



Regulatory Controls of Media Freedom within the Framework of Judicial Investigation

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Abstract ;

Media activity is founded on the principle of publicity; therefore it may conflict with other domains that require confidentiality, foremost among them the judicial investigation, which is characterized by secrecy as affirmed by Article 19 of the Algerian Code of Criminal Procedure in its first paragraph, and likewise confirmed by Article 3 of Algerian Media Law No. 23-14, which is embodied through the obligation to keep investigation secrets and not to publish them without permission. Breaching these controls inevitably leads to the commission of unlawful acts, legally described as crimes of prohibited publication, because of the resulting impairment to the course of justice, the judiciary, and the positions of litigants.

Article info

Received
December 08.2025
Accepted
February 09.2026

Keyword:

- ✓ *Media Freedom*
- ✓ *investigation*
- ✓ *confidentiality,*

1. Introduction

Media holds great importance in our contemporary societies given its significant influence on public opinion within them, by shaping and forming a sound opinion on a particular issue, since the function of media revolves around transmitting or publishing news and conveying information to individuals. Therefore, it plays an important role in influencing a broad segment of society regarding the field of crime, considering that crime is one of the news items that media outlets handle.

However, the differing philosophies of the media professional, the police officer, and the judge in viewing crime reports and the manner of their media treatment may lead to conflict between them and affect the course of investigations and the administration of justice itself (Ben Daoud, 2012), and thus the problem of our research stems from the depth of each party's mission. While the media builds its profession on publicity, promotion, criticism, exposing corruption, and the like (Abd El-Rahman, 2015), the judiciary undertakes the task of inquiry, investigation, and probing to reach the correct application of the law and achieve justice, which sometimes requires adherence to secrecy and confidentiality and avoidance of the publicity that constitutes the basic principle upon which media rests.

It should be noted that the problem of our research does not lie in examining whether the media has the right to publish news of judicial investigations or not, for we cannot deny the essence of the media profession, which is publication; rather, our problem

centers on how and to what limits these news items may be published without transgressions that may harm the private interests of individuals as well as the public interest of society.

Between media freedom and judicial secrecy exists the public's right to know and to obtain correct information; how can these three issues be reconciled? And how can the media overcome this difficult challenge of performing its assigned role successfully without any breaches that affect and harm the public interest of society?

We will address these problems in our research, following the inductive and analytical methods, by examining the texts of the Constitution, the Media and Penal Codes, as well as the Code of Criminal Procedure and other special laws relevant to the subject of the study and analyzing them scientifically as follows:

2. Media Freedom and Its Relationship with Judicial Investigation

There is a close relationship between media and the judiciary; they are two complementary fields within the rule of law and democracy given each one's mission in establishing the foundations of justice, freedom, and equality, each according to its mechanisms and tools. Some have considered the media to be the eye of the judiciary within society, because public confidence in the judiciary is strengthened by transparency and publicity, fortified by the dissemination and spread of information, and negatively affected by secrecy and caution. Therefore, media outlets must address objectively and responsibly what occurs in courtrooms (Bayrakdar, 2017), in accordance with the principle of publicity to ensure transparency and integrity, except for what the law may prohibit for reasons related to the public interest, as is the case with investigation secrecy. Does this prohibition

constitute an infringement on media freedom?

This leads us to examine the concept of media freedom and judicial investigation in the first requirement, and the content of the relationship between them in the second requirement.

2.1 The Concept of Media Freedom and Judicial Investigation

In this requirement we address the concept of media freedom (first), and the concept of judicial investigation (second).

2.1.1 The Concept of Media Freedom

Media freedom means the right to obtain information from any legitimate source, and the right to publish news and ideas without restrictions (Bayrakdar, 2017), including press freedom which denotes the absence of governmental supervision or any form of censorship (Barqan, 2017, p. 49). Media freedom is guaranteed by the Algerian Constitution of 2020 in its Article 54, and it is also guaranteed by Algerian Media Law No. 23-14 in its Article 3, which provides that “media activity is exercised freely within the framework of the provisions of the Constitution and this organic law and the legislation and regulations in force, in respect of...”. This is affirmed by Article 2 of Law No. 23-20 relating to audiovisual activity (LawNo.23-20, 2023), which states: “Audiovisual activity is exercised freely while respecting the principles set forth in the provisions of the Constitution and the provisions of the organic law relating to the media and the provisions of this law as well as the legislation and regulations in force.”

