



The legal framework for the press reporter in the Algerian legislation

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Abstract

Media legislation comes to set the framework regulating freedom of the press. Since independence, the press reporter had suffered from the presence of a clear legal text, that regulates his professional duties and recognizes his legitimate rights. The current constitution (2020) granted a greater theoretical margin of freedom of opinion and expression, through Article 54, and the recognition of the licensing system for establishing newspapers and publications, and explicitly mentioned press assistants in the same article as a form of the written, audio-visual and electronic press.

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Keyword:

- ✓ Press reporter
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- ✓ Media legislation

1-Study problem:

The various legal texts regulating the press sector in Algeria , were clearly affected by the political situation of the country,they had varied in defining journalist and the press reporter, also the subsequent arrangement of the rights recognized for them in international conventions, then the clarification of the duties entrusted to them.

These articles formed a legal framework that guarantees the press reporter those rights, and draws limits to his professional practice, however the reality of the actual practice of this category of journalism practitioners was accompanied by emergency circumstances , and others resulting from the legislative vacuum.

Passing through the political openness, that recognized the media pluralism in the written newspapers, which was soon faced by the difficult security situation that the country had experienced

Up to political reforms, which witnessed an openness to the field of audiovisual and electronic journalism, and keeping pace with modern media and communication technologies.

According to the above, the main question of this study can be asked as follows : How did the various media legislations in our country affect the press reporter?

A number of sub-questions branch out from this main question:

2- Study questions:

- What are the stages of enacting media legislation in our country?
- What is the concept of a press reporter through the various media

legislations that Algeria has passed through?

- What are the restrictions imposed on the journalistic profession according to the Algerian media laws?

3- Reasons for choosing this topic :

There are subjective and objective reasons that led to choosing the subject of this intervention.

3/1 Subjective reasons:

1. The scarcity of studies and research that deals with the press reporter in various media outlets, despite the tasks assigned to them, especially in covering local activities.
2. The change taking place in information and communication technologies, which imposes the greetings of speed, accuracy, and citizen information, and its contribution in addition to the intellectual property for the transfer of images and videos
4. Attempting to clarify the criteria for distinguishing between the professional journalist, and the correspondent journalist, whether it is related to the educational, cultural or professional level.
5. Clarifying the rights and duties of the journalist.

3/ 2 Objective reasons:

- Knowing the extent of the legislative system's interest in legal protection for the Algerian journalist
- Clarifying the contractual relations between media institutions and the journalist
- Trying to know the most important work obstacles that the journalist encounters in performing his duties

4- Objectives of the study: It can be summarized as follows:

- The basic rights of the Algerian press reporter in the Algerian legislation.
- The nature of the duties imposed on the journalist reporter.
- The penalties imposed when violations occur while performing the journalist's duties.
- The reporter and journalistic professional ethics.

5- Define terms:

5-1 Definition of a press reporter:

One of the researchers¹ defined the press reporter by saying: "He is able to face the specified time, who is able to write, he must be able to gather news and information and generate ideas for topics." He added to his definition, saying: "Reporters are people who know how to dig to get information. Whatever its source, no matter how hidden or obscure it is".

As for Philippe Gaillard², he says: "The reporter is the ear and the eye to the rest of the world that revolves around him."

5-2 Definition of Media Legislation:

Regulating freedom of the media is of great importance, so a legislative framework must be put in place, to regulate this freedom through legal texts, It is called media legislation. Which can be defined³ as a set of legal rules governing the media operation, its means

and all its activities, from the press and periodical publications, radio and television, and news agencies, as these rules show the controls of media activity, by clarifying the rights and duties of media professionals and the responsibility resulting from the violation of these controls.

Which can be defined as a set , of legal rules governing the media operation, its means and all its activities, from the press and periodical publications, radio and television, and news agencies.

We also mean by it , the legal framework for the press, which derives from a set of constitutional rules⁴, that impose obligations on the authority in the face of the press, and also sets guarantees for their proper implementation, as well as a set of organizing legal rules ,that the legislator can violate, cancel, change or replace with another law, it also includes the legal framework organizing the work of the press , according to social needs and economic capabilities.

Those media legislations, establish a set of legal rules that set up general controls, specific to the behavior of individuals and institutions, regarding the relations that may be established between them in the media field. Those controls may seek to limit or restrict the freedoms of individuals within the limits of preserving the freedoms of others.

