

The Freedom of the Press in Algeria: Between Tradition and Modernity- A Study in Light of the 2020 Constitutional Amendment-

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Abstract:

The press occupied a distinguished position in the development of the course of rights and freedoms over time, and played various roles in the development and advancement of contemporary societies, by defending the gains of human civilization. The technological development that the world is witnessing today significantly influenced the development of press, thus changing its dimensions, expanding its scope and multiplying its goals. In this study, I looked closely at the vulnerability of the press to technological development.

Keywords : Freedom of the press; technological development; tradition; modernity

الملخص:

احتلت الصحافة مكانة متميزة في تطور مسار الحقوق والحريات عبر الزمن، وأدت أدوارا مختلفة في تطور ونهوض المجتمعات المعاصرة، من خلال الدفاع عن مكتسبات الحضارة الإنسانية، والعمل على ترقية الحقوق والحريات الفردية والجماعية. وباعتبارها عنصرا مهما في عملية الإتصال، فقد تأثرت حرية الصحافة بشكل جوهري بالتطور التكنولوجي الكبير الذي يشهده العالم اليوم، ما أدى إلى تغيير مضمونها وأبعادها. نتطرق من خلال هذه المداخلة إلى دراسة واقع وأبعاد حرية الصحافة بين التقليد والحداثة.

الكلمات المفتاحية: حرية الصحافة؛ التطور التكنولوجي؛ التقليد؛ الحداثة

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Introduction:

Today, the world is witnessing a great technological revolution through which most the transactions and dealings related to the human being have become digital in a digital space with many pros and cons. This exchange has influenced all aspects of public life through bringing about huge changes in the print and audio-visual media industry as well as new media forms, particularly, electronic media or electronic publishing on the web. Print press has gone through many challenges throughout its various stages of history. However, perhaps the biggest challenge it faced in the modern era appeared clearly with the information and communication revolution and the Internet use expansion. This development introduced a new dimension, affecting the form, content, and professional practice in an unprecedented manner, particularly within the framework of electronic press, which has emerged in Algeria.

This research paper addresses technological advancements today's impact on one of the most prominent freedoms guaranteed to individuals by international conventions and national legislation, namely the freedom of journalistic work. The substance of this freedom has been genuinely affected, with its goals and dimensions having changed between the past and the present. These are the objectives we seek to address through the following key issue:

To what extent has the freedom of journalistic work been influenced by technological advancements? What are the restrictions and regulations established by the Algerian Constitution for exercising this freedom in light of technological development?

- I. Freedom of the Press Between Concept and Development.
- II. Types of Electronic Press and Their Importance.
- III. Freedom of Electronic Press in Algeria from the Perspective of the Algerian Constitution.

I. Freedom of the Press Between Concept and Development

With the changes in communication and media tools, the concept of press has developed over time . This evolution has been further exacerbated by the significant technological advancements witnessed globally. Consequently, the classical notion of print press (Section 1) has shifted to the concept of digital or electronic press (Section 2), which has emanated and developed through various stages (Section 3), acquiring specific characteristics linked to this technological progress (4).

1. The Concept of Print Press

Press is the printed word; it embodies thought, opinion, and news preserved within fixed symbols that can be retrieved, monitored, analyzed, and scrutinized, allowing for discourse in whichever manner we choose. Press symbolizes freedom and supports the liberty of the reader and the interlocutor, who can, through their freedom, determine their relationship with the publication.

Press is the means of transmitting news and information that has an impact on people's interests, arouses their interest honestly and has an effective power to influence members of society⁽¹⁾.

Some define press as a periodic publication that disseminates and elaborates on economic, social, political, cultural, scientific, and technical news. Some historians assert that ancient Egyptians and Romans recognized press based on the principle that it serves as a

⁽¹⁾ Qourari, Sourniya. Student Attitudes Towards Online Journalism. Master's thesis, University of Biskra, Faculty of Human and Social Sciences, 2011, p. 184.

means of communication with the largest possible audience, achieved through inscriptions on temple walls or writing on papyrus scrolls, which were then distributed to inform the public⁽²⁾.

2. The Concept of Electronic Press

It is an electronic publication that is periodically issued, containing current events, whether related to general topics or specific subjects. These publications are read on a computer and are often available via the internet and electronic newspapers. Sometimes, they are linked to a printed format as well⁽³⁾.

