

The Shaping of Public Opinion in the Era of Digital Technology: Between Freedom of Expression and National Sovereignty

صناعة الرأي العام في ظل التكنولوجيا الرقمية

بين حرية التعبير والسيادة الوطنية

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Abstract:

Technological advancements have led to a significant and widespread transformation in the quantity and type of information circulated, transmitted, and utilized by social media networks. This occurs continuously and around the clock, effectively contributing to the shaping and directing of public opinion within a single state, without being hindered by the legislative restrictions and laws of states and governments, which have found themselves powerless against this massive influx of information.

This free flow of information, through digital media and communication means, acts as a powerful tool in the hands of advanced countries. With it, they can undermine the national sovereignty of states by influencing and contributing to the shaping of public opinion, especially on major vital issues, to the extent of manipulating and depleting their security capacities. All of this occurs under the guise of freedom of opinion and expression, which has also undergone a qualitative shift that makes its surveillance challenging in the context of rapidly evolving digital technology. This raises the question of how we can provide a safe digital environment for free expression without sacrificing national sovereignty.

Keywords: Public Opinion; Digital Communication; National Sovereignty; Cybersecurity; Freedom of Expression.

المخلص:

لقد أدى التطور التكنولوجي إلى إحداث تحول كبير وواسع النطاق، في كم ونوع المعلومات التي تتداولها، وتنقلها، وتوظفها شبكات التواصل الاجتماعي، دون انقطاع، وعلى مدار الساعة، في المساهمة وبشكل فعال في صناعة وتوجيه الرأي العام ضمن الدولة الواحدة، دون أن تمنعها قيود تشريعات وقوانين الدول والحكومات التي وقفت عاجزة أمام هذا الكم الهائل من المعلومات.

إذ يعتبر هذا التدفق الحر للمعلومات، عن طريق وسائل الإعلام والاتصال الرقمي، سلاحاً قوياً في يد الدول المتقدمة يمكن معه تقويض السيادة الوطنية للدول، من خلال التأثير بالمساهمة، في صناعة الرأي العام خاصة في المسائل الحيوية الكبرى، إلى درجة التلاعب واستنزاف قدراتها الأمنية، كل هذا تحت مسمى حرية الرأي والتعبير، الذي شهد كذلك نقلة، نوعية يصعب معها رقبته في ظل هذه التكنولوجيا الرقمية المتسارعة التطور. مما يجعلنا نتساءل كيف يمكن أن نوفّر بيئة رقمية آمنة للتعبير الحر دون المساس بالسيادة الوطنية.

الكلمات المفتاحية: الرأي العام، الاتصال الرقمي، السيادة الوطنية، الأمن السيبراني، حرية التعبير.

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Introduction

Today, human societies are experiencing an era where technology has imposed its logic on the entire world, affecting all levels—economic, cultural, and especially political. National sovereignty is being threatened and dominated by foreign superpowers, presenting states with unprecedented challenges in ensuring their survival and preserving their specificities and societal values.

These developments have led to a significant and widespread transformation in the quantity and type of information exchanged, transmitted, and employed by social media networks, continuously and around the clock. These networks actively contribute to shaping and directing public opinion within individual states, unrestricted by the legislative and governmental regulations that stand powerless against the massive influx of information. This, in turn, results in cultural and security breaches, particularly in developing countries or those on the path to growth.

Algeria, like other developing countries, has not and will not be exempt from these global transformations and challenges, as they shake stability and spread systematic chaos and unrest, serving certain parties and hidden agendas under the guise of freedom of speech and expression, the right to access information, and other legal justifications and political slogans, putting national sovereignty at risk.

Study problem

The problem of this study can be formulated in the following questions:

- How can we create a secure digital environment for free expression without compromising national sovereignty?
- And is there a need to reassess the legal and ethical standards in this context?

To address this issue, we have chosen to adopt the inductive approach in our study, as it is suitable for such research. Additionally, we have followed the subsequent plan.

- Chapter One: Conceptual Framework
- Chapter Two: The Role of Digital Technology in Shaping Public Opinion
- Chapter Three: Legal and Political Challenges in Shaping Public Opinion

1. Conceptual Framework

It is well established that the phenomenon of public opinion is as old as human society. Although the term "public opinion" has only emerged relatively recently, the concept of public opinion did not crystallize, nor did its characteristics, importance, and role in various political systems become clear, until the modern era¹.