In embodiment of this media freedom, Article 32 of Media Law No. 23-14 provides the following: “Public bodies and institutions shall guarantee the journalist the right of access to information, within the framework of respect for the Constitution and the provisions of this organic law and the legislation in force,”

and Article 33 of the same law recognized the journalist’s right to access the source of information except in cases excluded under the same article, thereby guaranteeing the citizen’s right to obtain information, documents, and statistics and to transmit them, as guaranteed by Article 55 of the Constitution.

2.1.2 The Concept of Judicial Investigation

The judicial investigation comprises two forms: a preliminary investigation and a final one. The preliminary investigation is defined as “the set of procedures undertaken by the investigating authority in the manner prescribed by law, in order to scrutinize the evidence and uncover the truth before the trial phase which represents the final investigation” (Al-Mahdi & Shafie, 2007, p. b), and the latter is conducted by the trial judges in the competent court to which the criminal case has been brought. The preliminary investigation is characterized by a number of features: secrecy of the investigation with respect to the public, publicity with respect to the parties, recording and flexibility. What concerns us among these characteristics is the feature of secrecy, since it clashes with media activity based on the principle of publicity. What, then, is the concept of investigation secrecy?

Investigation secrecy means non-publicity, that is, conducting it in an atmosphere of secrecy and confidentiality with respect to the public, meaning excluding any person who is not concerned with the matter of the investigation from attending or inspecting its papers (Ouhaybiya, 2005, p. 313), whereas for the parties the rule is the publicity of the investigation, i.e., conducting it in their presence (Ab Amer, 2008, p. 518), which is known as the feature of presence, unless the law decides otherwise. The Algerian legislature affirmed the secrecy of the investigation in Article 19 of the Code of Criminal Procedure, where its first

paragraph provides that “the procedures of inquiry and investigation are secret unless the law provides otherwise, without prejudice to the rights of defense.”

The importance of the secrecy of investigation procedures and the results they produce lies in ensuring that the investigation proceeds along its natural course and in preventing undue interference with individuals’ interests (Al-Mahdi & Shafie, 2007, p. 2). Besides protecting the accused from the defamation that may befall him as a result of publishing an investigation that may end with a decision of no grounds for prosecution, and thus his acquittal (Ab Amer, 2008, p. 518), the non-publicity of investigation procedures aimed at searching and probing for evidence helps the investigator provide a better environment to reveal and reach the truth without being thwarted by anyone who has an interest in hiding or distorting evidence, influencing witnesses, or erasing some features of the crime. On the other hand, secrecy contributes to preserving public opinion and public morals from the harmful influence of publishing crime details or the spread of criminal expertise (Al-Mahdi & Shafie, 2007, p. 2).

Confirming this importance, the criminal legislature considered breach of investigation secrecy a punishable crime, namely the crime of disclosure of professional secrecy according to what is stipulated in the second paragraph of Article 19 of the Algerian Code of Criminal Procedure, which states that “any person who participates in these procedures is obliged to maintain professional secrecy under the conditions set out in the Penal Code and under the penalties provided therein.”

From the foregoing, we find ourselves before indispensable principles represented by media freedom and investigation secrecy, with the citizen’s right to obtain correct information mediating between them; how can balance

and reconciliation be achieved among them?

2.2 Media Coverage of Investigation Procedures and Their Results

Media freedom means the freedom to perform the media function of conveying and broadcasting news and information credibly through various media outlets, and it is therefore linked to freedom of expression: when the scope of the latter expands, so does the scope of media freedom (Moharram, 2017, p. 155). However, to what extent is media freedom of expression permissible in the context of a judicial investigation?

Scholars and researchers have examined this problem by investigating the legitimacy of the written press — as one of the media forms — publishing crime reports. They have divided into three positions, which we will address here in relation to our main issue concerning investigation secrecy.