6-The methodology used in the study:

In this study, the historical analytical method was used, through reviewing and comprehensively surveying the national legal texts and international conventions

¹ رضوان بوجمعة : الصحفي و المراسل الصحفي في الجزائر ،

تاكسيج كوم للدراسات و النشر و التوزيع ، الجزائر ، 2008

² Philipe Gaillard : *Techniques du journalisme* , PUF, 1992 .01 -

³ وجيه توفيق جبر ، التشريعات الصحفية وجرائم النشر جامعة

دمشق ، 1985

⁴ د ليلى عبد المجيد ، تشريعات الإعلام وأخلاقياته ، 2008

recognized by Algeria, which organize media work, with a focus on the profession of professional journalist and correspondent journalist, passing through the time periods that constituted the political stages that Algeria has experienced from independence to the present day.

7- The press reporter in the Algerian media legislation:

It can be easily recognized that most of the international conventions have added a basic law specific to the journalist's profession, that distinguishes it from the general labor law⁵, on the grounds that journalistic work is an activity based on publishing news, and information to contribute directly or indirectly, in the industry and formation of public opinion, as it is an intellectual activity that has an effective role, in bringing about various changes in the social structure as a whole.

Therefore, it is natural that in order that the press performs its various roles, a law for the journalistic profession, and a law for the journalist in particular, must be developed and prepared, which defines and frames his journalistic practice in light of the objectives of specific social strategies⁶.

⁵ عبد الستار جواد : فن كتابة الأخبار عرض شامل للقوالب الصحفية و أساليب التحرير الحديثة ، دار مجدلاوي للنشر و التوزيع ، الأردن ، ط 2 ، 2001.

⁶ أ ثابت مصطفى ، "الصحفي والمراسل الصحفي في الجزائر دراسة تحليلية للتشريعات الإعلامية" ، مجلة دراسات وأبحاث، مجلد 12 العدد، 1 السنة 2020، جامعة قاصدي مرباح، ورقلة .

The status of the journalist reporter in Algeria according to the country's legislation is as follows:

7-1 The Professional Journalist in The Order 68-525:

It was clear that there was a legislative vacuum in the young Algerian state after independence, not to mention the suspension of the 1963 Constitution, difficult circumstances that hastened the codification by presidential orders from the country's rulers. Therefore the political system in Algeria at that time had considered, that the press represented a means to spread the revolution ideas, then journalists must have ideas directed to the party and the state.

The identity of the professional journalist was first known and clarified by Order 68-525 of September 9, 1968, issued on September 9, 1968, called the "Basic Law of Professional Journalists", which came to organize and legalize the professional life of a professional journalist, who exercised his job only in the state and party sectors.

Where Article 02 of this order states: "Anyone employed in a daily or periodical press release affiliated with the party or the government, or in a national agency or authority for written, spoken or photographed news, is considered a professional journalist, who is always dedicated to researching, selecting, coordinating and presenting news, and who takes this activity as his sole and regular paid profession, Photographic reporters, film reporters, and graphic

reporters are also considered professional journalists, and similar to professional journalists, direct and permanent editorial assistants such as proofreaders, translators, stenographers, broadcast editors, and coordinators of press documents. And he is considered a professional journalist, the reporter who carries out his activity whether in the national territory or abroad, if he fulfills the conditions stipulated in the previous paragraph".

This means that all those who deal with the press in an intermittent, circumstantial or temporary capacity are not considered as professional journalists.

The professional journalists are given a special card by a special committee, and the journalist is not employed unless he obtains this card.

The Article 4 of the same order, linked the journalistic practice to hold the national professional card, which must be given by a committee⁷.

Consequently, journalists and media men became subordinate to the public office of state agents, as stated in Article 5 of the same order, which considered the journalist a real responsible and creative man, who writes about everything that happens in the country, and he must become a fighter for the state, defends, And writes and publishes, the existing regime policy only.

Notes regarding Order 525-68:

1. The state's monopoly over the media sector.

2. Absence of ethical principles of the journalistic profession, other than some references in Article 5, related to the journalist profession, such as refraining from presenting and spreading fake news.
3. Difficulty of obtaining the Journalist professional card, Article 9, which was signed by two sovereign ministers, Article 34.
4. Work under penalty of dismissal, Article 30.
5. There is no democratic press representation of the card-granting body.
6. Restricting work to a partisan and governmental framework, Article 2.
7. Work as a struggling journalist Article 5.

