



*Evolution of audiovisual legislation in Algeria*  
*A critical analysis of the texts of laws in the period from 2012 to 2023*

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**Abstract:**

This study is concerned with following up the legislative path to open up audiovisual to the private sector through analyzing the legal texts regulating the audiovisual sector, and we arrived at a distinction between two stages: the first stage extends from 2012 until the promulgation of the Organic Media Law of 2023, which represents the stage of establishing pluralism in the field of audiovisual, which began with a formal openness and the absence of the real will to open the way for private individuals to invest in the audiovisual media industry. The second stage begins with the promulgation of the Organic Media Law of 2023, which includes what the Authority calls "a comprehensive reform of the media system" by issuing a set of legal texts aimed at updating media legislation to keep pace with successive changes, especially in the digital environment.

**Keywords:** *audiovisual sector; legal texts; media legislation; media organic law; media pluralism; media policy.*

## I. INTRODUCTION

This study is concerned with the development of the legislation of the audiovisual sector in Algeria in light of media pluralism and tries to track the course of legal texts during the period from 2012 to 2023, by employing the historical approach as well as the descriptive analytical approach aimed at dismantling legal texts in order to reach the vision of the Algerian legislator to regulate this sector. We also employ the method of comparing laws to identify the most important amendments that affected them, and the update that affected the audiovisual media sector to keep pace with the changes taking place at the internal and regional levels.

Based on the foregoing, this study attempts to investigate the development of media legislation and its translation of the media policy of the Authority on the one hand, and the demands of practitioners on the other hand, to follow the methodology of analyzing the legal texts under study, represented in the most important legislation adopted since the opening of the sector, represented in Organic Law No. 12-05 on the media, Law No. 14-04 on audiovisual activity, Organic Law No. 23-14 on the media and Law No. 23-20 on audiovisual activity.

### 1. Organic Law No. 12-05 of January 12, 2012 relating to the media

#### 1.1 Formal Analysis

##### 1.1.1 Structure of the legal text:

**Table representing the formal description of the text of Organic Law No. 12-05**

Official Gazette	Issue 16 of 2014
Date of issuance of the law	Dated 18 Safar 1433 corresponding Issue 2 of 2012 to 12 January 2012
TitleText	Organic law relating to the media
Law Building - Visas	It is about the 25 laws that are related to the law and built on it, including the Constitution of 2020
<b>Corpus juris</b> It consists of 133 articles divided into 12 chapters, some of which are divided into chapters, and some of which consist of only one article.	<ul style="list-style-type: none"> <li>-Part One: Title B: General Provisions and Related to Articles 01 to 05</li> <li>-Part Two: Entitled B: Media Activity through the Written Press, which is divided into two chapters: <ul style="list-style-type: none"> <li>- Chapter One is entitled: Issuance of Periodicals and relates to Articles 06 to 32.</li> <li>- The second chapter is entitled: Distribution and sale on the public road and relates to articles 33 to 39.</li> <li>-Chapter Three: Entitled B: The Authority to Control the Written Press and Related to Articles 40 to 57.</li> <li>-Chapter Four: Title B: Audiovisual Activity, which is divided into two chapters: <ul style="list-style-type: none"> <li>- Chapter I is entitled: Practicing Audiovisual Activity and relates to Articles 58 to 63.</li> <li>- Chapter Two is entitled: Authority for Audiovisual Control and relates to Articles 64 to 66.</li> <li>-Chapter Five : Entitled B: Electronic Media and Related to Articles 67 to 72.</li> <li>-Chapter Six: Title B: The profession of a journalist and ethics and</li> </ul> </li> </ul> </li> </ul>

	<p>ethics of the profession, which is divided into two chapters:</p> <ul style="list-style-type: none"> <li>- The first chapter is entitled: The profession of a journalist and relates to articles 73 to 91.</li> <li>- Chapter Two is entitled: Ethics and Ethics of the Profession and relates to Articles 92 to 99.</li> <li>-Chapter Seven: Entitled the right of reply and correction and relates to Articles 100 to 114.</li> <li>-Chapter Eight: Title B: Responsibility and Related to Article 115.</li> <li>-Chapter Nine: Title B: Violations committed within the framework of media activity and related to articles 116 to 126.</li> <li>-Chapter Ten: Title B: Supporting and Promoting the Press and Related to Articles 127 to 129.</li> <li>-Chapter Eleven: Title B: The activity of consulting agencies in communication and related to Article 130.</li> <li>-Chapter Twelve: Entitled B: Transitional and Final Provisions Relating to Articles 131 to 132.</li> </ul>
Article 133	It is the last article in the law and provides for its publication in the Official Gazette and the date of its enactment.
From the bill signing.	- Abdelaziz BOUTEFLIKA

The source: Researcher according to the text of Organic Law No. 12-05

### 1.1.2. How to formulate and adopt the method:

Formal observations on the law is the large number of its articles, and this is explained by the introduction of framing structures for the field of media, especially the authority to control the audiovisual and the Supreme Council for Ethics and Ethics of Journalism, and the law has tended to use the commanding method of drafting in some articles by using the word: " must". The complementary method that is the option for application was also used. In other articles, the law used direct discourse, which is carried as a commanding method despite the absence of the word "must". It is also noted that the law is referred to the organization in some citizens, and this is also linked to the large number of articles of the law, which cannot be expanded further.