It is related to another broader concept which is 'Electronic Publishing'. This term is used to refer to the use of computers to create, edit, design, print and distribute publications⁽⁴⁾.

As defined by "Suleiman Zaid," it is a new form of media that shares the same concept, general principles, and objectives with traditional media. What distinguishes it from traditional media is its reliance on a new medium of modern communication, which is the integration of all traditional communication methods. The goal is to deliver the intended content in more distinct and impactful forms. This form of media primarily depends on the Internet, which provides media professionals with significant opportunities to present their various media content in a purely electronic format⁽⁵⁾.

Others refer to electronic press as "a multimedia tool through which news, articles, and various journalistic forms are periodically published on the international information network, the Internet, with a sequential numbering system. This is done using techniques for displaying texts, graphics, animations, and certain interactive features, reaching the reader through a computer screen, whether the publication has a printed origin or is a purely electronic newspaper."⁽⁶⁾

3. The Emergence and Evolution of Online Press

It is a noteworthy that this research paper sheds light on stages of press's evolution from traditional to modern forms. The journalistic field has witnessed various attempts to deliver newspapers to readers through electronic means in order to save the time involved in shipping and distributing newspapers via traditional networks. Approximately fifty years ago, newspapers were transmitted via radio waves to tens of thousands of households through fax machines, with each copy costing between fifty and one hundred dollars. Press also experienced attempts to transmit newspapers through the Videotex system.

⁽²⁾ Al-Qawzi, Muhammad Ali. *The Emergence and Development of Communication Media*. 1st ed., Dar Al-Nahda Al-Arabiya, Lebanon, 2006, p. 54.

⁽³⁾ Al-Shamaileh, Maher Ouda. *Online and Digital Journalism*. 1st ed., Dar Al-Ihsar Al-Raqmi, Jordan, 2014, p. 70.

⁽⁴⁾ Al-Dulaimi, Abdul Razak Muhammad. *Online Journalism and Digital Technology*. 1st ed., Dar Al-Thaqafa, Amman, 2011, p. 11.

⁽⁵⁾ Suleiman, Munir Zaid. *Online Journalism*. 1st ed., Dar Osama for Publishing, Amman, 2008, p. 11.

⁽⁶⁾ Al-Shamaileh, Maher Ouda. *Online and Digital Journalism*. 1st ed., Dar Al-Ihsar Al-Raqmi, Jordan, 2014, p. 75.

- Al-Laban, Sharif Darwish. *Online Journalism: A Study in Interactivity and Website Design*. 1st ed., Dar Al-Masriyah Al-Lubnaniyah, 2007, p. 41.

In the early 1980s, telephone lines were used to receive newspapers on television or computer screens in homes, in exchange for a monthly subscription. However, the low image clarity, coupled with the slow display speed, made reading newspapers through this method difficult. Receiving the printed newspaper was much cheaper and more efficient. In addition, some companies in the 1980s, such as "CompuServe," began to offer electronic versions of national newspapers in the United States on an experimental framework. However, these attempts did not continue due to their high costs and the insufficient number of consumers to sustain them⁽⁷⁾.

Online press has gone through several stages, which Van Crosby called the "three waves". He put forward a vision of the stages of this development at the third conference of Internet press in 2001, at the University of Texas (UTA). Then, Larry Brewer summarised Crosby's ideas in an article published and commented on him and other ideas, where he highlighted these three waves or stations as follows⁽⁸⁾:

First Wave (1982-1992): Initially, there were several experiments with networked electronic publishing of the "Videotex" type, until eventually there were large-scale networks. The second wave (1993-2001): This is when the Internet began to be integrated into media organisations.

The third wave: extending to the current stage, which is the stage of intensive broadcasting that relied heavily on media applications and was characterised by more profitability than the previous two stages.

There are several factors that have contributed to the development of online press, including:

- The technical factor: The advancement of computer technology, with its various software, and the development of data storage, domains, and network-based text transmission, have contributed to the flourishing of internet-based press.
- The economic factor: Globalization now demands speed in the movement of capital and goods, which in turn necessitates the rapid flow of information, whose importance increases daily.
- The political factor: This refers to the increasing use of media by political authorities to tighten their control over affairs in the country.
- Advertising revenues: Newspapers' desire to participate in the Internet network is driven by the goal of generating substantial income from the advertisements published online⁽⁹⁾.

a. The Emergence and Evolution of Electronic Press in the Arab World

When the Internet entered the Arab world, the Arab presence on the network expanded among individuals and institutions. Financial and media companies established websites that reflected their interests. Arabic newspapers are available online as electronic versions of printed or weekly newspapers in most cases, with most of them being updated daily or periodically for weekly publications. Additionally, there are electronic newspapers that owe their existence solely to the Internet, without any printed versions⁽¹⁰⁾.