In view of the aforementioned, The Order 68-525 was deficient in several aspects and focused on duty and penalties. Its role in the Algerian media space at that period was very limited, because the authority through the one-party apparatus (FLN), as well as the Ministry of Information, were in control⁸ in the inputs and outputs of the media institutions as they wished, but even interfered in the appointment of senior officials and directors of various media agencies.

⁸ محمد قيراط، "حرية الصحافة في ظل التعددية السياسية في الجزائر" 2003، مجلة جامعة دمشق المجلد 19 العدد 3 و4 سوريا.

⁷ Article 31 from the Order 68-525.

7-2 Definition of a journalist under the Media Law of 1982

During the first legislative period (1977-1982), the National People's Assembly (Unilaterally formed from the FLN), a media law 82-01 was promulgated on February 6th, 1982, when the press began to suffer from many pressures, in light of the partisan unilateralism.

This law had included 128 articles, distributed over an introduction consisting of 49 articles, that contained general principles, and five chapters concerned with distribution and publishing, practicing the journalistic profession, distributing periodicals and circulating for sale, private deposits, responsibility and the right of reply, and penal provisions.

However, this law did not specify a basic law for journalists, but it came to regulate the journalistic profession in general, as Article 33 of it, defined the identity of a professional journalist as every employee in a daily newspaper or periodical affiliated with the party or the state, or in a national organization for written, spoken or photographed news, devoted to researching, collecting, selecting, coordinating, exploiting and presenting news, so he took this activity as his only and regular profession, for which he received a fee. As Article 34 of the same law, considered the reporter a professional journalist, practicing his activity whether inside the national territory or Outside it, if it fulfills the conditions stipulated in Article 33.

We noticed:

1. The FLN monopoly of the media ⁹

2. Assigning the administrative press tasks only to the militants of the FLN ¹⁰.
3. A professional journalist was every employee of a periodical newspaper affiliated with the party or the state only¹¹
4. Considering a professional journalist as a reporter who carried out his activities, whether inside or outside the national territory, by fulfilling the conditions specified in Article 33.
5. The journalist must obtain a professional journalist card¹², which is issued by the Minister of Information, in accordance with the provisions of Article 38.
6. Arranging the rights¹³ and obligations¹⁴ of the journalist under this law.
7. This law (82-01) also distinguished between two types of journalists, the first being professional national journalists, who enjoy the fighting spirit derived from the ideology of the one-party system, and the second type being special envoys and correspondents of foreign newspapers.
8. The Algerian legislator did not specify the conditions for practicing the journalist's

¹⁰ Article 6 of Law 82-01 of February 6, 1982

¹¹ Article 33 of Law 82-01 of February 6, 1982

¹² Article 36 of Law 82-01 of February 6, 1982

¹³ Article 39 -40-52-515 of Law 82-01 of February 6, 1982

¹⁴ Article 39 -40-52-515 of Law 82-01 of February 6, 1982

⁹ Article 1 of Law 82-01 issued on February 6, 1982.

profession in this law , except for the political and ideological orientation of the journalist or correspondent.

About articles that were directly related to the ethics and of journalism profession, they were very few, and can be limited to five articles:

1. Article 35, clearly considered that journalist must be committed to the principles of the FLN and defend socialism.¹⁵
2. Article 42, which obliged the journalist to be careful not to publish false news, and to use the privileges associated with the profession of journalism to serve the personal interest.
3. The journalist has the right to access news sources within the framework of the powers granted to him by law, which was what Article 45 stated, and these powers we see as vague, as they are subject to the discretion and whims of the authorities.
4. The journalist has the right to maintain professional secrecy, which was that Article 48 of the law stipulated.
5. However, Article 49 diminished Article 48, by specifying areas in which journalists were not entitled to keep professional secrets, (Military secrets, Economic secrets,

when the media affects state security, or affects children or adolescents, or when it relates to the secrets of judicial investigation).

7-3 Definition of a journalist under the Media Law of 1990

After the profound constitutional amendment in February 1989, and the move towards profound political and legal reforms (the transition from the program constitution to the law constitution), as it allowed three main freedoms, represented in political freedoms, media freedoms, and trade union freedoms. So to regulate media freedoms, Media Law 90-07 had been issued on April 3rd, 1990.

It had contained 106 articles, distributed over nine chapters. As for the professional journalist in this law, the Algerian legislator in Chapter Three, in Article 28, defined only one item , by saying: “A professional journalist is every person who devotes himself to researching, collecting and selecting news, exploiting it, and presenting it during his journalistic activity, which he takes as his regular profession and as a major source of his income”.