### 1.1.3. The circumstances of the issuance of the text:

The Organic Law of the Media 2012 was issued under exceptional regional and internal circumstances. The regional circumstances were the outbreak of the Arab Spring revolutions in many Arab countries, starting with Tunisia, where social networking sites played a key role in organizing protests against the ruling regimes and framing youth revolutions and became the most used and influential means in the work of movements. The activities carried out by young people were characterized by accuracy, organization and speed in observing events and intelligence in choosing slogans "(Abdul Ghani Imad, 2012 , p. 106 ) The authority in Algeria sensed the threat that the street has become exercising over power, especially with the riots that took place in Algiers and major cities on January 5, 2011 , which followed the days of the Tunisian revolution on December 17, 2010, which are called" oil and sugar "protests because they began after the increase in prices of major consumer goods, which were punctuated by riots in which young people participated strongly, and one of their results was the way the official discourse dealt with the January 2011 protests, which gave a kind of legitimacy to the demands of an economic sociological dimension, when it began a series of urgent

measures of an economic nature. And social as a quick response to some of the demands of the protesting groups" (Noureddine Bekis, 2018 , p. 111 ) , and these procedures were concluded by ratifying the organic law of the media.

#### **1.1.4. Purpose of the text:**

The Organic Media Law came to fill the vacuum in media legislation since the last media law issued on April 03, 1990, which responded to the demands of political and media pluralism approved by the 1989 Constitution after the events of October 05, 1988, represented by mass demonstrations in most Algerian states demanding more freedoms and improving economic conditions. The Media Law was approved for the first time since the independence of Algeria, the freedom to establish independent newspapers, while the authority kept the audiovisual media under its full guardianship. After that, the period from 1990 to 2012 witnessed a legal vacuum and several draft laws that did not see the light, such as the 1998 draft media law, which stipulated "The possibility of establishing radio and television broadcasting companies after a license from the Supreme Council of Communication that are public or private for the benefit of persons subject to Algerian law « (CademJameela, 2016. P. 210), as well as the draft media law of 2000, which stipulated some of the principles stipulated in the Code of Professional Ethics later, such as recognizing the right of the journalistic author and granting him a percentage of the Foundation's revenues, and guaranteeing his right after his death and reviving the Supreme Council of Communication (the Supreme Council of Media) and the Supreme Council of Professional Ethics. This law was published in Al-Yawm newspaper entitled "A law related to the practice of communication " (Razaki Abdelali , 2014, 932) to abort this project and issue the authority a year later the Penal Code of 2001, which increased the penalties against journalists, and its approval was a setback for the freedom of the press, and the expectations of passing legislation regulating the media sector, bridging the existing vacuum and opening freedoms in the audiovisual sector, which indicates the unwillingness of the political authority in Algeria to liberalize the audiovisual sector and its urgent desire to control it.

#### **1.2. Objective Analysis:**

The Organic Media Law aims to define the principles and rules that govern the practice of media activities, including audio-visual activity, which establishes this law for its openness to the private sector for the first time in the history of independent Algeria, which is decided by the legal text in its first article. Article 3 also defined the definition of media activities that fall within the scope of audiovisual media activities, which is dedicated to Chapter Four in detail in the controls of its practice.

It is noted that the law, in its article 63, subject the audiovisual activity services to the licensing system in which they will be detailed through a mechanism for legislation, which is the decree that will be issued later under the title of Executive Decree No. 16-220 dated August 11, 2016, which determines the conditions and methods of implementing the announcement of the candidacy to grant a license to establish a thematic audiovisual communication service.

Chapter Two of Chapter Four has also been dedicated to the authority to control audiovisual activity, which Article 63 defines as an authority that enjoys financial independence and moral personality, which constitutes a revival of the control mechanisms and a legal extension of the dissolved Supreme Media Council.

The sixth chapter, which is devoted to the profession of journalist and the ethics of media practice, also sets out common controls for workers in the field of written journalism and audiovisual media, such as Article 77, which prohibits the journalist from practicing tasks in a media institution without obtaining a license from the entity in which he practices his work, which guarantees the rights of media institutions, as well as Article 90, which stressed the need for the media to obtain insurance in return for work in places that pose a threat to his life, which is an attempt to provide legal protection for the journalist and the media. Article 92 also contained a set of standards that the journalist must respect in his work, and included a broad and interpretable formulation, such as not compromising national history and refraining from what could provoke citizens' feelings, which is considered a restriction of media work in general and audiovisual activity in particular.

Through a formal analysis of the Organic Law of the Media of 2012, it is noted that the materials related to audiovisual activity constitute only 9 articles, in addition to other articles that the sector shares with the activities of the written and electronic press, which indicates the need for another law related to audiovisual activity to be detailed in the previous articles.

