

Recent Legislative Developments in Algerian Media Regulation

المستجدات التشريعية في تنظيم النشاط الإعلامي الجزائري

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Abstract :

The rules regulating media and communication activity are distinguished as rules of a different legal nature, and this is due to the nature of media and communication activity as a vital field that intersects with a group of other activities in society. We mention, for example, but not limited to, the Penal Code, the Commercial Law, the Labor Law, and other laws that all combine to regulate media and communication activity. In another part of the research, we must point out the need to be guided by the different legal schools and their impact on the nature of media legislation, which explains the differences that exist at the level of legal texts between one country and another and between one region and another. From this intellectual background, we will work on defining the different levels of media legislation based on an analytical reading of the Organic Law 05-12 related to the media, and to what extent it is in line with the modern trends of media legislation.

keywords: media legislation, the right to information, legal schools.

ملخص:

تتميز القواعد الناظمة للنشاط الإعلامي والاتصالي بصفاتها قواعد ذات طبيعة قانونية متباينة وهذا راجع لطبيعة هذا النشاط باعتباره مجالا حيويا يتقاطع مع مجموعة من النشاطات الأخرى في المجتمع، فنذكر على سبيل المثال لا الحصر قانون العقوبات والقانون التجاري وقانون العمل وغيرها من القوانين التي تجتمع كلها لتنظيم النشاط الإعلامي والاتصالي. وفي شق آخر من البحث لا بد أن نشير إلى ضرورة الاسترشاد بالمدارس القانونية المختلفة وتأثيرها على طبيعة التشريعات الإعلامية، مما يفسر الاختلافات الموجودة على مستوى النصوص القانونية بين دولة وأخرى وبين إقليم وآخر. انطلاقا من هذه الخلفية الفكرية سنعمل على تحديد المستويات المختلفة للتشريعات الإعلامية، بناء على قراءة تحليلية للقانون العضوي 05/12 المتعلق بالإعلام، ومدى مواءمتها للتوجهات الحديثة للتشريعات الإعلامية.

الكلمات المفتاحية: التشريعات الإعلامية، الحق في الإعلام، المدارس القانونية.

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Introduction:

According to liberal principles, media legislation necessarily tends to establish binding legal rules that are inconsistent with the simplest principles of freedom of circulation of information, ideas and opinions in the media market. When talking about media legislation in relation to the freedom of circulation of information, it comes directly to mind those restrictions that the public authority is working to create in the form of laws that legitimize actions that restrict the freedom of the press and the media. This problem came as a cumulative result of the conflict relations between power and the press that characterize the history of the press, since the invention of printing letters by Gutenberg in the fifteenth century AD till to the optical letters created by the binary system in the electronic processing of words. This problem had led and identified most of the media-legal studies that have consistently criminalized the press and the media; and thus legitimized the authority's intervention by deterring and reprimanding, or criminalizing the authority and thus accusing it of violating the freedom of the press and the media.¹

However, this problem began to disappear gradually, when the principles of social responsibility of the mass media began to make their way into the codes of honor and ethics of the media profession; Then, the nature of media legislation began to change from focusing mainly on restricting human freedom - especially in light of the authoritarian theory - to focusing on consolidating Legal guarantees to exercise these freedoms, and expanding their fields by reducing powers of public authorities, including the legislative authority and oblige them to provide material and technical conditions to enable the citizen or a human being to exercise these freedoms.²

In general, different opinions have been recorded throughout history in favor and against regulating the media's flow. These opinions were of great importance to the legal aspect of media freedom at both levels the level of international law and the level of regional and local laws. "It was even stated in the Sofia Declaration issued in 1997 that the fewer laws there are, the better is for media freedom; This came as a result of the authorities' misuse of laws to restrict media freedom."³ And there are those who go far and see that "the best law for media freedom is the absence of a law". These opinions are often the result of practice and they are affected by the legal text and affect it.

In this context, we decided to dedicate this research paper to extrapolate and deduce the different levels of media legislation in the text of Organic Law 12-05 related to media, as it is the latest legal text regulating media in Algeria.⁴

- What are the different levels of media legislation in the text of Organic Law 12-05 related to media?
- What is the legal and legislative reference that the legislator relied on to approve the Organic Law 05-12 related to media?
- Does Organic Law 05-12 related to media reflect recent trends in media legislation?

1: The definition of media legislation.