This represents a clear omission of the press reporter role , as the previous definition linked journalistic work to the intellectual effort, that a person performs in a public or private periodical. Thus, he did not differentiate between the competencies of the worker in the press institution, whether he was a worker in the editorial department, a delegate, or a correspondent, or even the photographer or the worker in the press production.

¹⁵ Where The French politician Henry Guernut (1876-1943) presented a draft law for journalists, which was approved and issued on March 29, 1935, where journalism was recognized as an intellectual profession.

Accordingly, the Algerian legislator did not explicitly specify, the identity of the reporter, and left a large legal vacuum that created many problems, with regard to framing the reporter's profession and regulating it, within the journalistic practice, especially after the emergence of the private press, that was supported by the state in its beginnings. Through the establishment of a fund¹⁶ to support the written press, according to which it had allowed journalists working in public media institutions, to experience a period of 3 years, in private journalism, as well as the establishment of the Press House¹⁷ in Algiers, Oran and Constantine.

It is worth noting that the private press has perceptions that differ, from the media orientation that prevailed before the Media Law 1990, as most of those newspapers had tended to pay attention to the local media, through a large network of correspondents, distributed over the national territory to cover local news, and put it in front of the reader's eyes. In addition, a large percentage of those correspondents were freelance correspondents, from among the correspondents dealing with the public

and private press, and this category had not known its legal identity in terms of professionalism, or even social and material rights, in all media legislation in Algeria.

They were loopholes that the Algerian legislator overlooked, whether it was related to the permanent correspondent or the freelance correspondent, and the absence of a legal rule that regulated his journalistic practice, guaranteed him his rights and defined his duties, made him suffer from problems at the level of his professional practice, as well as the press institutions ignoring his role, and his professionalism, and considering him as a mere amateur collaborator.

As for the regularity of the profession (As a condition to enjoy the status of professionalism), the Algerian law in Article 29 sufficed to prevent the journalist of institutions and agencies, affiliated with the public sector from occupying another position, with titles and other media agencies, without affecting the private sector journalist. As for the task of handing over a professional journalist card, its validity period, and how to deliver it had been allocated to the Supreme Media Council, as stated in Article 30.

As for the ethics and morals of the media profession, the professional journalist must respect the constitutional rights and individual freedoms of citizens, as stated in Article 40, while taking care to provide complete and objective information, then the need to correct any news that turns out to be incorrect, also he must show integrity, objectivity, and honesty in his

¹⁶ This decree was issued based on the Constitution(1989), particularly Articles 81-116, and provided for the opening of a bank account numbered 302.059 in the letters of the Chief Treasurer, and the Minister of Social Affairs in the government of Mouloud Hamrouche was assigned as the spending officer. The government allocated 100 million DZD as subsidies to upgrade the print and visual press, in addition to covering wages and all social and tax costs, including the shares of workers, employers and journalists. And those who are similar to them and who are performing their jobs on April 15, 1990 in the written, audio and visual press apparatuses affiliated with the public sector, as well as ensuring professional promotion for the most important and privileges. These benefits extend until December 31st, 1992.

¹⁷ Executive Decree 90-243 of August 4, 1990

statements, commenting on reality and avoiding plagiarism, assumption, slander, slander, direct or indirect mention of ethnicity, and not exploiting the reputation associated with the profession, for personal or material purposes.

Algerian journalists contributed to the technical committee that drafted the first media bill in February 1989, so they did not deny the positive points of the 1990 media law, but they believe that this new text did not embody freedom of expression and media in its true form, they cited this in relation to the right to access news sources, which they considered an unguaranteed right.

It is worth noting that the very difficult security conditions that Algeria went through during the last decade of the last century, and the subsequent administrative and penal restrictions imposed by the authority (In power at that time), clearly affected journalistic practice, and included both journalists and press correspondents.

In fact, the exceptional circumstances brought about the declaration of the states of siege¹⁸ and emergency¹⁹, and from

there public freedoms were subjected to a series of restrictions and their scopes were reduced²⁰, and the profession of journalist and press correspondent and freedom of the written press in general were directly affected, in order to open the way for the administrative authority to impose more control over the written press, as many periodicals were suspended and seized.²¹

In addition to the issuance of the Anti-Terrorism²² Law 92-03, of which Articles 1 and 5, were considered obstacles to journalistic work, and even became fraught with danger, because any writing or publication of news, that the authorities considered to be praise for terrorist acts, or that they saw as a kind of incitement, was punishable by law.