1.1- The Concept of Public Opinion

The American Revolution, followed by the French Revolution in the 18th century, laid the foundation for the idea of democracy in political practice and became a reference for the principle of popular sovereignty and the recognition of individual rights and freedoms. Many thinkers emerged during this period, such as Montesquieu, Rousseau, Samuel Adams, Thomas Paine, and others, who advocated for human reason and paved the way for the emergence of free and enlightened public opinion².

1-Samia, Abdel-Laoui; Public Opinion: Its Manifestations, Formation, and Measurement Methods, Dar Al-Majmoua Al-Ilmiya, Egypt, 2020, p. 21.

2-Abdelkader, Hassanein; Public Opinion, Propaganda, and Freedom of the Press, Al-Nahda Al-Arabiya, Cairo, 1962, p. 27.

At the beginning of the 19th century, public opinion evolved into a formidable force in the hands of decision-making centers in developed countries, driven by the technological revolution, particularly modern communication methods. In the 1940s, interest in public opinion and its study expanded, both theoretically and practically, with a focus on the following areas:

- Public opinion surveys: These were primarily the concern of government bodies.
- Psychological warfare: This focus was prevalent in universities and military colleges.
- Mass communication: This became a field of research in many global institutes.
- Public opinion and foreign policy: The use of propaganda during wartime motivated governments to use it afterward as a tool in foreign policy³.

This new phenomenon became a strategic tool for decision-makers in shaping and toppling governments, as well as in guiding populations toward desired outcomes.

Therefore, we will attempt to explore different perspectives on the definition of public opinion according to experts and scholars.

1.1.1- The definition of public opinion in Western jurisprudence

John Stuart Mill defines public opinion by stating that what society—or the powerful part of it—desires or does not desire is the decisive factor in practically determining the rules that must be followed, as long as they do not conflict with law or opinion⁴.

Jeremy Bentham, one of the earliest scholars to address this topic, emphasized the importance of public opinion as a means of social control, protecting against tyranny and preventing the misuse of power through transparency and openness in all matters.

In the 20th century, especially with the development and diversification of media and communication channels, the Gallup Institute was established in 1935, and the first issue of *Public Opinion* magazine was published in 1937. This contributed to the spread of research and studies related to public opinion and its formation, particularly in advanced societies, making it one of the key indicators for understanding social policies and revealing the realities of a society⁵.

This is where the power to control the fate of peoples and nations, and decision-making, lies—based on a formula balancing the political and cultural awareness of the target populations, between a largely ignorant majority and a knowledgeable and aware minority.

1.1.2- The Definition of Public Opinion in Arab Jurisprudence

Ahmed Abu Zeid defines public opinion as "the viewpoint of the majority of a group, which faces no opposition or is not contested by another opinion, at a specific time and regarding a matter of concern to the group, around which explicit or implicit discussion takes place within this group⁶."

In this context, the stance or idea is adopted by a group of individuals concerning an issue that concerns them and affects their interests, provided that this idea or position achieves explicit consensus from the majority of the group. However, the group must operate within a

3-Saad, Ismail; Theories, Doctrines, and Systems: Studies in Political Sciences, Dar Al-Maarifa Al-Jami'iyah, Cairo, 2005, p. 45.

4- Samia, Abdel-Laoui; Public Opinion, op. cit., p. 33.

5-Khaled, Hamed; Public Opinion and Freedom of Expression, University of Tebessa, article on ASJP website, p. 6. Retrieved from <https://www.asjp.cerist.dz>.

6-Samia, Abdel-Laoui; Public Opinion, op. cit., p. 34.

legal framework, such as the state. Otherwise, there is no point in having an opinion that does not aim to influence the public policies of the state.

Dr. Ibrahim Imam believes that public opinion is "the prevailing idea among a public of people who share a common interest regarding a situation, action, or public issue that draws their attention or relates to their shared interests⁷."

In summary, public opinion can be described as the opinion adopted by a mature audience within a country, or a large segment of it, concerning a contemporary controversial issue that directly affects their interests. This audience engages with the issue, exchanges views, and discusses it through various communication channels, eventually forming a collective opinion, either in support, opposition, or neutrality, with the aim of influencing public policy⁸.

1.1.3- Types of Public Opinion

The rapid technological advancement in human life has created a distinct phase between two eras, marking a significant shift in various fields and concepts, including the concept of public opinion.

A. Traditional Public Opinion

Public opinion is not simply the sum of individual opinions within a group, but rather the outcome of processes of persuasion and conviction. It reflects the majority opinion, while another opinion represents the minority. The majority opinion is what is commonly referred to as public opinion⁹.

