



Audiovisual Media Regulatory Authorities in Tunisia and Algeria and International Standards -Comparative Study-

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Received: 07/07/2026

Accepted: 23/09/2026

Published: 30/09/2026

Doi: 10.53284/2120-013-003-023

Abstract:

This study attempts to understand the concept of regulatory authorities, their characteristics, and the circumstances that contributed to their establishment and the framing of their functions, both internationally and within the Arab world. It also summarizes the most important elements that help classify them and ensure their effectiveness as independent regulatory bodies. The study examines the requirements and powers of these bodies through two Arab regulatory authorities: the Independent High Authority for Audiovisual Communication in Tunisia and the Audiovisual Regulatory Authority in Algeria.

The study concludes that the Tunisian experience meets international standards, although to relative degrees depending on the adopted criteria, while the Algerian authority still needs to develop its legal texts to align with the provisions of international conventions.

Keywords: : Regulatory Authority; Audiovisual; Independence ; Accountability; Oversight, .



1. INTRODUCTION

Audiovisual regulatory bodies became widespread in democratic countries in the late 20th century. This is a result of the shortcomings that characterized the management of the audiovisual media sector, which operated in the same ways as local administrations and authorities, especially given the role played by the media field alongside the three branches of government: legislative, executive, and judicial. This was particularly evident since the beginning of the 1990s, when the audiovisual field underwent radical transformations, especially with the increasing intensity of international competition in the audiovisual media sector and the continuous demands to open up communication opportunities and guarantee individuals' rights to freedom of opinion and expression. These rights are enshrined in international and regional conventions, which are the same conventions that stipulated the establishment of regulatory bodies and the rules that govern their work.

Audiovisual media in the Arab world was not immune to these developments. For a long time, it was subject to government control and oversight by ministries and government agencies, including ministries of information. However, with the changes affecting media in the Arab region and the political developments demanding greater democracy, including freedom of expression, regulatory bodies were established in most Arab countries. These include the Audiovisual Regulatory Authority in Algeria, established under the Organic Law on Audiovisual Media, and the Independent High Authority for Audiovisual Communication in Tunisia, established under the constitutional reforms of 2011. However, the establishment of these bodies have raised several issues. On the one hand, they accompany the sector in providing guarantees for the rights of individuals in communication services, and on the other hand, they raise issues related to guarantees of control over communication that is contrary to laws and public morals, which may limit their independence. This necessitates following a set of internationally agreed standards in the formation of these bodies. Therefore, questions are raised about:

To what extent do the regulatory bodies organizing the audiovisual communication sector in both Tunisia and Algeria comply with international standards? And what are the most important differences between the two bodies in comparison on these standards?

Research objectives

To achieve the study's objectives, we adopted the following plan:

The concept of regulatory authorities and the history of their emergence.

The emergence of regulatory authorities in the audiovisual sector in Algeria and Tunisia

The existence of International standards for the work of audiovisual media regulatory bodies in Tunisia and Algeria, according to three :

o Independence standard



- o Standard of behavior's quality
- o Accountability standard

Methodology of research

We adopted a descriptive-analytical approach that relies on collecting a large amount of data and research information, which is then analyzed to arrive at logical explanations supported by evidence and proof. (mobtaath).

The second approach is the comparative approach, which relies on comparing phenomena with one another in terms of their similarities and differences, and identifying the causative factors and accompanying circumstances. (Al-Ghamdi,2022).

2. The Concept of Regulatory Authorities and Their History

2.1 Definition of Regulatory Authority

The term "regulation" comes from English term 'Regulation' means any regulatory action that seeks to maintain a certain status by relying on a set of rules that govern the process and are issued and maintained by the authority.

From an economic perspective, regulation has the concept of a shift from a state that monopolizes the economy to a state that regulates it, content with imposing the rules of the game and ensuring their proper implementation and protection. Therefore, regulating economic life is considered one of the important issues for all countries in order to control the domestic market and protect it from all forms of illegal practices. For this reason, these administrative bodies were created, whose main task is to frame economic practices.