Among the penal restrictions on the practice of journalistic work during that

intervention is expanding and increasing in an unusual way, in normal circumstances, through imposing forms of censorship on publications, which represent a dangerous weapon in times of crisis, as well as preventing the issuance of publications, as Article 7 of the decree states: "Military authorities granted police powers, under the conditions specified by the government, may do the following: Conduct or assign someone to conduct a night or day inspection of public or private premises, as well as inside homes. Prevent the issuance of publications...that they believe are capable of causing or continuing chaos and insecurity."

¹⁹ A state of emergency was declared by Decree 92/44 dated 02/09/1992 Official Journal No. 10.

²⁰ Article 6 of the Presidential Decree dated August 11, 1992, which came to complete the provisions of Article 3 of Presidential Decree 92/44 declaring a state of emergency, stipulated that: The provisions of Article 03 of Presidential Decree No. 92/44 are completed as follows: "...Measures may be taken to suspend the activity of any company, agency, institution or body or to close it, regardless of its nature or specialization, when these activities endanger public order, public security, the normal functioning of institutions or the country's supreme interests."

²¹ Brahim Brahimi Le Pouvoir la presse et les droits de l'homme en Algérie, P 130

²² Legislative Decree 93-03 of September 30, 1993

¹⁸ Based on the 1989 Constitution in its articles 67, 74 and 86, as well as on the deliberations of a body called the Supreme Security Council, which was established after the period of vacuum in the presidency, when President Benjedid resigned on January 11th, 1992, and declared a state of siege starting from June 5th, 1991 for a period of 4 months throughout the national territory. According to Article 2 of Presidential Decree 91/196, which declared the state of siege, the objective of establishing this state is to maintain the stability of state institutions and restore public order, as well as the normal operation of public services by all legal and regulatory means. In order to achieve this, this decree has delegated to the military authority, according to the provisions of Article 3 thereof, the powers vested in the civil authority in the field of public order and the police. According to this case, the scope of public freedoms and freedom of the written press in particular is narrowing, because the scope of military authority's

period, in particular were those mentioned by the legislator in Chapter Seven of Law 90-04, which had included crimes of incitement to commit felonies, and misdemeanors against state security, not to mention the crime of insulting national defense, and the crime of publishing news. minors, the crime of insulting heads of state and the crime of insulting members of diplomatic corps. In addition to what was stated by the legislator in the Algerian Penal Code, through the crime of defamation directed at individuals, defamation directed at the President of the Republic and official bodies, as well as crimes of insult and cursing , all of those were restrictions that clearly had affected the journalist and reporter's performance , of his duties in normal circumstances.

7-4 Executive Decree 08/140, detailing the specific system for work relations related to Journalist:

This executive decree came to define the specific system for work relations related to journalists, it included 24 articles divided into 6 chapters, namely: General provisions, rights and duties, conditions for practicing the profession of journalist, work relations, suspension and termination of the work relationship.

This decree regulates the following:

a- Professional relations related to journalists, who work permanently and contract with private public press agencies, or those established by political parties, which in this sense were newspapers, radio stations, television and the Algerian News Agency.

b- Professional relations related to press correspondents.

c- Professional relations related to press assistants, who were subject to the list specified in the collective agreement.

Article 4 defined the press assistant as every assistant who occupies a position represented in carrying out work, that was inseparable from the journalistic activities , that are directly related to editing. It also defined the independent journalist, which is a new concept, as every journalist who acts as an independent worker , ruining for his own account and provides his services for the benefit of the press agencies, according to agreements.

Also Article 5 of this decree stipulated nine rights for the journalists, which are:

1. A permanent journalist has the right to obtain a professional card.
2. There is no objection regarding the journalist's political affiliation.
3. The journalist has the right to be himself and develop his skills.
4. The right to refuse to sign articles in the event that they are subject to fundamental amendments.
5. For permanent journalists, they have the right to promotion
6. Protection from all forms of violence or pressures exerted on him.
7. He has the right to literary, artistic and scientific ownership of the articles he has contributed to.
8. The risks associated with the profession are taken into account, for example, the state of war, tensions and major risks.
9. The right to refuse all instructions coming to the journalist from outside the apparatus in which he works.