Thus, traditional public opinion can be imagined as the collective ideas resulting from direct communication between members of society, influenced by political, social, and economic factors around a specific issue that concerns individuals and groups. These ideas are shaped into opinions and convictions, where the majority forms the public opinion, while the minority holds a different perspective.

B. Digital Public Opinion

To understand the concept of digital public opinion, it is necessary to define digital technology, its types, and its relationship with the creation of digital public opinion.

- The Concept of Digital Technology The term "digital technology" refers to devices, tools, and electronic resources used by official institutions and various companies to create, manage, and store data. The mechanism of digital technology involves converting information into a digital format that can be easily processed and stored, using computers, the internet, and microprocessors¹⁰.
- Types of Digital Technology Digital technology includes information technology, communication technology, and artificial intelligence. Its use is evident in smartphones, which facilitate the circulation of information in various forms and its storage, whether printed, visual, audio, magnetic, or laser-processed. This information is transmitted using a variety of electronic media and telecommunication devices.

7-Hussein, Samir Mohamed; Public Opinion, Alam Al-Kutub, Cairo, 1997, p. 43.

8-Samia, Abdel-Laoui; Public Opinion, op. cit., p. 37.

9-Mahfouz, Joudat; Public Relations: Concepts and Practices, Dar Al-Hilal, Amman, 1996, p. 06.

10- Hassan, Reda; Al-Najjar; Communication Technology: Concept and Development – Research from the International Conference on New Media: New Technology – New World, University of Bahrain, April 7-9, 2009, p. 445.

This technology has facilitated the right to exercise freedom of expression and the ability to convey opinions and counter-opinions to different segments of society. The principle behind media and communication technology is the power of information and the speed of its dissemination. It offers immense economic, political, military, and, above all, intelligence benefits. A significant portion of research and development focused on information and communication technology has been funded by the military budgets of major world powers, which continue to invest in this field¹¹.

Thus, a comprehensive definition of media and communication technology can be adopted as follows:

Media and communication technology, according to official approaches represented by international organizations such as the United Nations and the Organization for Economic Co-operation and Development (OECD), refers to electronic means that transmit, store, process, and disseminate information¹².

The digital space must be an arena where human rights and freedoms are implemented, given its ease of access, rapid spread, and the diversity of tools used for expression. Digital expression is part of the evolution of humanity, and digital freedoms are an essential part of human rights. Among the most important human rights that must be protected and defended by all means is the freedom of opinion and expression, which is fundamentally centered around digital communication—defined as the electronic exchange of information.

Therefore, digital public opinion can be defined as the opinion expressed by the largest segment of society within the vast space of the internet, influencing real-world circumstances through this network.

1.2 The Concept of National Sovereignty

The theory of sovereignty is one of the most ambiguous theories in public law, and it is difficult to reach a comprehensive definition of it. Therefore, we will present various definitions and explanations provided by scholars regarding the concept of sovereignty.

The French jurist, Duguit, defines it as the commanding authority of the state, which represents the will of the nation organized within the state, and it is the right to issue unconditional orders to all individuals within the territory of the state¹³.

As for Professor Yehia Al-Jamal, he considers sovereignty synonymous with political authority and believes it describes the absence of any higher authority. He argues that both terms can be used in distinct contexts: political authority is used within constitutional law and political relations, while sovereignty is used within the framework of international law and international relations¹⁴.

Sovereignty also means that the state carries out all its activities freely without any external interference. Moreover, the unity and indivisibility of sovereignty is a fundamental element of the political system of society¹⁵.

11-Hassan, Emad; Makawi, Mahmoud; Information and Communication Technology, Al-Dar Al-Arabiya for Publishing and Distribution, Egypt, 1st ed., 2009, p. 07.

12- Abdel-Rahman Aazi; Modern Terminology in Media and Communication, Al-Dar Al-Mutawassita for Publishing, 2011, p. 15.

13-Badawi, Tharwat; General Theory of Political Systems, Part One, Cairo: Dar Al-Nahda Al-Arabiya, 1st ed., n.d., p. 242.

14-Badawi, Tharwat; op. cit., p. 242.

15-Zhekeyeva, Aiman. (2009). *Sovereignty and the Implementation of International Responsibility of States in Public International Law* (Doctoral thesis). University of Paris 12, UFR AEL, p. 38.

From the previous definitions and concepts, we can identify several key features of state sovereignty:

- State sovereignty is indivisible, meaning it applies to all citizens of the state and residents on its land, even if they are foreigners.
- It is a permanent sovereignty that continues as long as the essential components of the state exist.