## **2. Law No. 14-04 of 24 February 2014 on audiovisual activity**

### **2.1. Formal Analytical**

#### **2.1.1. Structure of the legal text:**

##### **A table that represents the formal description of the text of Law No. 14-04**

Official Gazette	Issue 16 of 2014
Date of issuance of the law	Dated 24 Rabi Al-Thani 1435 corresponding to 24 February 2014
Title Text	Law No. 04-14 on Audiovisual Activity
Law Building - Visas	It is related to the laws that are related to the law and built on it, which are 36 texts, including: - 1996 Constitution and the Organic Law of the Media No.05-12

<p><b>Corpus juris</b> It consists of 113 articles divided into 07 sections, some of which are divided into chapters, and some chapters include sections.</p>	<p>-Part One: Title B: General Provisions and Related to Articles 01 to 07, which is divided into two chapters:                  - Chapter One is entitled: Subject and Scope of Application and relates to Articles 01 to 06.                  - Chapter Two is entitled: Definitions and relates to Article 07.                  Part II: Title B: Audiovisual services related to Articles 08 to 51, which is divided into 3 chapters:                  - Chapter One is entitled: Audiovisual Services of the Public Sector and relates to Articles 08 to 16.                  - Chapter Two is entitled: Licensed Audiovisual Services and relates to Articles 16 to 46, and includes 3 articles. The first is related to the chapter and then the latter is divided into two branches:                  * The first section is entitled: License and relates to Articles 20 to 39.                  * Thesecond section is entitled: Conditions for the use of the license and relates to Articles 40 to 46.                  - Chapter Three: Common provisions for all audiovisual communication services related to Articles 47 to 51.                   Chapter Three: Entitled B: The Authority of Audiovisual Control and Related to Articles 52 to 88, which is divided into two chapters:                  - Chapter I is entitled: Practicing Audiovisual Activity and relates to Articles 58 to 63.                  - Chapter Two is entitled: Authority for Audiovisual Control and relates to Articles .64 to 66                   Part Four: Title B: Legal filing and audiovisual archiving related to articles 52 to 97, which is divided into two chapters:                  - Chapter I is entitled: Legal Deposit and relates to Articles 89 to 90.                  - Chapter Two is entitled: Audiovisual Archiving and relates to Articles 91 to 97.                   - Chapter Five: Title B: Administrative Penalties, and it relates to Articles 98 to 106.                   - Chapter Six: Title B: Penal Provisions, and it relates to Articles 107 to 111.                   -Chapter Seven: Title B: Transitional and Final Provisions and Related to Article 112</p>
<p>Article 133</p>	<p>It is the last article in the law and provides for its publication in the Official Gazette and the date of its enactment</p>
<p>From the bill signing</p>	<p>-. Abdelaziz BOUTEFLIKA</p>

**The source: Researcher based on the text of the Audiovisual Law No. 14-04**

### **2.1.2. How to Formulate and Style**

It is noted through the formal analysis of the text of the audiovisual law that it contained a large number of articles estimated at 113 articles distributed in seven chapters, which is consistent with the purpose of the legal text, which is to establish the openness of audiovisual activity to the private sector, and thus the need for detail in the rules related to audiovisual activity, as it completed what was started by the Organic Law of 2012, which introduced the authority to control audiovisual, and defined its powers, formation and organization, especially in terms of how it conducts deliberations and how to issue its decisions as well as appeal.

It is also noticeable that some of its articles are characterized by length, as in Article 7 on definitions, which included 28 paragraphs, each of which we know a media term, including

what is stipulated in the last paragraph, which explains the legislator's desire to detail the terms and define them well.

The law of audiovisual activity did not differ from the organic law of the media in the use of the command method, by using the word " must" as in Article 97, and the command method was used without the use of this word as in Article 86.

The law's use of the command method is subject to the use of the complementary method in some articles, which is the option to apply as in Article 16, and it is also noted that the law is referred to regulation in some citizens,

This is what is stipulated in Article 13.

Regarding the last section, we find that the audiovisual law has been entitled with final provisions, while the media law has been entitled with final provisions, suggesting that there is a difference between the concerned parties, although the meaning is the same.

### **2.1.3. Circumstances of issuing the law:**

This law was issued two years after the issuance of the Organic Media Law of 2012, which fell within the political reforms of the regime of Abdelaziz Bouteflika, where the private Algerian television channels that were allowed to broadcast before the issuance of the legislation regulating the work of the latter remained, to legislate urgent reforms in light of the legal vacuum, which was translated by the work of these channels in the licensing system of foreign channel offices, represented by Executive Decree No. 04-211, which determines the modalities of accrediting journalists who practice the profession for the account of a body subject to a foreign law. (Executive Decree No. 04-211 dated 10 Jumada II 1425 corresponding to 28 July 2004, which determines the modalities of accrediting journalists who practice the profession for the account of a body subject to a foreign law, Official Gazette, No. 47, 41st year, Wednesday 10 Jumada II 1425 AH corresponding to 28 July 2004). This vacuum is to be filled with the issuance of the Audiovisual Law of 2014, and the work of private television channels is regulated in light of repeated demands from media professionals to settle their legal status.

### **2.1.4. Purpose of the Law:**

The purpose of the Audiovisual Law of 2014 is to legally establish legal pluralism in the field of audiovisual activity, and to fill the legal vacuum and detail in the articles on the opening of activity to the private sector established by the Organic Law of Media of 2012, whose articles did not provide the legal regulation of activity in the sector and left it to subsequent legislation.

Article 1 of the law defines the aim of its promulgation as " defining the rules relating to the practice and regulation of audiovisual activity" (Law No. 14-04 of 24 February 2014 on audiovisual activity).

## **2.2 Objective analysis**

In its article 3, the legal text specified the bodies authorized to practice audiovisual activity, which the article mentioned by three bodies represented by legal persons belonging to the public sector, as well as institutions, bodies and agencies of the public sector. The text of the article was added in the third paragraph to Algerian institutions and companies that hold a license. Article 5 also stipulated that Algerian nationality shall be enjoyed by legal or natural persons owning capital, which indicates that the practice of the activity is linked to the prior license to practice the activity, as well as the requirement of Algerian nationality to consider the media as a national sector in which foreign investment is prohibited.