Therefore, the material and institutional meaning of regulation leads us to the body responsible for it and the extent to which it possesses sufficient powers and intervention tools to carry out its regulatory function. (chetioui,2021, pp 22-23)

In general, jurisprudence proposes three traditional criteria derived from the term itself to define its concept:

A- Authority Standard

The term "authority" which the legislator used to distinguish these bodies means independence of both administrative and financial types, which is highlighted by providing these bodies with many powers that are among the competencies of the first administrative body, such as issuing decisions and regulations and more than imposing penalties in the event of violating certain legal rules.

B- Independence Criterion

Independence must take two forms with respect to political authority and with respect to the regulated professional sector.

C- Administrative Nature Criterion

The administrative nature of these authorities can be examined using two criteria:

The material criterion is that the activity of these bodies aims to ensure the application of the law



in the area designated for them by the legislator.

The objective standard pertains to disputes concerning its decisions, which can be challenged before the administrative judge. (Chetioui, 2021, pp 24-25).

2.2 History of Audiovisual Regulatory Authorities

Audiovisual regulatory bodies became widespread in democratic countries in the late 19th century. It has become impossible for the state to directly manage audiovisual media through the traditional means used by administrations and local authorities. The media places a heavy burden on governments, making it difficult for them, despite the good will, to manage this sector in an impartial and neutral manner. Therefore, the decision was made to entrust the regulation of audiovisual communication to an independent administrative body. (Chetioui and Bouhenia, 2018, pp. 318-319)

The idea of regulating audiovisual media originated in Anglo-Saxon countries, particularly the United States. One of the earliest examples of regulatory authorities in this sector is the Federal Communications Commission (FCC) in the United States, established in the 1930s. Britain was the second country to follow the US path in this area. The concept of audiovisual regulation only emerged in Europe with the radical transformations of the European audiovisual landscape. Furthermore, this concept only became prominent in audiovisual communication law in recent years, after having been gradually used within the framework of administrative law, and subsequently linked to two other concepts:

Independent administrative authorities on the one hand, and the audiovisual authority on the other (Chetioui and Bouhenia, 2018, p 319).

2.3. Regulatory Authorities of Audio-Visual Sector in the Arab World

We can mention two key factors that contributed to the liberalization of the audiovisual sector and consequently the establishment of regulatory authorities in the Arab world:

First: The proliferation of Arab satellite news channels in the mid-1990s transformed the landscape of broadcasting in the Arab region, which had previously been subject to government control and censorship. These channels, including Al Jazeera, which became ubiquitous in Arab homes, had unprecedented freedom and independence in news reporting. This led to competition between satellite news channels and state-run media, prompting Arab governments to establish regulatory authorities to create a legal framework for liberalizing the sector and allowing the establishment of new private radio and television stations.

Second: Most regulatory authorities were established after the Arab Spring revolutions, and this establishment was in response to the Arab people's demand for more transparency in management and quality in media content.

Whether these bodies were born out of internal political circumstances, the proliferation of satellite television stations, or the Arab Spring revolutions, the liberalization of the audiovisual



sector in the Arab world was a result of political factors, that is, as a reaction to political crises and not an attempt to liberalize the sector. (Bouziane, 2018, pp. 4407-4408).

3. The Emergence of Regulatory Authorities in the Audiovisual Sector in Algeria and Tunisia

3.1 Audiovisual Regulatory Authority of Algeria

Organic Law issued 12-05 With the beginning of 2012, freedom of media practice was recognized in its audiovisual aspect. This freedom was confirmed by the issuance of Law 14-04 relating to audiovisual activity, as Article 2 of it states: "Audiovisual activity shall be practiced with complete freedom in respect of the principles stipulated in the provisions of Article 2 of Organic Law No. 12-05 dated 18 Safar 1433 AH, corresponding to 12 January 2012, and the provisions of this law, as well as the legislation and regulations in force." (Chafai, 2022, p. 134)

Audiovisual activity, in the sense of this organic law, is "everything that is made available to the public or a segment of it by means of wireless communication or the transmission of signals, signs, drawn shapes, pictures, sounds or various messages that do not have a private correspondence character."