2. The Role of Digital Technology in Shaping Public Opinion

To fully understand how digital technology influences the shaping of public opinion, it is first necessary to explore the relationship between freedom of expression and national sovereignty. This is because the formation of public opinion is essentially the result of a collection of similar and harmonious opinions, forming a collective opinion shared by the majority of society, which stems from the human freedom of expression on a particular issue within that society.

2.1 The Relationship Between Freedom of Expression and National Sovereignty

With the development of modern communication and technology, social media networks of various types have become a prime platform for public discourse and mass mobilization. As these networks rapidly evolve and expand, they have become the space that embodies freedom of opinion and expression. Through these platforms, the opinions and beliefs of individuals and groups take shape, starting with virtual discussions and gradually becoming real-world demands. These demands evolve into a form of societal expression, collectively shaping a public opinion on a specific issue, which then challenges the public policies of the state.

This emerging model of public freedoms, in which all societal segments are heavily involved, is growing rapidly and crossing borders. Along with this growth, the challenges it presents are developing even faster. Individuals and groups across various regions now use social media to express their opinions, aspirations, beliefs, and demands.

Some experts assert that there is chaos within these platforms, characterized by informational and ethical disorder, often fueled by foreign entities seeking to undermine national unity and weaken the bonds of citizenship within societies. This facilitates the internal disintegration of states or the manipulation of their policies. There is disorder and randomness in disseminating information, distortion of facts, and discussions and debates often based on misinformation, exaggeration, and skepticism.

Politically motivated and malicious rumors have spread, aimed at misleading and distorting public opinion. There is no doubt that if left unchecked, this situation could become alarming within the state.

Therefore, it is necessary to establish strategies, legislative frameworks, and stringent regulatory tools to protect societal thought and to rationalize differing views—whether political, social, or cultural—within the nation's established principles. This is aligned with the Algerian constitutional legislator's stance in Article 34 of the 2020 constitutional amendment¹⁶, which explicitly states that rights and freedoms may not be restricted except by law and for reasons related to preserving public order, security, and protecting national constants.

16-The Algerian Constitution, Official Gazette of the People's Democratic Republic of Algeria, No. 82, December 2020, p. 34.

While modern technology offers benefits such as openness to the world, easier access to information and knowledge, and the exchange of experiences, it has also created significant challenges. Among these challenges are the dissemination of false news to mislead the public, incite hatred, promote discrimination and violence, and recruit and advocate for terrorists.

What must be clarified here is that freedom of opinion and expression, as previously explained, should not exceed its limits—the public interest. Therefore, it is not entirely absolute. It must not be used to undermine the foundations and pillars of the state, spread harmful ideas or destructive theories, or sow doubt, chaos, and confusion among members of society. For this reason, the legislator may recognize that some state institutions require a degree of authority that obliges citizens to treat them with greater respect. This respect should extend to everyone, including those with differing opinions¹⁷.

The constitutional legislator preempted these risks and deviations, especially in the digital environment, through Article 54 of the 2020 constitutional amendment, which guarantees the freedom of electronic press. The article grants journalists the right to access information sources within the framework of professional law¹⁸ and the right to establish television channels, radio stations, websites, and electronic newspapers, but under conditions specified by law. Furthermore, journalists have the right to publish news, ideas, images, and opinions, as long as they respect the nation's principles, religious, ethical, and cultural values. The dissemination of discriminatory and hateful speech is prohibited, and under no circumstances can these freedoms be used to violate the dignity, freedoms, and rights of others.

Accordingly, we observe that the same rules applied to journalists extend to users and participants of social media networks, regardless of their identity or legal status, based on the important legal principle that the specific restricts the general.

This approach ensures the preservation of national security and the safety of citizens, thus protecting national sovereignty in both its internal and external dimensions, particularly in the field of sovereign decision-making and public policy strategies. Decision-making is one of the most crucial processes in governance, and no one can deny the strong connection between public opinion and decision-making in various societies and political systems. Public opinion is one of the most significant factors influencing decision-making, regardless of the political system in power.

In democratic systems, decision-makers consider public opinion from the perspective of participation in the decision-making process. In contrast, in dictatorial systems, decision-makers focus on public opinion only to control or direct it for the purpose of manipulation¹⁹.

2.2 The Impact of Social Media on Shaping Public Opinion

Social media networks have played an exceptionally effective role in shaping public opinion, a level of influence that analysts, specialists, elites, and even security and strategic forecasting institutions did not anticipate. Social media has surpassed many satellite channels in broadcasting live events and incidents, significantly contributing to the rapid and remarkable formation of public opinion, leaving little room for political authorities to maneuver or control it, whether positively or negatively.