In its second chapter, entitled Definitions, the law also specifically devoted to terms related to audiovisual activity. Article 7 specifically included the definition of audiovisual communication, which is related to radio and television, regardless of the way they are

broadcasted. The same article also excluded cinematic works that are regulated by independent legislation and subject to the Ministry of Culture and Arts. As for investing in audiovisual activity services, and in light of the authority's fear of the audiovisual media and in order to avoid the increasing demand of the public to deal with political and news affairs, the options of investors in the thematic channel and a thematic service were restricted, which are represented in television or radio programs centered on one or several topics (Dridri Abdel Qader, 2021, p. 73), an option confirmed by the speech of former President of the Republic Abdel Aziz Teflika before the issuance of the Media Law of 2012, in his speech on media openness, which will be limited to thematic channels, where the speech stated: " ..The public audiovisual space will be supported by specialized thematic channels " (Text of President Abdelaziz Bouteflika's speech on the occasion of Flag Day 16/4/2011, Al-Shorouk Online, <https://www.echoroukonline.com>)

The same article linked the desire to launch a radio channel with a prior license like television channels, which indicates "the adoption by the Algerian legislator of the licensing system, which is an administrative means to regulate the entry of economic dealers into the audiovisual sector" (Ramdoun Nourah, 2023, p 19-34), where the text of the law authorized the Audiovisual Control Authority to study the candidacy files to obtain a license to launch a television or radio channel. Article 27 also specified the time period granted by the authority to exploit audiovisual services, which is noted to be a period of time limited to 12 years for television channels and 6 years for radio broadcasting service, considering that television work needs longer stages of production and greater possibilities, and it is noted that they are restricted and not open, which requires renewal. The legislator also added additional restrictions related to the time limits for exploiting the license, as the latter is automatically withdrawn in the event that the time limits for exploiting it are not respected.

The text of the law, in its article 46, also prevented the delivery of a second license to the same authority. This restriction can be analyzed by preventing the monopoly and centralization of the audiovisual media, and preventing the formation of media blocs capable of influencing public opinion, which raises the fear of the authority.

With regard to the tasks of the Audiovisual Control Authority, the law has defined its tasks, which are divided into four areas, namely, control, advisory field and dispute settlement, in an attempt by the legislator to diversify its powers without linking them to the supervisory side only.

As for the ethics and ethics of the profession, they are included in Article 48, which stipulates a set of general controls and provisions for audio-visual communication services. The same article also stipulates conditions related to the content offered by television and radio channels, as it imposes on license users a percentage of 60 percent of national production, which adds a new condition to the rest of the aforementioned conditions and makes audio-visual activity restricted.

The text of the law is concerned with the process of audiovisual archiving, which is an important process that allows the transfer of audiovisual heritage to subsequent generations and preserves it from loss.

As for the penalties, the text of the law – in addition to the administrative penalties imposed by the seizure authority - imposed penalties ranging from financial fines to the confiscation of establishments, all of which are penalties related to the violation of its provisions.



It should be noted that two years after the issuance of the Audiovisual Law of 2014, a series of executive decrees were issued in August 2016 related to the audiovisual sector, namely:

Executive Decree No. 16-220 dated August 11, 2016 specifying the conditions and modalities for implementing the announcement of candidacy for granting a license to establish a thematic audiovisual communication service.

Executive Decree No. 16-221 dated August 11, 2016 specifying the amount and methods of payment of the financial consideration associated with the license to establish a thematic audio-visual communication service.

Decree No. 16-222 of August 11, 2016, containing the General Book of Conditions, which defines the rules imposed on each service for television broadcasting or radio broadcasting.

All of them are decrees aimed at regulating the provisions of the audiovisual law. It is noted that the legislator waited for two full years from the date of issuance of the audiovisual law to issue these decrees.

### **3. Organic Law No. 23-14 on the Media**

#### **3.1. Formal Analytical**

##### **3.1.1 Legal Text Structure**

**A table that represents the formal description of the text of Law No. 23-14**

Official Gazette	Issue No. 56 of 2023
Date of issuance of the law	Dated 10th Safar 1445 corresponding to 27th August 2023
TitleText	Organic law relating to the media
Law Building -Visas	It is related to the laws that are related to the law and built on it, which are 33 texts, including the following: the Constitution of 2020, and the Organic Law of the Media of 2012
<b>Corpus juris</b>	<ul style="list-style-type: none"> <li>- Part One: Title B: General Provisions and Related to Articles 01 to 04.</li> <li>-Part Two: Entitled B: Media Activities, which is divided into two chapters:                             <ul style="list-style-type: none"> <li>- The first chapter is entitled: The activity of the written press and the electronic press, and it relates to articles 05 to 06.</li> <li>- Chapter Two is entitled: Audiovisual Activity and relates to Articles 07 to 08.</li> </ul> </li> <li>-Part Three: Entitled Common Provisions for the Media and Related to Articles 09 to 12.</li> <li>Chapter Four: Title B: Audiovisual Activity, which is divided into two chapters:                             <ul style="list-style-type: none"> <li>- The first chapter is entitled: The authority to control the written press and the electronic press, and it relates to Article 13.</li> <li>- Chapter two entitled: Independent National Authority for Audiovisual</li> </ul> </li> </ul>

