of new legal terminology and institutional mechanisms. The effectiveness of the new framework will ultimately depend on the way in which its provisions are implemented and interpreted in practice.

The comparative analysis further indicates that legal certainty is essential to the development of a sustainable cinematographic industry. Clear rules governing filming authorisations, exploitation visas, co-production and copyright ownership can provide producers, authors and foreign partners with the predictability necessary for investment and long-term cooperation. In this respect, the Algerian framework would benefit from greater transparency in the allocation of public support, effective possibilities for judicial review of administrative decisions, and clearer rules governing co-production and the successive exploitation of cinematographic works, particularly on television and digital platforms.

Particular attention should also be given to the creative stages of production, especially script development, which Algerian research repeatedly identifies as a structural weakness. The establishment of dedicated support and training mechanisms for authors and screenwriters could therefore complement existing production-oriented measures. Similarly, closer coordination between copyright legislation, audiovisual regulation and the emerging digital exploitation of films would contribute to establishing a more coherent chain of rights.

Ultimately, the post-2020 legal framework provides an important normative foundation for the development of an Algerian cinematographic industry. Its effectiveness, however, will depend less on the multiplication of legislative and regulatory instruments than on their transparent and proportionate implementation. Strengthening judicial oversight, ensuring predictable administrative procedures, improving support mechanisms and investing sustainably in creative capacities are therefore essential to transforming the recent legal reform into a genuinely functional and competitive cinematographic ecosystem.

Marginalization

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[10]Ibid., see n. 2 above.

[11]People's Democratic Republic of Algeria, Law No. 22-18 of 24 July 2022 on investment, JORADP No. 50, 28 July 2022.

[12]People's Democratic Republic of Algeria, Executive Decree No. 26-108 of 1 March 2026 fixing the conditions and procedures for authorisations and declarations of exercise of activities relating to the cinematographic industry, JORADP.

[13]People's Democratic Republic of Algeria, Executive Decree No. 25-313 of 10 December 2025 concerning the management of the special allocation account for the development of cinematographic industry and techniques (FDATIC), JORADP No. 84, 18 December 2025; El Massa, " صدور النصوص التطبيقية المتعلقة بدعم الصناعة السينمائية", 20 December 2025, https://www.el-massa.com. See also Executive Decree No. 25-314 of the same date, JORADP No. 84, 18 December 2025.

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