17-Samah, Ahmed Mohamed; Metwally Al-Najjar; Freedom of Expression in the Era of Information Technology in Light of International Law Rules, Journal of Sharia and Law, No. 34, Part 2, 2019, p. 99.

18-The Algerian Constitution, op. cit., p. 54.

19-Abed, Zouheir; Abdel-Latif; Public Opinion and Its Measurement Methods, Dar Al-Bazouri for Printing and Publishing, Amman, 2018, p. 100.

While geographic factors impose constraints on the development of social relationships, such as time and transportation costs, the virtual space is characterized by the absence of physical distances. In this realm, distances are defined by social, logical, and cultural factors. The virtual space allows social media networks to overcome geographical and spatial barriers that could otherwise hinder the continuity and growth of these networks²⁰. This enables the rapid formation of shared opinions and beliefs, ultimately creating a public opinion that often conflicts with the aspirations and strategies of certain regimes, particularly authoritarian ones.

Platforms like Facebook have even contributed to creating a culture of influence through certain influencers who use the internet, as seen in the popular protests of 2019, known as the "Hirak" movement in Algeria. These protests began online and later evolved into a youth-led revolution on the ground, toppling a powerful regime. Similar events occurred in other countries, such as Tunisia and Libya. Some of the most influential platforms include:

- Social Media Platforms: These are websites used by individuals for social interaction, building relationships, meeting new people, and forming virtual groups with different interests. Some of the most popular platforms include Facebook and Twitter. These platforms have facilitated the expression of political opinions and orientations, allowing anyone to easily share their views. They have also granted the general public the freedom to express their opinions, which was previously limited to certain segments of society.
- Virtual Communities: These represent meeting points for groups of individuals with common interests, who communicate via the internet using mailing lists, instant messaging, and extended discussions²¹.
- Forums: These are specialized programs that operate on media websites or other thematic websites on the internet, such as specialized platforms. They allow the presentation of ideas and opinions on issues or topics being discussed on the site, providing users or participants with the opportunity to respond and engage in immediate discussion²². The only restrictions are those set by forum administrators, who control and manage the program.
- Blogs: These are websites owned by individuals, organizations, or groups, where writing is done in various styles, most of which resemble journalistic approaches. Blogs often seek to provide breaking news and cover controversial topics and issues. They play a pivotal role in shaping public opinion.

This new social media landscape, which is marked by dynamic development and rapid expansion, initially began as a small and limited internet community. Over time, it evolved from a text-based tool into an audiovisual media tool that influences the decisions and responses of affected individuals. This is done by leveraging the personality types of auditory, visual, and sensory individuals, as the affected individuals and their types become a key axis

20-Pierre Musso; The Web: New Territory and Old Concepts, Annales des Mines - Realities Industrielles, 2010, Vol. 4, No. 1, November 2010, p. 75.

21-Sadek, Abbas Mostafa; New Media: Concepts, Tools, and Applications, 1st ed., Dar Al-ShoroukBaaziz, Amman, 2008, p. 220.

22-Abdel-Hamid, Salah; Media and Cyberspace, Giza: Atlas for Publishing and Media Production, 2014, p. 165.

in the influence process, often led by unorganized leaders. These leaders have been able to turn words, ideas, and orientations into projects with diverse intentions and purposes²³.

Amid a noticeable weakness in the culture of verifying news and declining trust in traditional media and institutions, it becomes more challenging to establish a balance in rationalizing the various forms of human expression. This balance is necessary to ensure the enjoyment of rights and the exercise of public freedoms while simultaneously preventing any deviations or transgressions, whether by the authorities or by users of these communication forms. Such transgressions could threaten existing gains and undermine rights or freedoms.

3. Legal and Political Challenges in Shaping Public Opinion

The rapid and astonishing developments in information and communication technologies cannot be separated from the swift changes the world is experiencing today. Amidst these changes, modern media has undergone a sudden and formidable transformation, establishing itself as a powerful global force. However, this force has also introduced avenues for violating human rights under the pretexts of freedom of the press, freedom of opinion and expression, and freedom of publication and information dissemination.

From this perspective, the question arises: How has national law dealt with the concept and interpretation of freedom of opinion and expression, which digital media has rendered limitless and absolute?

This leads to a pressing question: What should we do with this new media, which now leads the public and shapes its sociological, political, and cultural currents? Should we allow it to guide society while practicing its alleged freedoms, or should we revert to a more authoritarian approach, controlling everything as totalitarian regimes do? Or should we seek a balance between these extremes to safeguard our national sovereignty while ensuring the exercise of rights and freedoms? Therefore, we will address this issue on two levels: the legal and the political.