	<p>Control and relates to Article 14.</p> <p>Chapter Five: Title B: The profession of journalism and ethics and ethics of the profession, which is divided into 3 chapters:</p> <ul style="list-style-type: none"> <li>- The first chapter is entitled: The profession of a journalist and relates to articles 15 to 22.</li> <li>- Chapter Two is entitled: Protecting the Journalist and relates to Articles 23 to 33.</li> <li>-Chapter Three is entitled: Ethics and Ethics of Journalists and relates to Articles 34 to 36.</li> </ul> <p>Part Six: Entitled the right of reply and correction and related to Articles 37 to 43.</p> <ul style="list-style-type: none"> <li>-Chapter Seven: Misdemeanors committed in the exercise of media activity and related to Articles 44 to 45.</li> </ul> <p>Article 55: Special to the repeal of the Media Law of 2012.</p>
Article 56	It is the last article in the law and provides for its publication in the Official Gazette and the date of its enactment.
- From the bill signing.	Abd Al-Majeed Taboun

**The source: Researcher based on the text of the Audiovisual Law No. 23-14**

**3.1.2. How to formulate and style:**

It is noted that the number of visas in the Media Law 2023 has increased to 33 compared to the 2012 law, which included 25 visas, where international charters and covenants have been added, such as the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights and the Arab Charter on Human Rights, in confirmation of Algeria's commitment to the treaties to which it is a party.

The visas of the Media Law 2023 also added the Nationality Law and the Law on the Conditions for the Entry of Foreigners to Algeria and their Residence and Movement therein, in order to remedy their fall from the visas of the 2012 Law, as long as the work of the media is linked in some cases to those who enjoy Algerian nationality, and to the entry of foreign correspondents and others.

It is also noted on the Media Law 2023 that it was reduced from 133 articles to 56 articles, and 7 chapters instead of 12 chapters, where it kept the same title of the first chapter with fewer than one article, and in the second chapter it collected all media activities, including the written and electronic press and audio-visual activity, after it adopted the classification of each activity alone in the 2012 law, and this explains the shortening of the number of chapters, and with regard to these chapters we note:

- Title Three, entitled "Joint provisions for the media", replaced Title Three, entitled "Authority to control the written press", and Title Four, corresponding to Title Four of the 2012 law, with a change in titles to the mechanisms for controlling audiovisual activity after the audiovisual activity.

- Chapter Five corresponds to Chapter Four and Chapter Six corresponds to Chapter Seven with the same title, as for Chapter Seven related to misdemeanors committed in the framework of the exercise of media activity, it corresponds to Chapter Nine of the 2012 Law on Violations, and Chapter Ten, entitled Supporting and Promoting the

Press, Chapter 11, entitled The Activity of Consulting Agencies in Communication, and Chapter 11, entitled The Activity of Consulting Agencies in Communication, has been deleted.

It is also noted that the Media Law 2023 did not separate the final provisions, such as those related to the repeal of the Media Law 2012, from Chapter 7, contrary to the 2012 law.

It is worth mentioning that the visas of the Media Law were in turn based on the opinion of the Constitutional Court, and the Media Law 2012 was based on the opinion of the Constitutional Council. This opinion was mentioned in the same official gazette, including that the court amended the text of Article 2 after receiving a notification from the President of the Republic, and that it was amended in the form in which it was mentioned, so that the opinion confirmed that the terms of Article 4 and 5 of the Constitution were inspired literally

### **3.1.3. Circumstances of issuing the law:**

This law was issued on April 3, 2023, after its text was studied in the National Assembly in the Culture, Media, Youth and Tourism Committee, then discussed in the National Assembly, and then ratified with the registration of the reservation to Article 22 thereof.

### **3.1.4. Purpose of the Law:**

This law, according to its first article, aims to "determine the principles and rules that regulate media activity and its free exercise." Its purpose is to establish a legal framework commensurate with the aspirations of freedom of expression. It regulates the media sector and responds to developments in the media and communication sector more than ten years after the issuance of the first organic media law, as well as in implementation of one of the 54 pledges of President Abdel Majid Tebboune. The law also aims, according to the Minister of Communication, "to address the imbalances and deficiencies in the legislation and regulation in force, through the development of clear and effective legal rules that ensure the full exercise of rights and freedoms." (Study of the text of the organic law related to media in the National Assembly, Ministry of Relations with Parliament website 03/04/2023)

### **3.2 Objective Analysis:**

This law aims to define the principles and rules governing the activity of the media. Article 2 of the aforementioned law defined the media activity represented in each publication through a written, electronic or audio-visual means. Article 4 also specified the bodies authorized to practice media activity, represented by natural persons and legal persons subject to Algerian law, as well as public bodies and public sector institutions in addition to parties and associations. The article added trade union organizations that were not approved by the Organic Law of 2012.

The law required the possession of a permit submitted by the Minister of Communication as a condition for the establishment of a printed and electronic newspaper or an audio-visual communication service. Therefore, it maintained the

permit system stipulated in the Organic Law 2012, which is an affirmation by the legislator that the regulation of practice requires prior approval. The law also affirmed the authorization of the source of funds intended for investment in audio-visual activity and the prohibition of foreign funding for any media activity.

With regard to the mechanisms for controlling media activity, the legislator retained the authority to control the written press, which was changed to the authority to control the written and electronic press to suit its powers, which are to control the printed and electronic press. It also changed the name of the audiovisual control authority to the independent authority to control the audiovisual press to emphasize its independence, which is explicitly stipulated by law.