This definition is linked to the concept of public service for audiovisual activity, which is regulated by an 'authority' as any audiovisual communication activity of public interest guaranteed by any legal entity operating an audiovisual communication service, while respecting the principles of equality, objectivity, continuity, and adaptability. (Laamouri, (2015-2016, p 38), the media itself constitutes a public service activity, as it is responsible for transforming the private into the public and shared, and in doing so, it is bound to certain standards and values that operate within the theoretical, philosophical, and administrative framework that constitutes the prevailing media system and shapes it at the same time. (Attallah, 2021, p 132).

John Reith, the first director of the foundation, says : The BBC argues that public service broadcasting should not be used solely for entertainment purposes only , but should also question democracy according to the triad of 'news, education and entertainment' (Haddadi, 2019, p. 221).

Under reforms affecting the media sector in general and the audiovisual sector in particular, the Algerian legislature established a body to oversee the regulation of the audiovisual sector, called the "Audiovisual Regulatory Authority". (Chafai, 2022, p 134). It is an independent authority with legal personality and financial independence (Laamouri, 2015-2016, p 38).

The structure of the authority was inspired by the French High Council for Audiovisual Communications and the US Federal Communications Commission, as stipulated in the Article 59 of the Audiovisual Law of 2014. (Ibrahimi, 2020, p 81)/

3.2 The Independent High Authority for Audiovisual Communication in Tunisia HAICA

Following the fall of the previous regime (Ben Ali's regime), the Ministry of Information and the High Council for Communication were abolished, and the National Authority for Media and Communication Reform was established by Decree No.10 of 2011 dated March 2, 2011, which was tasked with assessing the state of media and communication and submitting proposals for its reform.



This resulted in the issuance of Decrees No 115 and 116 relating to freedom of the press and freedom of audiovisual communication are the result of collaborative work in which experts and representatives of unions and national and international non-governmental organizations participated.

In order to guarantee rights and freedom and regulate the sector, Decree No.116. On the creation of an independent High Authority for Audiovisual Communication (HAICA), which has legal personality and financial independence. (Article 19, 2020, pp 2-3).

4.The Audiovisual Media regulatory Authorities in Tunisia and Algeria and International Standards

4.1 Independence

UNESCO, within the framework of the International Program for the Development of Communication, defines the following indicators for ensuring the independence of media-based bodies in a practical manner:

- Regulatory bodies must be independent from political and economic interference.
- Its members should be chosen through a transparent and democratic process.
- Its powers and responsibilities must be defined in law, including clear legal requirements to promote freedom of expression, diversity, impartiality and the free flow of information.
- The regulatory authority must have sufficient funding to perform this role.
- It must be accountable to the public, and this is usually done through an electoral council.
- There must be evidence that the regulatory body is exercising its powers and responsibilities, that it is applying proportionate sanctions to protect the public interest. (UNESCO, 2008, p 14).

4.1.1 Explicit Recognition of Independence:

This indicator aims to ensure that the broadcasting regulatory body is not part of or affiliated with any other ministry or government institution. The independence of this body should be explicitly guaranteed in law and, where possible, in the constitution as well. (Chafai, 2022, p 124).

A- Tunisia:

The Audiovisual Communication Authority: A constitutional body whose distinguished position among constitutional institutions reflects its important role, in addition to the fact that its inclusion in the constitution grants it a degree of immunity. (Article19, 2020, p 5).

The body stipulated in the chapter Article 127 of the Constitution is an extension of what is stated in Article 31 of the Tunisian Constitution. (Constitution of the Tunisian Republic, 2015, p 25).

B- Algeria:

The Algerian legislator established this body under Article 64 of Organic Law 12-05 stipulates: "An audiovisual regulatory authority is hereby established. It is an independent authority with legal personality and financial autonomy." The details of its duties and powers are referred to the Audiovisual Law, which states in Article 58: "The audiovisual regulatory authority



shall exercise its duties with complete independence." (Organic Law No. 12-Relating to Information, 2012).