⁽⁷⁾ Amin, Reda Abdul Wahid. *Online Journalism*. 1st ed., Dar Al-Fajr, Jordan, 2007, p. 114.

⁽⁸⁾ Shamayleh, Maher Odeh. *Electronic and Digital Journalism*. Previous Reference, p. 80.

⁽⁹⁾ Kanaan, Ali Abdelfattah. *Electronic Journalism*. 1st ed., Dar Al-Yazouri, 2014, p. 70.

⁽¹⁰⁾ Amin, Reda Abdelwahed. *Electronic Journalism*. Previous Reference, p. 119.

The "Al-Sharq Al-Awsat" newspaper is considered the first Arabic newspaper to be published online, which occurred in 1995. It consisted of a collection of various images across different fields. Following that, several Arabic newspapers adopted the path of electronic publishing, including (An-Nahar newspaper from Lebanon, Al-Hayat newspaper, As-Safir newspaper, Al-Jumhuriya, and Al-Ahram)⁽¹¹⁾.

It is worth mentioning that the onset of purely Arabic online press, which lacks a printed counterpart, was somewhat delayed. The "Al-Jarida" newspaper is regarded the first purely electronic Arabic newspaper, launched in January 2000, followed by the Lebanese newspaper "Ilaff," which began on May 21, 2001, from London. This newspaper enjoys several advantages specific to electronic publications⁽¹²⁾.

In fact, the situation is not stagnant at present, as Arabic electronic press has seen significant development in terms of its websites, layout, and artistic design. Despite the growing number of Arabic newspapers on the Internet, some studies indicate that, although there is a clear presence of these electronic publications, it does not match the massive growth of electronic publications globally. This discrepancy is particularly apparent when considering the interconnection between these numbers and the number of Arabic newspapers, as well as the population and number of countries in the Arab world. The percentage of Internet users remains low in relation to the total population in the Arab world. There is a limitation in the availability of Arabic electronic newspapers, particularly concerning the resources and technologies provided for electronic publishing⁽¹³⁾.

b. The Emergence of Electronic Press in Algeria

Although Algeria was somewhat delayed in the field of electronic press compared to Arab and European countries, the experience of written press with the Internet began for the first time in 1997. The newspaper "El Watan," published in French, was the first to adopt electronic publishing and establish the first website on the Internet. This occurred after the monopoly on the Scientific and Technical Research Center was lifted, allowing private Internet providers to operate without the need for each newspaper to have a commercial registration for each commercial entity, provided they had a central office or coordination office in Algeria and paid an annual subscription fee of 1,000 DZD.

Al-Watan was the first Algerian daily to go online in 1997, followed by 8 other dailies during 1997 and 1998, namely Liberty in January, followed by Al-Youm, Al-Khabar, Al-Shaab, Al-Mujahid, and then in a record time, most Algerian newspapers went online⁽¹⁴⁾.

A group of specialized Algerian researchers agrees that Algerian electronic press is still in its initial stages, primarily due to the lack of economic companies investing in the media industry. One researcher notes that while publishers of print newspapers in Algeria are preoccupied with the financial burdens associated with printing, publishing, and distribution, as well as the scarcity of advertising for some titles, electronic press is less costly and more open to the outside world and its readers than its predecessors. However, it still faces

⁽¹¹⁾ Malik, Mohamed. *Electronic Publishing and the Future of Print Journalism*. Master's thesis, University of Algiers, Faculty of Political Science and Media, 2006, p. 89.

⁽¹²⁾ Amin, Reda Abdelwahed. *Electronic Journalism*. Previous Reference, p. 119.

⁽¹³⁾ Bouthalji, Ilham. *Electronic Journalism and Reader Trends*. Master's thesis, University of Algiers, Faculty of Political Science and Media, 2011, p. 54.