As for practicing the profession of journalism, Article 17 of the law provides a definition of a professional journalist, stipulating that he must have a university degree related to the profession of journalism with three years' experience or a certificate in any discipline while receiving training in journalism, which confirms the keenness to accredit journalists with training and professionalism to ensure the quality of media practice.

At the level of professional ethics, Article 20 of the Organic Law affirmed a set of ethics that must be adopted in the practice of media activity, which are the basic standards in any journalistic work, such as accuracy and credibility. The text of the law approved the establishment of a Supreme Council for Professional Ethics and Ethics, which imposes disciplinary penalties in the event of violating the rules and ethics of the profession.

The law also stressed the measures that are a gain in the field of media work, which were stipulated by previous legislation, including providing legal protection for the journalist, guaranteeing literary and intellectual property rights, and life insurance in danger areas. It also obligated media institutions to train and develop the journalist's knowledge and made him an observer by the control authority, which makes media performance keep pace with developments.

Although the text of the law guarantees the journalist the right to access the source of information, Article 33 provided exceptions, which were expressed in broad and interpretable terms.

As for the sanctions, Chapter Seven identified a set of penalties represented in financial fines, which are observed to be severe compared to the Organic Law of the Media 2012. For example, in the case of receiving foreign funding or aid from one million dinars to two million dinars and confiscating funds, the media institution was also punished in the case of refusal or failure to respect the deadlines set for the right of reply, as well as refusal to insure the life of the journalist in places of danger. Punishment for anyone who insults the journalist while performing his duties was also attributed to the provisions of the Algerian Penal Code. What is noticeable is the tightening in the adaptation of the punishable work from the degree of violations to the degree of misdemeanors.

#### 4. Law No. 23-20 on Audiovisual Activity

##### 4.1. Formal Analytical

##### 4.1.1. Structure of the legal text:

A table that represents the formal description of the text of Law No. 23-20

Official Gazette	Issue 77 of 2023
Date of issuance of the law	Dated 18 Jumada Al-Awwal 1445 corresponding to 2 December 2023
TitleText	Law No. 23-20 on Audiovisual Activity
Law Building -Visas	It is related to the laws that are related to the law and based on it, which are 24 texts, which are as follows: - The Constitution of 2020, the Media Law of 2012, and the Media Law of 2023
<b>Corpus juris</b> It consists of 87 articles divided into 07 sections, some of which are divided into chapters, and some chapters include sections.	<p>-Part One: Title B: General Provisions and Related to Articles 01 to 07.</p> <p>-Part Two: Title B: Audiovisual services related to Articles 08 to 34 , which is divided into 3 chapters: - Chapter One is entitled: Audiovisual Services of the Public Sector and relates to Articles 08 to 10. - Chapter Two is entitled: Licensed Audiovisual Services and relates to Articles 11 to 30, and includes 3 articles. The first is related to the chapter and then the latter is divided into two branches: * The first section is entitled: License and relates to Articles 13 to 26. * The second section entitled: Conditions for the use of the license and relates to Articles 27 to 30. - Chapter Three entitled: Common Provisions for Audiovisual Communication Services and relates to Articles 31 to 34.</p> <p>Part Three: Title B: Liability and the right of reply and correction, and it relates to Articles 35 to 38.</p> <p>Part Four: Entitled B: Independent National Authority for Audiovisual Control and Related to Articles 39 to 62, which is divided into two chapters: Chapter One is entitled: Tasks and Powers of the Independent National Authority for the Control of Audiovisual Activity and relates to Articles 39 to 42. - Chapter Two is entitled: Formation, organization and functioning of the Independent National Authority for Audiovisual Control and relates to Articles 43 to 62.</p> <p>Title B: Production and photography of audiovisual works, related to articles 63 to 66.</p> <p>-Chapter Six: Entitled B: Digital platforms for the distribution of audio-visual communication services, and related to Articles 67 to 69.</p> <p>Part Four: Title B: Legal filing and audiovisual archiving related to articles 70 to 73, which is divided into two chapters: - Chapter I is entitled: Legal Deposit and relates to Articles 70 to 71. - The second chapter entitled: Preserving the audiovisual heritage and relates to articles 72 to 73.</p> <p>Chapter Eight: Title B: Violations and Penalties, relating to Articles 47 to 84,</p>

	<p>which is divided into two chapters:</p> <ul style="list-style-type: none"> <li>- Chapter I entitled: Violations and Administrative Penalties and relates to Articles 74 to 79.</li> <li>- Chapter Two entitled: Penal Provisions and relates to Articles 80 to 84.</li> </ul> <p>The last part of the law entitled B: Transitional and final provisions related to articles 85 to 86.</p>
Article 87	It is the last article in the law and provides for its publication in the Official Gazette and the date of its enactment.
- From the bill signing.	Abd Al-Majeed Taboun

**The source: Researcher based on the text of the Audiovisual Law No. 23-20**

#### **4.1.2. Formulation and style:**

What is noted on the Audiovisual Activity Law is that it has adopted 24 legal texts as visas in its construction, which is less than the old 2014 law that adopted 36, where we find the deletion of some laws, including those related to the electoral system, the Health Protection and Promotion Law, the National Archives Law, the Law on Labor Relations, the Law on the Commercial Register, the Law on the Protection of Cultural Heritage, and the law that determines the general rules related to mail and telecommunications, and others

These omitted texts have been canceled, some of them, such as the Investment Development Law and the Electoral Law. Despite the issuance of new texts in their place, the 2023 Law has not been adopted, and the texts that are still in force, such as the Municipality and State Law, have not been used in marking, and this is not explained.