4.1.2 Method of Appointing Members of Media Authorities :

The European Council's recommendations pay some attention to this issue, demanding that "members be appointed democratically and transparently." They also include provisions for incompatibility, preventing individuals with strong political ties or conflicts of business interest from holding seats on these bodies. (Mandil, 2013, p 28)

The second clause of the principle states¹⁸ on : "Principles of Freedom of Expression and Broadcasting" issued by Article 19

Only individuals with relevant experience and/or skills should be eligible for appointment. the membership as a whole should be rationally representative of the entire community.

The organization "Article "19. "That the guarantees extend beyond appointment: After the appointment of council members, they must be protected against any dismissal or removal except in exceptional cases. Their term of office should be fixed, and the law should clearly state the grounds for their dismissal or removal. The power to dismiss or remove a member should be within the jurisdiction of the same body that has the powers of appointment, and its decisions should be subject to judicial review." (Chafai, 2022, pp. 124-125).

A-Tunisia :

The Authority comprises a board of nine independent figures, recognized for their experience, integrity, and competence in the field of media and communication, appointed by decree. (Article)19, 2020, p 3).

This structure is subject to the principles of participation and pluralism, comprising two judges from the administrative and judicial branches, two members nominated by Parliament, two journalists nominated by the most representative professional organizations, a member nominated by the most representative organization of audiovisual media owners, a member nominated by the most representative organization of non-journalistic media professions, and a member appointed by the President of the Republic, after consultation with the members of the body, who serves as its president. Members are appointed for a six-year term, with one-third of the members being renewed every two years . (Decree-law No. 116 - 2011 on November 2, 2011, related to the freedom of Audiovisual communication and the creation of Independent High Authority for Audiovisual Communication HAICA, 2011, p. 2433).

B- Algeria

The article states 57. The authority is formed from 9 members appointed by presidential decree:

- (05) Members, including the president, chosen by the President of the Republic,
- (02) Non-parliamentarians nominated by the Speaker of the National Assembly
- (02) Non-parliamentarians proposed by the Speaker of the National People's Assembly



The term of office is set at six years and is non-renewable. No member may be dismissed except in the cases stipulated in this law (Article 60) Membership is incompatible with any elected term, any public office, any professional activity, or any executive responsibility in a political party. (Organic Law No. 12-Relating to Information, 2012).

4.1.3 Funding Mechanism for Audiovisual Media Organizations:

These bodies should be adequately funded in a way that protects them from political interference. The Council of the European Union's recommendations highlight the importance of the funding mechanism and its connection to achieving independence. They demand that public authorities refrain from using their power to approve funding for broadcasting bodies to interfere in their work, and that the funding process be defined by law and according to a clearly defined plan. (Mandil , 2013, p 29).

One way to ensure the financial independence of these entities is to allow them to retain the fees they charge to those seeking broadcasting licenses, and to allocate funds to them from the general budget when necessary. (Chafai , 2022, p 125).

A. Tunisia

The Tunisian regulatory body has its own budget, which is prepared by its president and approved and ratified by the council.

The first section covers equipment expenses and ordinary revenues. Ordinary revenues consist of:

Property rights, subsidies granted from the state budget, contributions, donations and bequests, miscellaneous resources.

The second section covers development expenses and revenues, including equipment subsidies granted from the state budget. (according to Article 23)

The president is the primary person responsible for approving the expenditures and revenues included in the agency's budget. He may appoint secondary officials for approval (Article24). (Decree-law No. 116 - 2011on November 2, 2011, related to the freedom of Audiovisual communication and the creation of Independent High Authority for Audiovisual Communication HAICA, 2011, p 2436).

B- Algeria

The Audiovisual Regulatory Authority does not have any private sources of funding other than those it receives from the state budget. It has the right to propose the necessary appropriations to carry out its duties, and these appropriations are recorded in the state's general budget. The authorizing officer for expenditures is the head of the Audiovisual Regulatory Authority. (Djadid,2023-2024, p 55).