Information Legislations are defined as those rules that have an obligatory nature and are related to media and communication activity, which regulate its practices and set standards that govern its various activities. Legislations are generally divided into legislations related to content and others related to media institutions in terms of their organization and management and defining their rights and duties, and legislations related to the profession and finally international media legislations.⁵

The media legislation has several sources, on top of which comes the constitution, then the criminal law or the penal law, the civil law, the administrative law and the general law. Also regulations, executive memorandums and professional charters are considered complementary to

media legislation .In many countries, these rules are informal and voluntarily determined by the concerned parts as a law that they work to respect, especially since it protects the rights of journalists, defines their responsibilities, and clarifies the Relationships between rights and duties.⁶

In the same context, we refer to an important idea which is “Even if the freedom of the press in modern legislation tends more to the freedoms of publishing, printing, authoring and distributing publications; There are endless types of human rights such as the right to information, the right to communication and the right to refuse communicating that have historical and philosophical roots in common with the concept of freedom of the press. Thus, in this sense, media legislation - especially after the demise of the concepts of socialist media and developmental media - tends to lift the legal, administrative, material and technological restrictions that prevent people from freely exercising their right to information.”⁷

As we indicated previously, the fundamental problem in liberal culture is that the enactment of (Codification) binding laws contradicts the principles of media freedom, as a form of censorship made by public authorities. Media legislation tends to overcome this problem by changing the nature of binding rules by making them supporting this freedom through lifting the legal, administrative, material and other restrictions. Since the information law or the communication law in a more general way (Information or Communication) includes: The set of special constitutional and legal rules that protect media freedom from arbitrariness of authorities, abuses and all forms of obstacles which can prevent the free circulation of information through various channels, including the traditional [as received] mass media and the new means of communication*. This type of legal rule addresses mainly the traditional authorities, and does not concern the press or the media, as it is common in many societies that follow the path of "information" .That because the media law deals with a comprehensive right of human rights, including rights related to the press and the mass media [as received] without being limited to them .⁸

This perception or proposal presented by the researcher Ali Kssaisia (Professor of Higher Education at the University of Algiers (3)) about the concept of media legislation calls for a distinction between wide groups of legal and regulatory rules and professional standards; Which fall either within the media laws that tend to set A legal framework for exercising the right to media as a human right or within the press and other media laws that also aim to support the media, or within the ethical codes and professional codes of honor that serve the same goals, in spite of its non-binding nature in most cases.

2: The two legal schools of reference for media legislation.⁹

Freedom of the media constitutes one of the foundations upon which modern democracies in the world are based. These democracies care about the media and make it one of their political, economic and legislative priorities as they are aware about the great impact and the role it has come to play in various fields of life.

As explained above , the liberal democratic countries adopted various regulations to ensure the best possible freedom of information, by banning any legalization that conflicts with this freedom which is considered as one of the basic human freedoms based on Article 19 of the United Nations Charter of 1948 AD, and the same article of the International Covenant on Civil Rights. As well as through codifying it and obliging the various actors in it not to touch this freedom, in addition to other types of legislation related to the media.

But in general, the legislation for the media was divided between two basic schools, the Latin school and the Anglo-Saxon school.

2-1: Definition of the Latin school (Germano latine):

The Roman-Germanic family was appeared in Europe since the 12th century AD, and was formed within European universities where a unified approach was extracted from the Code of Justinian (Eastern Roman Emperor) and from the Germanic customs that prevailed after the invasion of the Germanic Berber tribes and their seizure of the lands of the Roman empire in Europe. Therefore, this school is called the Roman-Germanic family.

This school is characterized by dividing the law into two groups:

-Public Law Group: It is divided into several branches, including constitutional law, administrative law, financial and economic law, criminal law, international law...etc.

-The Private Law Group: It includes several branches, including civil law, commercial law, labor law, private international law...etc. This division represents to the jurists at the present time a field of legal “law” specialization.

-The legal rule in this school is characterized as: general, abstract, prescriptive, or complementary, and it is issued by the legislator who has the authority to legislate; While the Latin jurist is limited to applying this law.¹⁰ This school is also based on the principles of democracy and the sanctification of freedom.

Among the countries belonging to the Latin school we mention: France and the countries affected by French colonialism including Lebanon, Egypt, Morocco and Algeria.

Media legislation in the Latin school derives its principles from the liberal theory or the theory of freedom of the press which has a basic form that: “everyone is free to publish whatever he wants” and accordingly the right of ownership of the media and the owners or individuals who own these means have the right To run it as they please without restriction and within the limits of the law and for the public interest.¹¹

This principle of liberal thought is still dominating on the legislators of the field of media in the Latin school, with some changes imposed by the technological and technical development of the media. The most important principles on which the Latin school is based are:

-Publication must be free from any prior censorship.

- Publication and distribution should be open to persons without having permission.

- There should be no obligation to post anything.

-There should be no restrictions on exporting, importing or sending and receiving media messages across national borders.

-The freedom granted to support media activity is only within the limits of the law and for the public interest.¹²

2-2: Definition of the Anglo-Saxon school:

Common law also called Anglo-Saxon law or common law: is the legal school that derives its roots from the English legal heritage, and the set of laws emanating from this school; And one of its most prominent features is reliance on case law as a binding source of legislation, and it corresponds to this school The school of civil law that derives its roots from the European legal heritage and especially the Roman law.