It is also noted that the new law has added new provisions in visas, namely: the Organic Law on Media of 2023, the Law on Child Protection, the law defining general rules related to mail and electronic communications, and the law on preventing and combating discrimination and hate speech, so that audiovisual activity is taken into account. The Audiovisual Law of 2014 also added within its visas, but it repealed it under Article 86 thereof.

It is noteworthy that the 2023 law also reduced the number of articles from 113 to 87 articles, while keeping the same number of chapters of the 2014 law with amendments, as it kept the title of the first section without dividing into chapters, and kept in the second section the same title and division with fewer articles, and this affected the rest of the order of the articles of the other sections, and amended the title of the third chapter of it by deleting the word "all", and with regard to the third section, it is an innovation that does not exist in the 2014 law, and the fourth section is offset by the third section in the old with compensation for changing the name of the audiovisual activity control authority to the independent authority to control audiovisual activity with a change in the titles of the chapters, and the fifth and sixth sections were also introduced, respectively: the production and filming of audiovisual works, and digital platforms for the distribution of audiovisual communication services,

As for the seventh chapter, it corresponds to the fourth in the 2014 law with changing the title of the second chapter from archiving to heritage preservation. In the eighth chapter, all penalties were collected within it after it was scattered between two chapters in the 2014 law, and well done, so that the concerned person does not think that there is one type of punishment.

We also find that the 2023 law made the final provisions without classification the opposite of the old law that plagued them.

#### **4.1.3. Circumstances of issuing the law:**

This law was issued on December 2, 2023 in the Official Gazette of the Algerian Republic No. 77 a few months after the issuance of the Organic Law of Media for the year 2023 , as its issuance was followed by the issuance of Law 23/19 dated 18 Jumada Al-Awwal 1445 corresponding to December 2, 2023 related to the written and electronic press by virtue of the invalidity of the laws governing media activities and the need to issue new laws instead of those that are null, and what is noticeable is the speed of issuing these laws contrary to what the sector witnessed in the laws subsequent to the issuance of Media Law 2012 .

#### **4.1.4. Purpose of the Law :**

This law was issued to complement the legal system to suit the new organic law of the media, and the purpose of its issuance is to regulate the audiovisual sector legislative update nine years after the issuance of the first audiovisual law of 2014 , where Article 1 specifies the purpose of the text to regulate audiovisual activity and determine the rules related to the practice of activity.

#### **4.2. Objective analysis**

The text of the law in its article 13 provided a definition of the concepts related to audiovisual activity, in which the legislator focused on audiovisual communication services over the Internet, which were not addressed by the 2014 law, which responds to the legislative update to keep pace with the developments of audiovisual activity in general, especially in the digital environment, which is the goal of the text, such as the father of television , and the father of thematic radio, a digital platform for the distribution of audiovisual content.

As for the right to practice audiovisual activity, it has the same entities as those specified in the previous legal texts, represented in the institutions and bodies of the public sector, legal persons subject to Algerian law and stipulating Algerian nationality as the media is a sovereign sector. Article 6 also stipulates the exclusivity of broadcasting, transmission, distribution and transmission of audiovisual communication services belonging to the public sector as well as national and foreign to the public institution of radio and television broadcasting by all possible technical means, which indicates the authority's monopoly of broadcasting, transport and distribution services belonging to the public sector and the prevention of the monopoly of any other media outlet.

As for the licensed audiovisual communication services, Article 11 defined them as expanding the audiovisual services over the Internet, and maintained the system of the tribal license to practice the activity granted by the Minister of Communications in accordance with the provisions of the Organic Law of Media 2023.

The text of the law stressed a set of conditions ( ten conditions ) that must be met by persons wishing to work in this sector, where he kept conditions, including Algerian nationality, and stressed the experience of not less than 8 years, and the possession of a

certificate in higher education proven by affiliation with the National Guarantee Fund, which can be explained by the legislator's desire to ensure a kind of professionalism in audiovisual work, which are more conditions than those included in the 2014 law with an emphasis on pure Algerian capital and justification of the source of investment funds in audiovisual activity, and this is to prevent the investment of funds of unknown origin and prevent foreign funding.

Chapter Four also allocated the control authority, which changed its name from the audiovisual control authority in the previous legislation to the independent authority for audiovisual control to confirm that it is an independent authority that exercises its work without guardianship from any party, and kept the four areas of its tasks under the 2014 law, which are control, monitoring, and dispute settlement. The field of studies was added to its tasks related to consulting (studies and consultations), where the independent authority prepares studies on national strategies to ensure the development of the sector .

The law added a new section, and the matter is related to the fifth section entitled the production and distribution of audiovisual works, and it also created a public body that enjoys legal personality and administrative and financial independence with the aim of preserving the audiovisual heritage that the legislator did not pay attention to in the 2014 law.

As for the penalties, they varied between the administrative penalties represented in the excuses of the media institution in the event of non-compliance with the conditions stipulated in Article 74 of the law, as well as the financial penalties in the event of non-compliance with the excuses, as well as the total or partial suspension. What is noticeable is that the legislator maintains some of the penal provisions stipulated in the 2014 law regarding not possessing an exploitation license as well as waiving the license without approval. The 2023 law also added some penalties such as not obtaining a production license from the guardian ministry. Article 35 specified the civil and criminal liability of the director of the audiovisual communication service and the employer for everything broadcast by the channels, which is represented in a joint responsibility.