⁽¹⁴⁾ Kadouah, Manal. *Algerian Journalists' Attitudes Toward the Use of Electronic Journalism*. PhD dissertation, University of Algiers 3, Faculty of Media and Communication, 2016, p. 118.

challenges in its development. Professor Samira Belghithia points out that electronic newspapers are still limited in their use of journalistic publishing methods, technologies, and features, and have yet to fully comprehend the nature of electronic press, in addition to the various difficulties they encounter⁽¹⁵⁾.

4. The Impact of Technological Development on the Nature of Journalistic Work

As a result of the close connection between press and technological development, the features or characteristics of press have changed compared to the past. Today, they are characterised by communication features that are based on the capabilities of the Internet, which are the distinctive features of electronic publishing, the most important of which are the following:

- **Interactivity:** This is a process that brings about in a role exchange among the informants. Each of them is affected by the information provided by the other party or parties. "Herbert" emphasizes that electronic press is considered interactive press because it opens avenues for dialogue and discussion on various issues and topics, thanks to the advancements in digital technology that support and enrich the channels of communication⁽¹⁶⁾.
- **Immediacy and instantaneity:** Otherwise labeled "instant newspapers" because of the ability to report news and various events as they happen. What differentiate this form of press from other forms is that it is not limited by the time required for preparation, printing, and distribution. This unique characteristic sets it apart from traditional newspapers⁽¹⁷⁾.
- **Multimedia:** While radio provides sound, television offers both sound and images, and printed press presents text, e-press is the only medium that can integrate all these characteristics in a coherent manner, achieving maximum harmony and mutual benefit. This is primarily because the tools used in electronic press are fundamentally based on the interaction with digitally stored content, which involves the collection, storage, and dissemination of all forms of information⁽¹⁸⁾.
- **Continuous content updates:** The work of electronic newspapers involves the ongoing updating of their services and news content throughout the day. This is necessary to keep pace with the unique nature of the Internet, where immediacy is one of its defining characteristics. The relationship between time and the nature of the content presented in electronic newspapers assumes the constant publication, completion, correction, and updating of information. Consequently, the published journalistic material evolves into a continuously developing history⁽¹⁹⁾.
- **Personalization:** Printed press cannot supply a detailed version designed to each individual reader's specific requirements. However, the electronic version permits each user to craft their own customized experience. For instance, a user

⁽¹⁵⁾ Bouthalji, Ilham. *Electronic Journalism and Reader Trends*. Previous Reference, p. 59.

⁽¹⁶⁾ Kanaan, Ali Abdelfattah. *Electronic Journalism*. Previous Reference, p. 94.

⁽¹⁷⁾ Shamayleh, Maher Odeh. *Electronic and Digital Journalism*. Previous Reference, p. 22.

⁽¹⁸⁾ Suleiman, Munir Zaid. *Electronic Journalism*. Previous Reference, p. 18.

⁽¹⁹⁾ Qajali, Amina. *Interactivity in Electronic Journalism*. Master's thesis, University of Batna, Faculty of Humanities and Social Sciences, 2017, p. 151.

may focus on specific parts while ignoring others, select specified services while overlooking others. They do so whenever and wherever they choose. Ultimately, they consume what aligns with their personal preferences rather than what the website offers in its entirety⁽²⁰⁾.

II. Types and Importance of Electronic Press

The forms of electronic newspapers have diversified and varied due to their composition and the different content they provide (Section 1). However, their significance is fundamentally tied to the effects they have on the reader, despite the practical challenges they face (Section 2).

1. Types of Electronic Press

The user browsing the web notices an increasing interest in creating diverse and varied websites. This is due to the fact that journalistic work is open and unrestricted on the Internet, which has provided a wide space for many media and non-media entities to engage in journalistic activities in one way or another. A network user can find hundreds of well-known websites to follow political parties, local and international organizations, political and military movements, as well as entire governments and countries. In addition, there are thousands of websites belonging to media institutions with varying interests, whether they are newspapers, radio stations, or television channels, all offering a variety of journalistic services through these sites. Electronic press can be divided into three types:

a. Full Electronic Newspapers

They are stand-alone newspapers, although they carry the name of the print newspaper (the parent newspaper) and are characterised by the following:

- Providing the same journalistic media services as the printed newspaper, including news, reports, events and photos.
- Providing additional journalistic and media services that a print newspaper cannot provide, and which are made possible by its own web-connected and text technology.
- Provide multimedia, text, audio and video services⁽²¹⁾.

b. Electronic Newspapers from Printed Newspapers.