4.2 Quality of Behavior



The quality of national regulatory bodies depends heavily on the regulatory body's context and jurisdiction, and on the opinions of stakeholders regarding the regulatory body. (Horowitz, 2024, p 13)

The precise definition of the tasks and responsibilities of these bodies, through the adoption of an appropriate legislative framework, would ensure the legitimacy of their decisions and protect them from jurisdictional disputes by other entities. (Chafai, 2022, p 125)

For example, European audiovisual media policies are derived from the Audiovisual Media Services Directives of the years 'The directives of 2008, 2010', and 2018 emphasize the commitment to establishing independent national regulatory bodies, whose five mandates are to protect media pluralism, cultural and linguistic diversity, consumer protection, and intellectual property. (Fernández Lombao, Blasco-Blasco, & Campos Freire, 2024, pp. 06-07).

A- Tunisia

The Independent High Authority for Audiovisual Communication has three integrated functions: reporting, oversight, and advisory.

The chapter 16 determines of the decree outlines the decision-making powers, primarily related to the rules and regulations governing the audiovisual sector. these powers include deciding on applications for licenses to establish and operate audiovisual communication facilities, allocating necessary frequencies, and drafting, concluding, and monitoring compliance with the terms and conditions and licensing agreements for audiovisual communication facilities. the decree also encompasses ensuring adherence to the sector's ethical principles and codes of conduct, guaranteeing freedom of expression and pluralism of thought and opinion, and penalizing violations.

The commission also regulates the rules of the election campaign in the audio-visual media, based on respect for the principles of pluralism, fairness and transparency.

The Authority has supervisory and punitive powers, and it intervenes, either on its own initiative or at the request of any interested party, in order to "monitor compliance with the general principles governing the practice of audiovisual communication activities in accordance with the legislation in force" (Chapter 27) The Authority may impose financial and non-financial penalties ranging from a warning to the permanent withdrawal of the license (Article 29). It may also refer the matter to the competent judicial or professional authority when necessary.

The advisory functions relate to providing opinions on draft laws concerning the audiovisual communication sector and offering concurring opinions on the appointment of CEOs of public audiovisual communication institutions. The Authority may also submit proposals concerning reforms necessitated by the evolution of the audiovisual communication sector. (Article 19, 2020, pages 3-4).

B. Algeria

The Audiovisual Regulatory Authority, in order to perform its duties, has been defined by law in its article 55 (Organic Law No. 12 - Relating to Information, 2012) and including:



- In the field of control

The powers of the Audiovisual Regulatory Authority in the field of regulation consist of studying applications for the establishment of audiovisual communication and broadcasting services. In the event of acceptance of the application, it allocates the frequencies placed at its disposal by the public body responsible for broadcasting, the "Public Radio and Television Broadcasting Corporation." It also applies the rules relating to the conditions of programming and broadcasting of live expression segments through audiovisual media during the election campaign period for various political formations and accredited national trade union and professional organizations.

- In the field of monitoring

This body of regulation involves ensuring respect for the principles and rules applicable to audiovisual activity and contained in the terms and conditions, laws and regulations in force, such as ensuring the minimum quotas allocated to national audiovisual production.

Monitoring the financial resources on which these institutions depend to prevent them from falling under the control of a few “monopoly” who use them to promote a particular interests or the principles of an equivalent foreign state.

- In the consulting field

It expresses opinions regarding the national strategy for the development of audiovisual activity and provides recommendations for promoting competition in the field of audiovisual activities.

This authority must be consulted on every draft legislative or regulatory text or media project relating to audiovisual media within the country.

- In the field of conflict resolution

The regulatory authority has the power to arbitrate disputes that arise between legal entities that operate audiovisual communication services, whether between themselves or with users, and in the event that it is notified of a violation of the law by a legal entity that operates an audiovisual communication service.

It investigates complaints submitted to it, whether from political parties, trade unions, associations, or even individuals or legal entities. (Kadouah,2017-2018, pp 76-77-78).