The first position holds that publishing crime reports is an improper act that leads to the spread of crime, harms certain persons or entities, or obstructs and disrupts procedures taken by the judicial authority against crimes and criminals. **The second position** argues that publishing crime reports in the press is justified because such publication alone awakens the people, public opinion, and governing bodies, prompting inquiry into the causes of the malaise and efforts to eradicate it. **The third position** maintains that the press cannot entirely refrain from publishing crime reports because they are part of its subject matter, but it must publish them concisely and without sensationalism (Ben Daoud, 2012).

We personally adopt the third position regarding investigation procedures and their outcomes, affirming that the problem does not lie in whether the media has the right to publish news of judicial investigations, but rather in the limits and restrictions on such publication.

This issue would not arise were it not for the excesses committed by some media outlets of various kinds, which have undermined the essence and core of the judicial profession.

With the emergence of new media such as satellite television and the Internet, and in response to claims of technological inevitability, control over the dissemination of content has been lost; prohibited messages and both banned and unbanned films began to be leaked by various means (Al-Mousa, 2005, p. 3). This has recently led media activity to deviate from its objective and purposeful role: journalists no longer distinguish between publishing information about any case as a mere news item and publishing with the intent to inflame public opinion and pressure the judiciary to issue a particular ruling (Bayrakdar, 2017).

The capacity of such unlawful media practices to affect judges' performance of their constitutionally guaranteed independent duties cannot be denied. The irresponsible excesses of the media in circulating news of judicial investigations often exaggerate and dramatize the story to make it more readable, engaging, and sensational, which contributes to inciting public opinion and even diverting it in a direction that does not serve justice (Abd El-Rahman, 2015), by forming preconceived notions about the rulings that might be issued in the published cases.

Such erroneous and negative media framing leads to doubts about the integrity and work of the judiciary, and this influence may even extend to witnesses in the case, who become confused by the exaggerations and falsehoods published in the media. This confusion undermines their focus on what they should have testified to, as it becomes entangled with information that has also taken root in public opinion, thereby affecting the fair trial of the accused (Ayesh, 2008/2009, p. 103). On

the other hand, media circulation of these reports may impede the arrest of criminals or facilitate their escape and evasion of punishment (Ben Daoud, 2012), which prevents the achievement of justice.

In this regard, we can cite the **"Blue Whale"** game case, which provoked widespread media commotion in Algerian society in recent times. The game, on the Internet and targeting adolescents, is inspired by the phenomenon of beached whales associated with suicide; it consists of a series of challenges over fifty days, culminating in a final challenge that asks the player to end their life. Algeria recorded the deaths of several children across different provinces, and public opinion directly linked these deaths to the game because Algerian media circulated reports on the matter without verifying their accuracy. The Former Minister of Justice and Keeper of the Seals **"Mr. Tayeb Louh"** confirmed this in a statement, saying that "initial investigation results established a case related to the game that was publicized, and other cases are still under investigation, and so far no link to this game has been proven; the judiciary is performing its duty in combating all cybercrimes, and I ordered the National Authority for the Prevention and Combat of Crimes Related to Information and Communication Technology to coordinate with the competent public prosecutors to investigate this matter, which is ongoing with precision." In this regard he urged the media not to promote such matters beyond what they deserve (Al-Ayyam, 2017).

Erroneous media treatment of such cases may negatively affect and confuse the work of the judiciary, especially since Algerian society had not yet recovered from the tragedy of child abductions and killings that spread since 2008 when the "Blue Whale" issue emerged in the media. Poor choices by media outlets in how to present these matters contribute to

misleading both the judiciary and public opinion, making it more difficult to reach the truth and to identify the principal perpetrator, because the media reverses concepts and offers analyses by non-specialists.

It is feasible that some children's deaths were caused by third parties; however, as a result of incorrect media coverage that steers public opinion toward a particular interpretation — for example, suicide due to an online game — judges may be influenced in issuing their rulings, and the integrity of the judiciary may be called into question. Judicial decisions lose credibility if they contradict the direction in which the media has charged public opinion; this is a form of moral terrorism practiced by media outlets against judges, by pressuring and influencing them to render judgments in a certain way (Abd El-Rahman, 2015). For these reasons, it became necessary to limit media freedom to prevent such irresponsible excesses and the resulting harm to both private and public interests of society. Below we address the regulatory controls on media freedom.