These are websites for print newspapers on the Internet and this type takes one of two forms:

- Online newspapers that offer full paper content, as is, after conversion to digital format⁽²²⁾.
- Online newspapers offer some print content.

c. Electronic Newspapers do not have a Printed Edition

These newspapers are not affiliated with any paper newspaper organisation and are considered administratively independent, offering local affairs and news services at all levels, as well as an interactive feature, email service and other digital services⁽²³⁾.

These sites encompasses a large space of freedom away from government censorship and there are types of e-newspapers depending on the country of the newspaper, as follows:

⁽²⁰⁾ Kanaan, Ali Abdelfattah. *Electronic Journalism*. Previous Reference, p. 94.

⁽²¹⁾ Al-Laban, Sherif Darwish. *Electronic Journalism: A Study on Interactivity and Website Design*. Previous Reference, p. 54.

⁽²²⁾ Kanaan, Ali Abdelfattah. *Electronic Journalism*. Previous Reference, p. 94.

⁽²³⁾ Amin, Reda Abdelwahed. *Electronic Journalism*. Previous Reference, p. 99.

- Arabic newspapers published from Arab countries such as: Kuwaiti politics, Riyadh, Saudi Arabia, etc.
- Arabic newspapers published from outside the Arab world such as: Al-Hayat and Asharq Al-Awsat, both published in Arabic from London.
- Foreign newspapers, many of which are: The New York Times, The Washington Post⁽²⁴⁾.

2. The Electronic Press: Impacts and Obstacles

Electronic press has provided the public with new privileges that were not offered by traditional press (a), as well as the reality of some negatives that we directly relate to ways to improve this freedom (b) and the most prominent obstacles that prevent this (c).

a. Advantages:

- The emergence of multimedia text, audio, video, new media technologies and other communication channels such as chat.
- Opportunities to access highly specialised areas that cater to specific groups of readers and specific content.
- Flexibility to transport, load and store materials in a variety of shapes and forms.
- Opening the way for greater freedom for Arab women to overcome the authoritarianism exercised over them, and the resulting restrictions and limitations⁽²⁵⁾.

b. Disadvantages:

- Lack of skills from workers who are out of touch with the profession and craft of press.
- Publish some news without verifying its credibility or the reliability of its sources.
- Poor Arabic text-reading and page design software.
- Failure to adhere to the rules and methods of proper journalistic editing, which reflects negatively on the art of journalistic editing, which is the main pillar of disciplined journalistic work⁽²⁶⁾.
- Rumours spread quickly and information is difficult to control.
- Electronic publishing has negative effects on privacy and individual freedom, despite the legal controls that govern it, which will be discussed below.

3. Obstacles to the Advancement of Electronic Publishing in the Arab World

- Financial difficulties related to financing and reimbursement.
- Lack of planning and lack of clarity about the future of this type of media.
- The scarcity of professional online journalists who are familiar with information and communication technologies⁽²⁷⁾.
- Preventing the publication of coverage, one of the most prominent restrictions on the freedom of electronic publishing in the Arab world⁽²⁸⁾.
- Intense internet competition and high internet costs in total Arab countries.

⁽²⁴⁾ Same Reference, p. 101.

⁽²⁵⁾ Al-Dulaimi, Abdul Razzaq Muhammad. *Electronic Journalism and Digital Technology*. Previous Reference, p. 99.

⁽²⁶⁾ Suleiman, Munir Zaid. *Electronic Journalism*. Previous Reference, p. 102.

⁽²⁷⁾ Amin, Reda Abdelwahed. *Electronic Journalism*. Previous Reference, p. 103.

⁽²⁸⁾ Suleiman, Munir Zaid. *Electronic Journalism*. Previous Reference, p. 104.

III. Freedom of the Electronic Press in Algeria from the Perspective of the Algerian Constitution

In this title, we address the reality of the development of press freedom in Algerian constitutions (section 1) and highlight the qualitative leap made by the 2020 constitutional amendment in constitutionalising and strengthening the freedom of the electronic press (section 2).

1. The Reality of Press Freedom in Algerian Constitutions

Like other countries around the world, various constitutions enacted in Algeria have included the principle of freedom of opinion and expression, which has been elaborated in various media laws. The 1963 Constitution, in Article 19, stated the following: "The Republic guarantees freedom of the press, freedom of other media, freedom to establish associations, freedom of expression, addressing the public, and freedom of assembly."