While Article 6 stipulated the journalist's obligations as follows:

- a) Commitment not to publish any news, that would harm the press equipment used or its credibility.
- b) Commitment to obtain approval from the device used, before any duty to cooperate in any way with any other press agency.

While Article 7 specified the conditions for practicing the profession, that the journalist should have a higher education certificate, directly or indirectly related to the profession, and the second paragraph of this article was set as an exception to this rule, so every person who had proved that he had qualifications commensurate with journalistic activities, can join the profession of journalist, and the journalist had not been sentenced by a final judgment, because of a misdemeanor or felony.

While the professions of the press branch, Article 8 referred them to collective negotiation, as these professions are classified by the collective agreement, which is considered a reference code in this case.

With regard to professional relations, Article 9 defined the legal form for journalist joining the press device, which is the written contract. Where every journalist or press assistant is employed, through a written work contract, regardless of the work relationship between the two parties, this contract can be concluded for a specified or indefinite period, whether in full time or part time, (The nature of the work - Occupational

classification - Work place - Methods of payment of wages - Due rewards and compensations.)

Article 12 of the same regulation confirmed the principle on which labor legislation in Algeria is based, in the form of written contracts of indefinite duration.

That text had identified only two cases for concluding a fixed-term contract, namely:

The first case: The journalistic tasks that the journalist or press assistant performed, on a part-time or full-time, on the basis of a contractual period, whose duration is determined by mutual agreement.

The second case: It included journalistic work carried out by the journalist on the basis of a contractual period, specified in advance, or temporary work of a continuous or non-continuous nature.

As for Article 13, of the Executive Decree, it referred to the possibility of reviewing the indefinite-term contract, with a subsequent agreement concluded between the two parties, specifying some cases in which revision is necessary.

- a) with the aim of granting the journalist a set of privileges, other than those mentioned in the contract, or collective agreement.
- b) It is related to the journalistic work done at home.
- c) Related to the journalist's use of his own means in accomplishing the work.
- d) It is aimed at obtaining a license for the journalist upon contracting with another press agency.

As reactions regarding the issuance of this decree, Pr. Mohamed LAGAB ²³believes that this text is complete, because it cares about the professional conditions and protects against the arbitrariness of the publisher. As for Mr. Nadhir BOULAGROUNE ²⁴, he believes that it would protect the rights of the journalist, in terms of work relations and social status, who works hard every day to defend the rights and dignity of people and workers, while finding no one to defend his rights and dignity.

Ali YOUNCI ²⁵ said that the decree aims to promote journalist through encouraging measures, such as the right to obtain a professional card, respect for intellectual property, the right to training, promotion and social protection. While the National Union of Algerian Journalists expressed its satisfaction with its issuance, and considered it a valuable gain for journalists, It gave legal identity for the Algerian journalist. The International Federation saw in that text a qualitative development in clarifying work relations, between the journalist and the media institutions, describing in a statement its issuance as a major turning point.

Through a careful reading of this decree, and despite the serious points it brought about, we find that it was not actually implemented, but rather encountered several difficulties in its implementation.²⁶

²³ Professor at the Faculty of Political Science and Information, University of Algiers, Minister of Communication 2023-2024.

²⁴ Publishing Director of "Sawt Al-Ahrar" Daily

²⁵ Journalist at Al-Massa daily newspaper.

²⁶ On October 9th, 2008, the Minister of Communication, Abderrachid Boukerzaza, told Al-Hiwar newspaper that his ministry was working to secure the necessary conditions for providing professional cards to all journalists before the end of the current year. This did not happen until more than 5 years later.

7-5 Journalist under organic Law related to media 05-12, (Issued on January 12, 2012):

This organic law came in light of promises made by the political authority to change a package of previous laws, in a speech to the former president in April 2011, according to hot national, regional and international circumstances and events. The legislator was interested in issuing this text in the form of an organic law that is subject to constitutional control. To establish the basis for a long period of time, and this text received heated discussions inside the dome of Parliament, and after voting on it, the dawn of what was called the 'Presidential Alliance', that had existed between the parties in power at the time(FLN , RND , MSP).

Perhaps the most important thing that was discussed in the content of this law, is the authority's intention to open the audiovisual sector, in front of natural and legal persons and political parties, also creating a system of authority to manage the media sector.

Concerning the journalist's profession, Article 74 defines this by saying that every permanent correspondent has a contractual relationship with a media organization, according to procedures specified in Article 80, by saying: "Every work relationship between the employing agency, and the journalist, is subject to a written work contract, that defines the rights and duties of both parties in accordance with the legislation."