3. Limits of Media Freedom in the Field of Judicial Investigation and Sanctions for Its Breach

Discussing controls on media activity, especially in the field of judicial investigation, does not mean that the authorities of media and the judiciary operate along two parallel, non-intersecting lines. On the contrary, there is a shared space between them that no fair observer can deny, embodied in their complementary role: cooperating to disseminate the truth, spread legal culture, and expose societal abuses in order to achieve justice. This means there is no contradiction between media freedom and the controls on that freedom, which require preserving media freedom without exceeding its legitimate limits (Bayrakdar, 2017).

3.1 Limits of Media Freedom in the Field of Judicial Investigation

In this requirement we address the limits of media freedom regarding investigations under the Constitution and the Code of Criminal Procedure on the one hand, and the limits of this freedom under the Media Law on the other.

3.1.1 Restricting Publication of Investigation Procedures and Their Results under the Constitution and the Code of Criminal Procedure

The Algerian constitutional legislature intervened in 2020 to delineate the limits of media freedom in the context of inquiry, search, and investigation through Articles 54 and 55. Article 54 provides: "Freedom of the press, written, audiovisual and electronic, is guaranteed.

Press freedom in particular includes: freedom of expression and creativity of journalists and press collaborators; the journalist's right of access to sources of information within the framework of respect for the law; the right to protect the journalist's independence and professional secrecy; the right to establish newspapers and publications upon declaration; the right to establish television and radio channels and websites and electronic newspapers under conditions determined by law; the right to publish news, ideas, images and opinions within the framework of the law and in respect of the nation's constants and its religious, moral and cultural values; press freedom cannot be used to infringe on the dignity, freedoms and rights of others..."

Article 55 states: "Every citizen enjoys the right to access information, documents and statistics, to obtain them and circulate them.

This right cannot infringe on the private life of others, their rights, the legitimate interests of institutions, or the requirements of national security.

The law determines the modalities for exercising this right" (Constitution, 2020).

The principle of secrecy of judicial investigation is one of the important principles that media freedom must respect. As an embodiment of purposeful and positive media engagement with the judiciary, and away from directing public opinion to serve unlawful ends that prevent the achievement of justice, the Algerian Code of Criminal Procedure, in protecting the secrecy of investigation, adopted Article 19, whose first paragraph provides: “The procedures of inquiry, search and investigation are secret unless the law provides otherwise, without prejudice to the rights of defense.”

Its third paragraph provides that: “However, in order to avoid the spread of incomplete or incorrect information, or to put an end to breaches of public order, the public prosecutor’s representative or the judicial police officer, after obtaining written authorization from the Public Prosecutor, may inform public opinion of objective elements derived from the procedures, provided that these do not include any assessment of the charges relied upon against the persons involved.”

It should be noted that the Algerian legislature empowered the public prosecutor’s representative, under the new Code of Criminal Procedure No. 25-14, in serious crimes to publish photographs and/or other identifying elements of persons being sought or who are the subject of a preliminary investigation or criminal prosecution, if this is necessary to preserve public security and order or to prevent the recurrence of the crime, or if it is required for the identification of victims in cases where the acts were committed in more than one place, or in the digital space (Law 25-14, 2025), without prejudice to the provisions of the final paragraph of Article 26 of the same law. That paragraph also enables judicial police officers, based on authorization from the territorially competent Public Prosecutor, to request any media outlet, platform, or medium to

publish notices, descriptions, or photographs concerning any persons being sought or prosecuted.

Paragraph five provides that “in all cases the presumption of innocence and the sanctity of private life shall be observed.”

From the foregoing it follows that the dissemination of incomplete or incorrect information about inquiry and investigation procedures is likely to disturb public order and infringe the sanctity of private life, a risk into which media outlets may fall by deviating from their mission and exceeding the constitutional and legal limits set for them. Therefore, they ought to adhere to their specialized professional boundaries governed by certain codes of conduct and ethics, as indicated by media laws and their charters in any country, which generally fall under four values: truthfulness, commitment to justice, solidary freedom expressed through a sense of responsibility toward others, and respect for human dignity (Al-Mousa, 2005, p. 6).