The 1976 Constitution, in Article 39, also stipulated: "Fundamental freedoms and the rights of human beings and citizens are guaranteed." It further recognized in Article 55: "Freedom of expression and assembly is guaranteed, but cannot be invoked to undermine the foundations of the socialist revolution." Additionally, Article 73 outlines: "The conditions for forfeiting fundamental rights and freedoms for anyone who uses them with the intention of harming the Constitution, the main interests of the national community, the unity of the people and the national territory, or the internal and external security of the state, or the socialist revolution."⁽²⁹⁾

A careful examination of the evolution of the 1976 Algerian Constitution demonstrates that it was closely attached to the socialist system of that era. However, in response to various international transformations in concepts, principles, and shifting philosophical views in political and economic dealings—resulting from the decline of the socialist system and the rise of the liberal system—accompanied by various political and economic disturbances that manifested socially through protests and chaos, the most notable being the October 1988 events, the Algerian authorities sought to implement reforms. The starting point was the drafting of the 1989 Constitution, which served as the foundation for political and then media pluralism (with the issuance of the 1990 Media Law). This marked a shift in philosophical perspective from a socialist system to an open system based on freedoms⁽³⁰⁾.

Article 31 of the 1989 Constitution states: "Fundamental freedoms and human and civil rights are guaranteed." Article 35 also calls for the inviolability of freedom of belief and the inviolability of freedom of opinion. In the same context, Article 39 guarantees Algerian citizens the freedoms of expression, association and assembly.

Almost the same article was repeated with the same wording in the 1996 Constitution in Article 32: "Fundamental freedoms and human rights are guaranteed." This was followed by Article 36, which states that: "Freedom of belief and freedom of opinion shall be inviolable..." In addition to Article 41, which affirms that "freedom of expression, association and assembly are guaranteed to the citizen."

⁽²⁹⁾ Saih, Mukhtar Al-Akhdar. *Journalism and the Judiciary: The Dilemma of Balancing the Right to Information and the Proper Administration of Justice*. Dar Houma, Algeria, p. 32.

⁽³⁰⁾ Abdel Nour, Nagy. *Party Pluralism and Democratic Transition: An Applied Study in Algeria*. Dar Al-Kitab Al-Hadith, Algeria, 2012, p. 19.

In the same vein, a presidential directive was issued by President Liamine Zéroual in 1994, which included the right to expression and information along with the implementation of the principle of public service. This was followed by the National Communication Sessions at the end of December 1997. The directive was exclusively addressed to the media sector through legislation and regulation, reflecting the government's openness to freedoms, which had become the main demand of both civil society and the press during important historical milestones in Algeria⁽³¹⁾.

In turn, the November 2008 Constitution stipulates in Article 32 that: "Fundamental freedoms and human rights are guaranteed." This is followed by Article 41, which recognises that "the freedoms of expression, association and assembly are guaranteed to the citizen." which did not provide the desired addition to the freedom of journalistic work.

The new constitutional amendment of 2016 declared in Article 41 bis 2: "The freedom of written and audiovisual press, as well as on media networks, is guaranteed and shall not be restricted by any form of prior censorship. This freedom may not be used to undermine the dignity of others or their freedoms and rights. The publication of information, ideas, images, and opinions is guaranteed within the framework of the law and with respect for the constants of the nation and its religious, moral, and cultural values; and press offenses may not be subject to penalties that involve deprivation of liberty."

This measure eliminated the imprisonment penalty for journalists facing charges related to their opinions. In light of what has been mentioned, the amendment of the article concerning the abolition of imprisonment for journalists can be seen as a starting point for enacting a new media law that more clearly defines and regulates this provision. So, how did the 2020 constitutional amendment address the freedom of journalistic work? Did it adequately respond to modern technological developments and the freedom of electronic publishing?

2. Freedom of Press Work in the 2020 Constitutional Amendment

Freedom of the press is one of the pillars of democracy, the first application of which is the press, along with other media institutions. The Algerian constitutional founder took the initiative to enshrine freedom of the press in the last amendment by giving it a privileged position (a) and surrounding it with guarantees that allow journalists to work freely on the one hand and protect rights and freedoms on the other hand (b).

a. The Constitutional Entrenchment of Press Freedom in the 2020 Amendment

The Algerian constitutional founding body strengthened the chapter on rights and freedoms through the 2020 constitutional amendment by introducing new guarantees, the most notable of which pertains to ensuring freedom of expression⁽³²⁾, of which journalism or journalistic work is one of its most prominent manifestations. In this context, Article 54 states: "The freedom of the written, audiovisual, and electronic press is guaranteed."