4.3 Accountability of Regulatory Authorities

International conventions recognize that broadcasting regulation must be open to public oversight and accountability, provided that this accountability does not compromise independence. The African Declaration states: "Any regulatory body with decision-making



powers in regulating the audiovisual broadcasting and telecommunications sector must be formally accountable to the public through a multi-stakeholder body."

The European Council's recommendations focused on this point: "Supervision of regulatory bodies should only concern the legality of their activities, the soundness of their financial operations, and their transparency." (Mandil, 2013, p 29)

While the organization approved the article 19. It states: "The regulatory body should be accountable to the public through multilateral institutions such as the House of Representatives or a parliamentary committee, which should provide information about its activities and sources of funding. This should be done annually, and it should also publish a report and its annual expenditure accounts for auditing." (Article 19).

A. Tunisia

The provisions of general oversight of public spending do not apply to the Authority's expenditures, which are subject to the oversight of the State Comptroller and the Audit Bureau in accordance with Article 25. (Decree-law No. 116 - 2011 on November 2, 2011, related to the freedom of Audiovisual communication and the creation of Independent High Authority for Audiovisual Communication HAICA, 2011, p 2436)

The Authority prepares an annual report that includes a copy of the audit and control report on the Authority's accounts, the estimated budget for the following fiscal year, and presentation of the various activities it undertook during the past year,

The report includes suggestions and recommendations deemed appropriate for developing the freedom, efficiency, quality, and pluralism of the media and audiovisual communication. This report will be published and posted on the Authority's website, and a copy will be sent to the President of the Republic, the head of the legislative authority, and the relevant telecommunications establishments. (HAICA)

B- Algeria

Based on the audiovisual law, some aspects related to censorship and accountability can be demonstrated as follows:

The Financial Control Authority exercises its oversight in accordance with public accounting procedures.

The law requires the regulatory body to submit an annual report on the status of implementation of the law relating to audiovisual activity, and another periodic report (every three months).

Decisions of the audiovisual regulatory authority are subject to appeal in accordance with applicable provisions. (Chafai 2022, pp 138-139).

5. Findings

5.1 General Comparison Based on The Independence Criterion

The constitutional establishment of the Tunisian Independent Communication Authority provides the independence of this body, which cannot be amended by simpler procedures and a smaller majority of votes than that used in bodies established by unconstitutional texts, while the



absence of a constitutional text establishing the regulatory authority in Algeria or the amendments affecting it at the level of the Algerian constitution is noted.

The structure of the regulatory body for the sector in Tunisia supports the independence of membership by allowing renewal and a fixed term of membership and ensuring the presence of members from the sector professionals among the members, while emphasizing the necessity of their experience in the field and the incompatibility of their membership with any commercial, partisan or political interests. However, it did not clearly indicate the cases of dismissal that could affect one of its members. Meanwhile, the Algerian legislator adopted the collective structure of the regulatory authority and clearly defined its term and the possibility of dismissing any member during the term. Moreover, this membership is incompatible with membership in any elected position or executive responsibility, and all of these are indicators that support independence. However, the monopoly of the power to appoint members, including those appointed by the President of the Republic, and the absence of a balanced structure that ensures greater representation, including from sector professionals and media professionals, makes this independence of membership relative.

The Tunisian regulatory authority relies on a mixed budget comprised of equity, contributions, donations, and various other resources, although its sources are not explicitly defined. This, along with state subsidies, underscores a degree of independence for the authority. In contrast, the Algerian regulatory authority cannot achieve true independence due to its financial dependence on the executive branch. Furthermore, the Algerian legislature does not require a detailed report of the authority's approximate budget size.

5.2 General Comparison Based on Behavior Quality

The Independent High Authority for Audiovisual Communication (HAICA) in Tunisia has broad and specific powers, including the authority to review and grant licenses, impose sanctions on violators (even during special political periods such as elections), and provide advisory opinions on laws and regulations governing the sector, although the definition of what constitutes a violation is not precisely defined. In contrast, the Algerian regulatory authority lacks the power to grant licenses, limiting itself to reviewing applications and failing to specify the nature of violations, confining its scope to matters concerning state symbols. Furthermore, the authority lacks the mechanisms to penalize media outlets that violate regulations, despite its advisory role and oversight of institutions to prevent monopolies by media organizations.