However to prove the status of a professional journalist is only possible with holding a national card ²⁷for the journalist, which is issued by a national committee that determines its formation

²⁷ Article 76 of Organic Law 12-05 relating to information

and organization through the organization²⁸.

In the second chapter of this law, moral and ethical obligations related to the practice of the profession were specified in Article 92, including respect for the state's emblems and symbols, reporting events with integrity and objectivity, and correcting mistakes.

The same article prevented journalists from: (Exposing people to danger - harming national history - glorifying colonialism - praising racism, intolerance and violence - moral theft, slander and defamation - using professional favors for personal purposes - publishing or broadcasting pictures of the first statements that offend public morals , or provoke the feelings of citizens).

Article 93 also forbids violating the sanctity, honor and dignity of people's private life, and Article 94 provides for the establishment of a State-supported Journalistic Ethics Council, provided that its members are elected from among journalists (which has not happened so far), hence any violation of the rules of Journalist ethics, shall be subject to penalties determined by the same body (As arranged by Article 97).

7-6 Journalist Reporter in current legislation:

The current Algerian Constitution (issued in 2020) includes freedom of opinion and expression as explicitly stated in Articles 51 and 52, and includes an explicit expression for press correspondents, as stated in Article 54, paragraph 1, stating that freedom of the written, audio-visual and electronic press is guaranteed, and

includes in particular freedom of expression and creativity of journalists and press collaborators, which is a description that befits saying that the profession of press correspondent is implicitly constitutionalized.

According to the political change that occurred in 2019, a major popular movement was launched, which changed many of the previous matters and things in governance and management, and even reached the point of trying senior officials for corruption, bribery and squandering of public money, and the development of the discourse of the media, whether through the programs presented or the intellectual and political theses that were popular at the time. There were violations in the media discourse, from spreading hatred, malice and discrimination, which prompted the legislator to intervene by issuing Law 20-05, dated April 28, 2020, related to the prevention and combating of discrimination and hate speech. This law was issued based on international charters and agreements binding on Algeria, and in accordance with previous media laws²⁹, it included 7 chapters.

Its goal is to prevent and combat discrimination and hate speech, the first article set out an explicit definition of hate speech, discriminatory speech and forms of expression, which constitute a clear framework for the journalist to perform his duties with caution, because forms of expression in the same category include saying, writing, drawing, gesturing or photographing...

For this reason, the National Observatory was established under the President of the Republic, according to Article 9 thereof. The law included penal provisions for any transgression, arranged by the legislator from Articles 30 to Article 42, which

²⁸ Executive Decree No. 151-14 of April 30, 2014 was issued, defining the composition of the committee responsible for issuing the national card to the professional journalist and organizing its operation.

²⁹ Organic Law on Media 12-05 issued in January 2012

punish with imprisonment from 6 months to 10 years, and with fines ranging from 60 thousand dinars to one million thousand dinars, anyone who publicly incites the commission of crimes stipulated, or praises propaganda for that purpose.

With the development of electronic journalism in our country, it was necessary to issue a legal text defining the methods of practicing media activity via the Internet, which happened in the same year with the issuance of an executive decree, dated November 22nd, 2020.

This executive decree was issued to regulate the electronic press), It defined media activity via the Internet and set conditions for its practice from Article 4 to Article 21, stipulating that the director responsible for the Internet media apparatus must have a university degree, also at least 3 years of professional experience in the field of media, he must also appoint at least one professional journalist as a permanent employee³⁰.

While the right of reply and the right of correction are regulated in Chapter 3 from Articles 36 and 40.

Article 40 thereof specifies the method of publishing the reply or correction in audio-visual services via the Internet according to technical conditions

In the appendix to this executive decree we find a form for a prior authorization to practice media activity via the Internet, which includes information about the director responsible for publishing for the Internet media device, information about the Internet media device, about the institution that owns the device, about the host of the website.

Journalist Reporter under the Organic Law on Media 23-14:

This organic law defined journalist in the first chapter, Journalistic activity³¹ meant every search for news, its collection, selection, processing and presentation for the benefit of a media outlet. A journalist is every person who practices journalistic activity within the meaning of this law, and his membership is proven by virtue of a journalist's card.