3.1.2 Restricting Publication of Investigation Procedures and Their Results under the Algerian Media Law

Article 3 of Media Law No. 23-14 provides that “media activity is exercised freely within the framework of the provisions of the Constitution and this organic law and the legislation and regulations in force, and subject to respect for: ... — the secrecy of preliminary and judicial investigation, ...”, a provision echoed by Article 2 of Law No. 23-20 relating to audiovisual activity. Article 33 of the Media Law states that “the journalist has the right to access the source of information, except when the news concerns: ... — the secrecy of preliminary and judicial investigation ...”.

The restriction of media activity and its enclosure within constitutional and legal controls is an unavoidable necessity to preserve the public interest of society. Because justice is the primary victim of the blatant encroachment of media activity on the prerogatives of the judiciary and

interference in the core of its work — which has led to public doubt about its integrity, its ability to guarantee a fair trial, and its respect for the presumption of innocence — it was necessary to adopt the principle of restricting the permissibility of publishing investigation procedures and their results, except within the limits prescribed by law and in accordance with the rules of professional ethics and conduct.

These ethics consist of a set of principles and standards that an individual applies voluntarily when making decisions about their actions; these principles determine the correctness of human action. Among them is the journalistic code of honor, defined as “rules of professional conduct and the ethics of the journalism profession concerned with regulating the moral aspect of practicing journalism. These charters serve as internal guidelines for the professional’s decisions in various situations and dilemmas encountered during professional work, and aim to protect one or more of the following groups: readers, journalists, the protection of newspaper owners, and the handling of advertisers’ issues. Charters may be drafted by journalists who commit to implementing them as a form of self-regulation, or they may be imposed on them, in which case they have varying degrees of effectiveness”. (Al-Mousa, 2005, pp. 6-7)

In this regard, the Algerian Media Law includes a special chapter on the ethics and conduct of the journalism profession, consisting of three legal articles. Article 35, in its first paragraph, provides that “the journalist, during the exercise of his journalistic activity, must strictly respect the rules of ethics and professional conduct set out in Article 34 above,” and any breach of these rules exposes the perpetrators to disciplinary sanctions determined and ordered by the Higher Council for the

Ethics and Conduct of the Journalism Profession (Law23-14., 2023).

These controls and ethics require abstaining from the following:

- Publishing or broadcasting false or tendentious news - Endangering persons - Glorifying colonialism or insulting the national memory and the symbols of the liberation revolution - Directly or indirectly praising racism, terrorism, fanaticism, or violence; Exploiting the profession for personal or material purposes; Resorting to unlawful or corrupt methods to obtain information, images, or documents; Publishing or broadcasting images, words, signs, or gestures that are immoral or shocking to citizens’ sensibilities; Violating children’s rights;
- Undermining the image, honor, and dignity of women; Infringing on individuals’ private lives and the presumption of innocence; Accepting financial or in-kind benefits, whatever their value, that limit objectivity and professional independence or opinion; Yielding to pressure that corrupts the accuracy of information or conditioning publication on receiving a reward or any other form of advantage (Law23-14, 2023).

All of the above controls and restrictions fall within the framework of ensuring the proper administration of justice, which the media is expected to uphold, since the role of objective media is to support the judiciary and its independence (Bayrakdar, 2017). Consequently, media outlets are prohibited from exceeding these legal controls, and legal liability follows in the event of violation, which we will clarify in the next section of the study.

3.2 Criminalization of Exceeding Media Freedom with Respect to Investigation Procedures and Their Results

It has already been affirmed in the course of our study the shared and complementary relationship between both media and the judiciary in achieving justice, each within the scope of its specialized professional limits governed by specific mechanisms and tools. Accordingly, when media outlets encroach upon the prerogatives of the judiciary, appointing themselves as judge and deciding on judicial investigations with preconceived judgments to which public opinion succumbs, this renders those media subject to legal accountability for deviating from objective, purposeful journalism and for exceeding the legal constraints prescribed for their media freedom. This places us before a fully constituted media crime, since the latter requires the deliberate transmission of an idea, information, feeling, or will to others for the purpose of broadcasting and publication, whereby publicity is inevitably realized (Lakhdari, 2017, p. 109).