5.3 General Comparison Based on the Accountability Standard

Tunisian legislation lacks a specialized body to oversee and represent the diverse segments of the public, but this body is not subject to executive oversight and is obligated to submit periodic reports to various authorities, including institutions concerned with communication activities. In contrast, Algerian law lacks an independent body to oversee the work of the



audiovisual regulatory authority, leaving the appointing authority as the ultimate decision-maker, directing the activities of this body as implicitly indicated by the legal texts governing its operation.

5.4 Discussion of Results

The study reached the following conclusions:

- The context in which regulatory bodies emerged in the two countries under study is consistent with the political and media changes that affected the two countries, including in particular the change of regime and the demand for freedom of expression in light of the development witnessed by the wave of establishing private channels in Arab countries.
- The experience of the regulatory authority in Tunisia, known as the Independent High Authority for Audiovisual Communication HAICA , is considered a pioneering experience compared to the experiences of other Arab countries, due to the important points it provides in terms of form and membership in regulating the audiovisual communication sector.
- International institutions stipulated the need to establish regulatory bodies, but this establishment is accompanied by the need to have a set of standards to ensure their effectiveness in regulating the audiovisual sector, which is what the legal articles of these institutions stipulated, including in particular the standard of independence, quality of conduct and the standard of accountability.
- The extent and level of adherence to internationally recognized standards in the establishment and practice of audiovisual communication regulatory authorities varies among the bodies included in the study sample.
- The study showed that the High Independent Authority for Audiovisual Communication has legal independence as a body with its constitutional status, unlike the Audiovisual Regulatory Authority in Algeria , which has less of this independence, despite the legal importance of the organic laws in Algerian legislation, which stipulate legislation for this body.
- The method stipulated by law in forming the members of the Independent High Authority for Audiovisual Communication gave this body an organic independence in terms of representation, especially since it includes a percentage of professionals, unlike the Audiovisual Regulatory Authority, whose formation has been widely criticized, especially by professionals, which has contributed to its subordination in this way to the ruling authority.
- Neither of the two bodies in the countries included in the study sample specified the financing mechanisms precisely for the budgets allocated to run this body, which limits the financial independence of both bodies.
- The Independent High Authority for Audiovisual Communication has broad and precisely defined functional powers, whether in terms of regulation, oversight, punishment, or even



consultation. This ensures quality in the media conduct issued by the various active media institutions. This may have a relative impact on the state of media practice in Algeria as a result of the limited powers of the audiovisual regulatory authority, particularly with regard to granting licenses, imposing penalties, and the nature of the punishable conduct.

- Regulatory authorities need accountability and oversight of their various activities to ensure that they achieve the purpose for which they were established, which we have not seen in both models due to the absence of an independent body representing the public and entrusted with the task of oversight, despite the legal texts that obligate both bodies to submit periodic reports to the relevant authorities.

6. CONCLUSION

The regulatory authority is considered one of the necessary bodies to regulate and monitor any activity so that it does not deviate from the objectives related to serving the citizen. Therefore, these bodies were initially established for economic and commercial reasons, but their importance in regulating the media, including the audiovisual communication sector, was quickly realized. This was reinforced by international charters that stipulated their importance and the conditions that must be met in order to guarantee their independence, practices, and oversight.

Arab countries were not immune to this media transformation in the field of regulation, including the establishment of the Independent High Authority for Audiovisual Communication in Tunisia and the Audiovisual Regulatory Authority in Algeria.

The study that examined these two bodies revealed the difference recorded in the application of the standards recognized in the establishment, organization, powers and independence of these two bodies, such that the Tunisian experience provided reasonable levels of commitment related to these bodies in terms of form and membership, which supports the audiovisual communication path in this country, compared to the Algerian experience, which needs more legal texts and actual practice to perform its roles effectively in the audiovisual landscape in Algeria.

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