Freedom of the press guarantees in particular the following:

- Freedom of expression and creativity for journalists and press collaborators.
- The journalist's right to access sources of information within the framework of respect for the law.
- The right to protect the independence of journalists and professional secrecy.

⁽³¹⁾ Abdel Nour, Nagy. *Party Pluralism and Democratic Transition*. Previous Reference, p. 22.

⁽³²⁾ "Article 52 of the Constitutional Amendment 2020." Official Gazette, no. 54.

- The right to establish newspapers and publications upon authorisation.
- The right to establish television and radio channels, websites and electronic newspapers under conditions specified by law.
- The right to disseminate news, ideas, images and opinions within the framework of the law, respecting the nation's constants and its religious, cultural and moral values⁽³³⁾.

In fact, it is a precedent in the history of Algerian constitutions, where the Algerian constitutional founder intervened and constitutionalised journalism with such strength and depth. This would strengthen and adapt the freedom of journalism, especially with the technological development that we are witnessing today. This resulted in electronic journalism and electronic publishing that has now taken over the status of journalism and classical journalistic work.

b. The Restrictions Imposed on the Freedom of Press Work in the 2020 Constitutional Amendment

Given its elevated status among the array of rights and freedoms guaranteed to individuals, freedom of the press is of a paramount importance in modern society. It generally falls within the broader framework of freedom of opinion and expression. The latter of which has become a factor for measuring the democratic nature of states. A state is regarded democratic and a protector of human rights if it provides adequate insurances that authorise the press to operate with absolute freedom, without pressure or restrictions.

In line with this international endeavour, the Algerian constitutional institution followed this trend and strengthened these guarantees at the level of the highest document of the state in order to achieve freedom of the press, but at the same time criminalised the transgression of journalists when they deviate from legal frameworks and unjustly compromise the rights and freedoms of others.

In this framework, Article 54 of the 2020 constitutional amendment stipulates that freedom of the press cannot be used to violate others' rights, freedoms, or dignity . These violations may comprise crimes detrimental to the general welfare, such as crimes of incitement, glorification, or advocacy of violence. They may also constitute offenses against individual interests, such as defamation, slander, or violations of privacy⁽³⁴⁾. Furthermore, the freedom of press work prohibits publishing any discriminatory or hateful speech among citizens of the same country⁽³⁵⁾.

It should be highlighted that one of the most substantial Assurances provided by the 2020 constitutional amendment is found in Article 54, which asserts that press-related offenses cannot be contingent upon penalties involving deprivation of liberty. Moreover, newspapers, publications, television and radio channels, and online news platforms can only be suspended by a judicial decision. In other words, only a court ruling can bring such activities to a halt, and administrative authorities are no longer able to intervene to terminate

⁽³³⁾ "Article 54 of the Constitutional Amendment 2020."

⁽³⁴⁾ Sidi Mohamed Amin. "Freedom of the Press Between Legal Guarantees and Criminal Responsibility in Algeria." *Journal of Legal and Political Studies*, vol. 2, no. 5, 2017, pp. 456 and following.

⁽³⁵⁾ "Article 54 of the Constitutional Amendment 2020."

the work of a journalist or media outlet. This had previously been one of the primary means of exerting pressure on press freedom for many years.

Conclusion:

At the conclusion of this research paper, we conclude that freedom of the press is a key foundation for establishing a modern society and a democratic state. It is an essential assurance for the exercise of democracy, as it serves as a means and tool for supporting rights and freedoms, elevating them to higher levels within the legal framework of the state. Technological advancements have significantly impacted the development of journalistic work and improved its effectiveness. It was mandatory for the Algerian constitutional establishment to, on one hand, enshrine constitutional guarantees that ensure the freedom of journalists, and, on the other hand, establish regulations that protect individuals' rights to maintain their privacy. This is due to the importance of the press and its direct association to rights and freedoms. This is reflected in the 2020 constitutional amendment, which we regard an essential step toward liberating press work from the limitations and pressures it encounters, while we await the introduction of further guarantees within the relevant legislative frameworks.

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