3.2.1 Crimes of Prohibited Publication under the Algerian Media Law

These crimes take the form of disclosure because they involve broadcasting or publishing a secret that must not be disseminated to avoid undermining the proper administration of justice (Al-Mousa, 2005, p. 16); hence they are commonly termed disclosure crimes or crimes of prohibited publication. These crimes are mentioned in the Algerian Media Law and are represented as follows:

- *The crime of publishing or broadcasting by a media outlet any information or document that affects the secrecy of preliminary and judicial investigation.*

Article 46 of the Media Law prescribes this offense and punishes any media outlet committing this violation with a financial fine ranging from one hundred

thousand to five hundred thousand Algerian dinars. In the same context, Article 161 of the Algerian Code of Criminal Procedure criminalizes any disclosure or broadcast of a document obtained from the search of a person who has no legal authority to inspect it, when done without the permission of the accused or his successor or the person who signed the document, or the addressee; likewise it criminalizes anyone who used what came to their knowledge from it unless it was necessary for the judicial investigation. These acts are punishable by imprisonment from two months to two years and by a fine from twenty thousand to two hundred thousand Algerian dinars.

It is noteworthy that these acts can be committed by ordinary persons or by journalists alike, and if committed by journalists the penalty applied to them is the fine without imprisonment, as provided by Article 54 of the 2020 Constitution in its fifth paragraph which states: "A press misdemeanor cannot be subject to a custodial sentence."

- *The crime of broadcasting or publishing the content of deliberations of judicial bodies* that issue judgments if their sessions are secret. Article 46 of the Media Law prescribes this offense and punishes its perpetrator with a financial fine from one hundred thousand to five hundred thousand Algerian dinars, the same penalty as the first violation.

- *The crime of publishing or broadcasting reports about pleadings that concern private life and the honor of persons.*

This is also provided for in Article 46 of the Media Law, and its penalty is a financial fine equal to the fines prescribed for the two previous violations.

- *The crime of publishing or broadcasting photographs, drawings, or any other illustrative data* that reenact all or part of the circumstances of felonies and

misdemeanors listed exhaustively in the Penal Code, such as the crime of assassination (i.e., premeditated murder), killing of ascendants, killing of children, poisoning, and killing by means of torture according to Articles 255 to 262 and 263-bis of the Penal Code, and crimes violating public morals such as public indecency, sexual perversion, adultery, sexual harassment, and incitement of minors to debauchery and prostitution according to Articles 333, 334, 335, 336, 337, 338, 339, 341, and 342 of the Algerian Penal Code.

Article 47 of the Media Law criminalizes this offense and punishes its perpetrator with a financial fine from one hundred thousand to five hundred thousand Algerian dinars, due to its infringement on the sanctity of individuals' private lives and the public's sensibilities by images that offend public decency.

3.2.2 Crimes Affecting the Course of Judicial Investigations under the Algerian Penal Code

As an additional guarantee for the proper conduct of judicial investigations and the realization of justice, the Algerian legislature criminalized other forms of unlawful behavior that media outlets may practice and that harm the authority of the judiciary, and included them in the Penal Code, since they are not exclusive to the media and may be committed by other persons. Article 147 of the Algerian Penal Code provides for these offenses, which consist of:

- Public acts, statements, and writings whose purpose is to influence judges' rulings so long as the case has not been finally decided.
- Public acts, statements, and writings whose purpose is to disparage judicial

rulings, which by their nature undermine the authority or independence of the judiciary.

The perpetrator of these acts is punished under Article 147 with the penalties provided for in paragraphs 1 and 3 of Article 144 of the Penal Code, namely a financial fine ranging from one hundred thousand to five hundred thousand Algerian dinars; imprisonment from six months to three years cannot be applied to journalists because it is a custodial penalty and its application to them was prohibited pursuant to Article 54 of the Algerian Constitution cited above.