The law is not without some vague and loose formulas, such as the text of Article 32, which includes the book of general conditions on the obligations represented in the development and promotion of creativity and national audiovisual production through incentive mechanisms.

## **II. Methods and Materials:**

The study falls within what is academically known as "media legislation", which constitutes a field of knowledge in which the specialization of legal sciences and media sciences intersects, which is a specialization subject to the jurisprudence of researchers. We have relied on the historical approach based on reference to legal documents in addition to the descriptive analytical approach through the collection and analysis of data related to the study.



The study also relied on the tool of accurate observation of legal texts according to the stages that start with the formal aspect and then the objective analysis, both of which are important to reach the analysis of the legal text. The analysis is based on the dismantling of the basic elements in all of them and their parts. The aim is to reach an understanding of the articles, the scope of their application and the purpose of the legislator to include them, and to try to prove the analysis provided to move away from superficiality and reach an objective analysis.

We also relied in our analysis of the legal texts under study on the method of comparison, which allows us to identify some comparisons, especially between new texts and their invalid predecessors, which achieves the goal of the study is to study the developments of audiovisual legislation in order to know the new articles and the amendments or corrections contained therein (legislative update).

### **III. Results and discussion:**

After subjecting four legal texts to analysis, we concluded that audiovisual legislation passed in light of media pluralism into two stages : the first stage extends from the promulgation of the Organic Law of Media for the year 2012 to the promulgation of the Organic Law of Media for the year 2023 , and was characterized by the establishment of the stage of openness to privacy in the field of audiovisual after the monopoly of power, which lasted fifty years, and this stage was characterized by formal openness and the absence of the actual will to open the field, which is evidenced by the procrastination in issuing laws complementary to the organic law that established openness, which made repeated demands from media professionals to settle the legal status of channels, The texts were also marred by a set of drafting shortcomings and the large number of conditions for those wishing to invest in this industry to start a second phase, which the Authority called the "comprehensive reform of the media system" phase, which begins with the adoption of the Organic Media Law of 2023 and the issuance of complementary laws, which were approved at a very rapid pace compared to the first phase, through the legislator's attempt to update legislation in line with the aspirations of practitioners, such as legal protection and attention to the digital environment, which is the future of media work, with some shortcomings recorded related to the drafting method

### **IV. Conclusion:**

Through this study, we tried to investigate the development of the legislation of the audiovisual sector in Algeria by subjecting four legal texts to analysis and study. It can be said that the experience of opening up the audiovisual sector in Algeria is still new (12 years ) and needs to establish a strong legislative system that – as provided by the authority in Algeria - enhances professionalism and professionalism while devoting control mechanisms and balancing freedom and responsibility within the issuance of three legislations: an organic law, a law related to the printed and electronic press, and a law related to the audiovisual sector, which is the law that falls within the context of our study . Judging the effectiveness of the laws governing the sector remains early in light of the legislator's reference to many articles that need to be issued regulatory texts to complete the legislative system, and the biggest challenge remains the ability of these legislations to improve professional performance and ensure continuity in light of the economic problems related to this industry.

- **Referrals and references:**

Enter references and references in the latest article in the format (Times New Roman; size-10). Use the « APA Reference System », by mentioning the author of the reference and the Year in brackets in the heart of the text (Brown, 2006), and the complete reference in the bibliography is as follows:

• **Books :**

-Bakis Noureddine, (2018), Protest movements in Algeria from confrontation to containment, New University Publishing, Algeria.

-Dridi Abdel Qader, (2021), Media Legislation and Professional Ethics, a critical reading of the most important regulating texts for the audiovisual media in Algeria, Dar Al-Qadi, Algeria.

-Imad Abdel Ghani, (2012), Culture and Communication Technology, Changes and Transformations in the Era of Globalization and the Arab Spring, Dar Al-Ma'rifa, Lebanon.

-Kadem Jamila, (2016), Media Performance in Algeria between Freedom and Responsibility in Light of Political and Economic Transformations, Private Journalism as a Model, A Descriptive and Analytical Study of the Theoretical and Applied Frameworks of Media Performance, University of Algiers -3-, a dissertation submitted to obtain a doctorate in science. Media and Communication, College of Media and Communication Sciences.

-Razzaqi Abdel-Aali, (2014), Profession: Professional Journalist, Media Laws and Journalism Ethics in 22 Arab Countries, Abuses, in Professional Practice, Dar Houma, Algeria.

• **Journal article :**

-Ramdoun Noura, (2023), Legal Regulation of the Audiovisual Communication Services License, Journal of Legal and Political Studies, Laghouat University, Volume 09, Issue 2.

-Organic Law No. 12-05, Organic Law Relating to the Media of January 12, 2012, Algerian Official Gazette, No. 2 of 2012.

-Law No. 14/04, (2013), Law relating to audiovisual activity dated February 24, 2014, Algerian Official Gazette, No. 16 of 2014.

-Organic Law No. 23/14 (2023), Organic Media Law of August 27, 2023, Algerian Official Gazette, No. 56 of 2023.

-Law No. 23-20, (2023), Law relating to audiovisual activity dated December 2, 2023, Algerian Official Gazette, No. 77 of 2023.

• **Internet websites:**

Shorouk Online, (2011), Text of President Abdelaziz Bouteflika's speech on the occasion of Flag Day 16/4/2011, ShoroukOnline, <https://www.echoroukonline.com> (consulted on 01/04/2024).