While a professional journalist³² is defined as anyone who takes this activity as his regular profession and a main source of income, and proves that he has either a higher education degree directly related to journalism, and professional experience of no less than 3 years in journalism, or a higher education degree in any specialization, with training in journalism at an accredited institution (Here the issues of accepting certificates issued by private schools arise), plus a professional experience of no less than 5 years in journalism.

The journalist Reporter is also considered a professional journalist according to the same law. Article 19 of the same law stipulates that every permanent correspondent who meets the conditions stipulated above, and is bound by an employment contract with a media outlet, according to a written employment contract³³ that specifies the rights and duties of both parties, then his status as a professional journalist is proven. While practicing journalistic work is incompatible with any other work.

By looking to Article 19 of the same law, it referred the various categories of journalists, press assistants and professions related to journalistic activity to the basic law on journalists (Which has

³⁰ Executive Decree dated November 22, 2020

³¹ Article 15 of Organic Law 23-14 issued in August 2023

³² Article 17 of the same organic law.

³³ Article 24 of the Organic Media Law 23-14 issued in August 2023

not yet been issued until the writing of this article in January 2025).

While the press card entitles its holder to benefit from special measures, although the second chapter guaranteed protection for journalist³⁴.

By reviewing the penalties stipulated by the legislator, they are free of custodial penalties, which is a constitutional guarantee stated in the current constitution (2020) in Article 54 explicitly stating: "A press misdemeanour cannot be subject to a custodial penalty." While misdemeanours committed in the context of practicing the media were limited to financial fines, ranging from one to two million Algerian dinars.

While the law 23/19 (Relating to the written and electronic press) obliged the director of the publication of the electronic newspaper to hold a university certificate, and has no less than 8 years of experience in the field of media, proven by affiliation with the Social Security Fund, and he must hold only Algerian nationality.

Executive Decree 24-250, specifying the provisions of the general specifications, imposed on audio-visual communication services:

The Chapter 8, entitled "Employees", obliges the legally licensed audio-visual communication service to give priority in employment to Algerian human resources³⁵. As well as to employ journalists holding the national card of professional journalists, whose number must be equal to at least half of the total editorial employees³⁶. A process is carried out under the supervision of the Audio-

visual Regulatory Authority (At the time of writing this article, it has not yet been formed).

After employment, Journalists are guaranteed training courses, to renew their knowledge and improve their levels, and they also have social rights such as insurance with the National Social Insurance Fund³⁷.

The legislator has regulated journalistic practice by requiring journalists to adhere to the ethics and morals of the media profession; where he has also imposed deterrent penalties in case of violating the Code of Ethics.

This code must be prepared by the Council of Ethics of the Profession, through Presidential Decree ³⁸, which determines the composition, organization and operation of it (Up until the time of writing these lines, it has not yet been formed)

8 Results of the study:

The most important consequences of this study are the following

1. The dominance of the political system in imposing a clear direction in formulating media laws and legislation.
2. A clear failure to define the profession of journalist and journalist correspondent in these texts
3. The absence of journalist representatives in drafting these legislations.
4. Assigning political and militant tasks to the press reporter, especially between 1962 to 1990.

³⁴ From Article 23 to Article 33. The same law .

³⁵ Article 42 of Executive Decree 24-250, specifying the provisions of the general specifications imposed on audio-visual communication services, issued on July 23, 2024.

³⁶ See Article 43 of the same decree.

³⁷ Article 44 of the same decree

³⁸ 24-298 issued on September 24th, 2024

5. The ambiguity of granting journalists the professional journalist's card, and thus concerns related to his contractual relationship with the media institution, and the consequent social, psychological and material effects that mortgage his professional future, and make him vulnerable to exploitation by those institutions.
6. The restrictions practiced by depriving this group of their right to obtain news and access to its sources.
7. Delay in issuing the basic law for journalists, which includes rights and duties.
8. Delay in establishing bodies entrusted with regulating and regulating freedom of the press,

according to what was stated in Article 54, paragraph one, the legal system framing the media in our country is obligated to grant this group a greater margin that regulates this freedom, and to guarantee them social protection , and material rights that enable this category of the exercise of the tasks entrusted to them naturally, away from psychological pressures and administrative obstacles

CONCLUSION

To develop the media system in Algeria is mainly linked to the real involvement of journalists themselves, in the formulation of laws and legislations, which help to advance the media profession and regulate the contractual relations, within the current regional and international stakes and challenges, not to mention the accelerating technological revolution taking place in the field of information and communication

When the current constitution granted an important position to the freedom of the journalist and the press correspondent, whom it described as (press assistants),

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