It should be noted that the amount of the fine was increased by Law No. 24-06 amending and supplementing the Penal Code, after it had previously been set at twenty thousand to one hundred thousand Algerian dinars.

The Algerian legislature's objective in criminalizing these acts is clear: it seeks to affirm the independence of the judiciary from anything that might influence its work by creating a suitable working environment free from media pressures that impede the achievement of justice. As for the abolition of custodial penalties for press misdemeanors while retaining only the financial penalty in the form of a fine, this change is also to the legislature's credit, given the many disadvantages of custodial penalties which no longer fulfill the punitive purpose sought by contemporary penal policy, especially in the context of media-related crimes.

Similarly, the Independent National Authority for the Regulation of Audiovisual Media in Algeria was established pursuant to Article 14 of Algerian Media Law No. 23-14, and this authority, in order to perform its duties, enjoys a set of powers; it may, at the request of any judicial body, express its

technical opinion in every dispute relating to the exercise of audiovisual activity pursuant to the provisions of Article 41 of the Law on Audiovisual Activity No. 23-20, particularly in the crimes referred to above.

4. CONCLUSION

It clearly emerges from our study that the Algerian legislature has been keen to strike a balance between media freedom and the secrecy of judicial investigation as two important constitutional principles on which the rule of law and democracy rest, by surrounding the exercise of media activity with strong legal safeguards. This was embodied in Algeria by repealing the old media laws and enacting a new, organized, and successive legal arsenal within a short period beginning in 2020, which witnessed the amendment of the Algerian Constitution and the inclusion of legal provisions regulating media freedom and defining its limits, especially those relating to the secrecy of judicial investigation.

Thereafter the new Media Law No. 23-14 was enacted, repealing the old Law No. 12-05, followed by Law No. 23-19 concerning the written press and electronic press and Law No. 23-20 concerning audiovisual activity, which repealed the old Law No. 14-04, all during 2023.

However, this abundance of legal texts delineating the competence of each authority remains insufficient to resolve the problem of balancing media freedom and the secrecy of judicial investigation unless the shared, complementary relationship between them is activated in practice, through:

- Conducting training courses for journalists aimed at spreading legal and judicial culture among them so that they, in turn, can disseminate it to the

public within the framework of objective and purposeful media activity, since one who lacks something cannot give it.

- Raising judges' awareness of the positive role of the media and its contribution to achieving justice through purposeful media coverage, inviting them to cooperate with the media and to provide it with information and statistics related to inquiries and judicial investigations within the limits permitted by law, so that the media can exercise its right of access to the source of news and convey it to citizens; judicial secrecy and excessive caution, and judges' reluctance to communicate with the public through the media, affect the integrity of the judiciary and the rulings it issues.
- Activating judicial media at the level of courts and judicial councils to provide the public with information on the progress of inquiries and judicial investigations in an organized manner, without infringing the secrecy required by law or violating the sanctity of citizens' private lives, especially since Algerian law has confined the legal source of such information to the public prosecutor's representative and the judicial police officer, based on written authorization from the Public Prosecutor, pursuant to the provisions of Article 19 of the Code of Criminal Procedure.
- Empowering the Higher Council for Ethics and Professional Conduct to impose sanctions for any media

violation, in order to deter any journalist who exceeds the limits of media freedom guaranteed by the Constitution.

- Requiring media outlets not to address, analyze, or evaluate the details of judicial investigations before final adjudication.
- Calling on the Algerian legislature to adopt community service as a penalty alongside the fine as a sanction for press misdemeanors, after deciding not to subject the latter to custodial sentences. Community service is an alternative, liberty-restricting penalty based on the idea of investing the sanction by compensating the harm caused by the criminal behavior to the community, by assigning the perpetrator work that benefits society. For example, a journalist convicted of a prohibited-publication offense or of insulting the judiciary could be required to produce free media programs for judicial bodies aimed at spreading legal and judicial culture within society, or to participate in awareness seminars and training courses for other journalists, thereby explaining the importance of purposeful media coverage—which can only exist by respecting the legally defined limits of media freedom—and its role in achieving justice.

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