3.1 Legal Challenges

All national and international legislations have been affected by the emergence of the new world order, the ideological unity that followed the end of the Cold War and the fall of the Berlin Wall, as well as the dominance of the thoughts of Fukuyama and Huntington. The events following the September 11, 2001 attacks, coupled with the widespread use of social media, forced this new world to reestablish the need for imposing restrictions and setting boundaries that these media must not cross under the guise of enjoying the unlimited possibilities offered by freedom of expression. This is essential for countries to preserve their sovereignty and national security. However, traditional legal frameworks cannot adapt to or keep pace with the intangible and transnational nature of virtual spaces, creating significant legal challenges.

Therefore, we will address these legal challenges from the perspective of constitutional law, focusing on the existence and continuity of the state.

3.1.1 Power Transition

All modern constitutions guarantee the principle of power transition, which is fundamentally based on regular, free, and fair elections that ultimately determine who holds authority. This individual assumes power after the majority of voters agree on their

23-Ahmed, Younes; The Role of Social Media Networks in Enhancing Youth Participation in Social Issues, Master's Thesis, Institute of Research and Studies, Cairo, p. 63.

legitimacy, achieved through election campaigns that mobilize public opinion in their favor. Constitutions, therefore, work to codify and regulate mechanisms that ensure the electoral voice reaches its rightful destination. Typically, this does not present significant legal issues, as these legal mechanisms are universally applied.

In most contemporary democracies, constitutions enshrine freedom of opinion and expression across various domains, particularly in political matters related directly to power transitions, constitution-making, and amendments. This freedom is protected by constitutional foundations and international standards that safeguard the right to free speech, especially in the digital realm. In the Algerian constitution, provisions such as Article 8 affirm that foundational authority belongs to the people, who exercise their sovereignty through constitutional institutions they choose, as well as through referendums—an instrument that fundamentally relies on public opinion. Additionally, Article 52 guarantees freedom of expression and its protection by the constitution²⁴.

Here lies the challenge for constitutional institutions in preserving their existence against the effects of digital technology in shaping a moderate and balanced public opinion, one that prioritizes the nation's and people's interests above all else, avoiding any narrow or sectarian interests that could lead to unfavorable outcomes. This challenge necessitates new legislation and laws that address the negative impacts of developments in information and communication technology.

3.1.2 National Identity

National identity and its fundamental components are among the crucial topics protected by law from any violation, due to the importance of this concept in the life and development of all peoples. These are the firm foundations for their existence within a shared bond based on citizenship, loyalty, and belonging. The Algerian constitutional legislator emphasized this in Articles 2, 3, and 4 of the 2020 constitutional amendment²⁵, placing national identity as a non-negotiable subject that cannot be debated or critiqued, regardless of the nature of the discussion or under any guise of freedom of expression or belief.

The right to freedom of opinion and expression includes certain elements and rules that justify its restriction to safeguard the higher interests of the state, such as public order, health, morals, or national security. There are also instances where freedoms themselves conflict, or with other rights. For example, the conflict between freedom of the press and the right to privacy, or in some contexts, between freedom of expression and freedom of religion, among others. This is reflected in the new media law²⁶, where Article 3 stipulates that media activities must respect "Islam, the national religious reference, and other religions," as well as "national identity, the nation's constants, and its religious, ethical, and cultural values," and "national sovereignty, national unity, and territorial integrity." These measures aim to preserve the peaceful exercise of freedom of opinion and expression.

3.1.3 Public Order

The concept of public order in its contemporary form has become the safeguard of any political system, protecting its foundational principles from potential threats. Although the

24-The Algerian Constitution, op. cit., Article 52.

25-The Algerian Constitution, op. cit., Articles 2, 3, and 4.

26-Organic Law No. 23-14 dated August 27, 2023, concerning Media, Official Gazette No. 56, issued on August 29, 2023.

Algerian legislator has not provided a clear definition of public order, it is referenced in various legal texts and associated with breaches of legal rules and principles that affect the fundamental components of society. The legislator has mandated that individuals refrain from undermining any aspect of public order, including public security, general tranquility, and public health, among others.

This is reflected in Article 3 of Organic Law 23-14 on media, which states that media activities are to be exercised freely within the framework of the constitution, this organic law, and applicable legislation and regulations. This is to be done with respect for Islam, the national religious reference, other religions, national identity, the nation's constants, religious, ethical, and cultural values, national sovereignty, national unity, territorial integrity, and the requirements of public order, security, and national defense.

Furthermore, Article 12 of the same organic law on media prohibits direct or indirect financial support from any foreign source. Violators are subject to fines ranging between one million and two million dinars. This provision complements existing penalties in the Penal Code²⁷.

Article 63 bis of the amended and supplemented Penal Code stipulates that any Algerian who leaks confidential information or documents related to national security, defense, or the national economy via social media for the benefit of a foreign state or its agents is guilty of treason and is punishable by life imprisonment²⁸.

A journalist may also be arrested for receiving funds from foreign sources in violation of Article 95 of the Penal Code, which punishes those who obtain funding that threatens the security of the state, the stability of its institutions, their regular functioning, national unity, territorial integrity, Algeria's essential interests, or public security and order.

Regarding journalistic sources, the law acknowledges the journalist's right to professional confidentiality in accordance with applicable legislation and regulations. However, journalists are required to disclose their sources when requested by the courts. Article 32 of the organic law on media affirms the journalist's right to access information sources unless the information concerns a "national defense secret," as defined by relevant legislation, such as state security and/or national sovereignty²⁹.

The Algerian legislator has incorporated new procedural measures into Law No. 06-22³⁰, which amends the Code of Criminal Procedure. These measures pertain to the investigation of cybercrimes, including monitoring, recording, and intercepting electronic communications. The interception of communications refers to the interception, recording, or copying of communications in the form of data that can be produced, distributed, stored, received, and displayed via wired and wireless communication channels, within the framework of crime investigation and evidence collection.

27-Organic Law No. 23-14, op. cit.

28-Law No. 24-06 dated April 28, 2024, amending and supplementing Ordinance No. 66-156 of 1996, containing the Penal Code.

29-Organic Law No. 23-14, op. cit.

30- Law No. 06-22, dated 29 Dhu al-Qi'dah 1427 (corresponding to December 20, 2006), amending and supplementing Ordinance No. 66-155 dated 18 Safar 1386 (corresponding to June 8, 1966), containing the Code of Criminal Procedure, published in the Official Gazette No. 84 on December 24, 2006, p. 4.

However, these procedures are accompanied by a set of legal safeguards to prevent the abuse of investigative powers and to protect public rights, individual freedoms, and the privacy of individuals.

In addition, the Algerian legislator has addressed state security and the security of information in the face of rapid technological development through the concept of cybersecurity, which has become a key topic in academic studies due to its importance in preventing and countering cybercrime in various ways.

The International Telecommunication Union (ITU) defines cybersecurity as "a set of tasks, such as assembling security tools, policies, procedures, guidelines, risk management approaches, training, best practices, and techniques that can be used to protect the cyber environment and the assets of institutions and users"³¹.

Thus, cybersecurity can be understood as the collection of tools, policies, security concepts, mechanisms, and technologies that can be used to protect electronic communications against any event that may compromise the integrity of stored or processed data, as well as any digital content that could distort public opinion across various societal segments.

This is an ongoing challenge that the Algerian authorities are working diligently to address, employing a variety of methods and strategies to combat this form of crime while avoiding any conflict with human rights protections enshrined in the **2020 Constitution**. The state remains committed to upholding these rights and respecting individual privacy to ensure a dignified and protected life for its citizens.

3.2 Political Challenges

Today, public opinion has become one of the most significant forces influencing decision-making centers. As a result, it is, in practical terms, one of the key indicators and factors that work to protect rights and freedoms.

In democratic societies, public opinion serves as the primary deterrent for rulers, compelling them to respect the constitution. It is also the fundamental political safeguard for public freedoms and individual rights, particularly through mechanisms such as referendums, opinion polls, and direct protests like peaceful demonstrations and marches. Therefore, democratic governments rely heavily on public opinion in shaping their policies and place great importance on understanding its trends regarding proposed issues and emerging matters, especially when public opinion polls are conducted by trusted, independent professional bodies.

The obligation to respect freedom of expression and human rights requires full solidarity that goes beyond the rigid concept of state sovereignty, which was formulated during the Treaty of Westphalia in 1648. This treaty created a quasi-constitutional charter to end religious wars and led to the disappearance of the medieval system based on conflicts and chaos. It established an international system founded on a balance of power and the principle of sovereignty.

31-Jamal Bouazdia; "The Algerian Strategy in Confronting Cybersecurity: Challenges and Future Prospects," Journal of Legal and Political Sciences, Vol. 10, No. 01, April 2019, p. 67.

Freedom of expression on social media is based on a principle that transcends the traditional framework of states and nations³². Moreover, respecting freedom of expression within the context of human rights demands international political solidarity, surpassing the classical concept of national sovereignty. Social media platforms have become cross-continental tools that do not recognize sovereignty or borders, crossing them millions of times a day. These platforms transmit and share information without barriers or restrictions, which has led to questioning the concept of absolute state sovereignty in today's world. This situation necessitates reconsidering constitutional concepts, if not transitioning to the idea of virtual global constitutions rather than regional geographical ones.

It is important to emphasize that the virtual space does not recognize borders or sovereignty restrictions that exist in the tangible, material world. In reality, the development of social media networks and the virtual space has enabled the exchange and dissemination of information without the consent of states and often against their will. Such information can no longer be confined within the borders of a single country.

For example, a country may have a law prohibiting the announcement of election results before polling stations close. However, the results could be disclosed in another country, based on an opinion poll suggesting the victory of a particular candidate, and this could happen via a social media platform based in a different country from where the elections are held. In the case of Algeria, which prohibits the announcement of election results before the polling stations close at 7:00 p.m., these results could be disclosed earlier in the United Kingdom without affecting the credibility or legitimacy of the elections.

This highlights the challenges of regulating and governing the internet on an international level. International documents governing this space have only addressed specific, well-defined matters that emerged in the wake of global changes following the 9/11 attacks. With the rise of various social media networks, laws regulating the internet began to appear in abundance, particularly those aimed at restricting the use of social media for communication, preparation, and organization of terrorist activities.

The study conducted by Freedom House in 2009³³ revealed that, initially, only a small group of countries monitored and restricted freedom on the internet, strictly controlling content. However, by 2007, that small number had more than doubled, exceeding 40 countries. The study also showed that internet censorship is not limited to non-democratic countries; it has extended even to nations that consider themselves democratic. As a result, content monitoring, especially after the rise of terrorism, extremism, and calls for violence, is no longer the exclusive domain of authoritarian regimes that are fond of suppressing political opinions and silencing dissenting voices.

In reality, these practices are widespread globally and are used by both democratic and authoritarian states. This represents a new challenge for global systems without exception. However, the imbalance of power among these nations has allowed stronger countries to exploit these networks and tools to control and infiltrate the security systems of other states across various sectors. This is done to manipulate their sovereign decisions and national interests, serving the agendas of specific groups.

32-LyesNait Kaci; Malika Belkadi; "The Balance of Power System in Europe After the Westphalia Conference," Journal of Al-Baheth, Higher School for Teachers of Bouzaréah, Vol. 13, No. 01, 2021, pp. 12-13.

33-"Freedom House," Wikipedia, Retrieved from <https://shorturl.at/a0iJM>.

Today, it has become imperative that human security, in all its aspects, be the focal point of international human rights law, which in turn must be revised to align with the demands of the technological age. We are moving towards new constitutional concepts that pertain primarily to the notions of the state and sovereignty, as well as regional citizenship and governance systems. These are the goals and the reality desired by those who control the policies of nations and people—those who own technology and scientific advancements—so that we ultimately arrive at a global system where all the traditional elements of the state dissolve, culminating in a singular entity: the state of software and machines.

Conclusion

Freedom of opinion and expression, regarded as fundamental freedoms, have a more pervasive and comprehensive presence on the internet compared to other media. Yet, these freedoms are not absolute but are instead bounded and regulated by legal norms both nationally and internationally. In concluding our study on the shaping of public opinion in the digital age, between freedom of expression and national sovereignty, we have reached the following findings and suggestions: Monitoring the content and nature of various messages and information, especially those that influence public opinion, which are published and broadcast on the internet, often takes on an international dimension. These practices are deeply rooted in domestic media law or penal law, contributing to a balance between freedom of expression and the enforcement of national sovereignty. There is a critical issue with domestic legislation in this field, which constantly requires interpretation and extensive effort to achieve harmony. This primarily involves respecting the principles associated with the free flow of information, which includes adhering to aspects of national sovereignty and public order within the state. These have taken on a new dimension in meaning and application as technological advancements have made state geographic boundaries irrelevant. Based on the discussions within the text, we can offer some recommendations that may address certain gaps in legislation in this field, summarized as follows:

- Establish national-level centers for scientific studies related to public opinion, to accurately understand societal actors and their growing needs through technological development, while also creating a proactive firewall to protect state components.
- Redefine the controls and legal boundaries concerning digital freedom of expression, with a focus on legislative security to prevent the erosion of human rights amid these broad legislations.
- Instill public order concepts at all societal levels to foster generations that are creative, aware, and deeply imbued with genuine citizenship principles.

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