Within the countries that follow the common law school, the term is used in another sense, as it refers to unwritten customary laws; So the common law in this case is in contrast to the written law issued by the legislative assemblies.

Among the most important countries that rely on common law are:

-Britain (with the exception of Scotland which uses a mixture of common law and civil law according to its own model). United States of America (with the exception of Louisiana which uses a mixture of common law and civil law on the French model). Canada(except Quebec which uses a mixture of common law and civil law on the French model). Australia and New Zealand.

-There are several countries that use common law partially or mixed with other legal traditions and they are in their entirety from the countries that were once subject to British colonialism, such as South Africa, India, Pakistan, Malaysia, Singapore and Hong Kong.

The law in the countries that follow the common law is divided into two main branches which are "civil law" and "criminal law", and in modern times a third branch was added which is "administrative law". In the United States of America for example each of the three branches has its own system of judicial procedures.

2-3: The difference between the Anglo-Saxon and Latin schools in defining the scope of media legislation:

First/ In general, the Anglo-Saxon school is considered as a leading school in the field of freedom of expression and the protection of the right to information which is considered one of the basic and original rights of man. This school does not recognize the principle of setting laws to regulate the work of publishing and printing media, and considers enacting binding laws contrary to the principles of freedom of information and a form of public authority oversight on these means. Therefore, accordingly, the Anglo-Saxon legislation protects the right to information and prohibits the enactment of any law that prevents the practice of this right in the appropriate manner. For example: the English Freedom of Information Act of 2000 AD, the freedom of information laws: the American of 1974 AD, the Canadian of 1974 AD, the Australian of 1978 AD, and the New Zealander of 1983 AD.

Secondly, the Latin School addresses through its laws (the laws of press, publishing, and printing) journalists, media institutions, and other means of publishing; While the Anglo-Saxon media laws address public authorities in particular and “obligate them to provide media and prevent them from resorting to imposing restrictions on the free flow of information ; except within the limits stipulated in the general principles that are usually included in all constitutions of the world today which adopt the principles of liberal democracy. “¹³

Thirdly, the Anglo-Saxon school differentiates between media laws and the laws of press, printing and publishing; While the Latin school combines these different types of laws.

3: The levels of organization of media legislation.

It should be noted the difficulties associated with distinguishing between the types of rules that regulate a vital field such as the media in which the majority of human activities and modern social and political institutions overlap. What further complicates the process of distinguishing is the recent technological developments which work to change the traditional relationship between individuals and power, and especially the relationship of the authority and the individual. In the same context, the researcher Ali Kssaissia made an attempt to establish a legal framework for the media that includes three levels of organization:¹⁴

3-1: Media freedom laws:

The elements of the right to information are defined in accordance with international treaties and articles of the Constitution which is related to basic human and citizen rights, as well as political and economic rights and mandates social institutions and state institutions to provide objective, material, legal and regulatory conditions to enable citizens to obtain scientific, cultural

and political information; which enable them to exercise the rights related to their identity, society and nation. This law obliges the responsible on the media to find appropriate formulas to ensure the flow of information, including the use of the mass media, as it is a medium that links between the media sources and the public.

Such a law also includes restrictions that public authorities can codify to limit or prevent the circulation of information, which would harm the rights of social groups deserving protection, or threaten national unity, national sovereignty, elements of national identity and all the constants stipulated in the constitution, or affect morals and public morals in society, or pose a threat to vital military, scientific and economic secrets.

In this context, over the last fifty years of the last century, more than 44 documents were counted including 12 treaties, 14 declarations, and 8 regulations, concerned explicitly or implicitly with freedom of information, especially the aspect related to the free flow of information.¹⁵ However, the explicit legal basis for media legislation is contained in the two international treaties on political and civil rights, and on economic, social and cultural rights that were ratified by the United Nations General Assembly. In addition, there are more than 100 countries that have laws related to freedom of information, including the United States of America, Canada, Australia, Sweden and New Zealand, which considers the right to media as a human right that exceeds the right of New Zealand citizens.

3-2: laws of press, printing and publishing:

Press laws or mass media laws mean the set of rules that determine the general provisions for publication, printing, radio and television broadcasting, and all mass means that produce and distribute information and opinions through traditional and electronic channels known and/or potential. And these rules that may be in the form of a single law, such as the laws of publishing, publications or the press, or are distributed over various technologies such as the laws of media institutions or the laws related to professional regulation (the profession of journalism or the media). It is also possible to enter into this branch of media legislation a set of rules that directly or indirectly affect media activity, its institutions and persons such as criminal, civil, administrative and commercial laws, labor laws and literary, intellectual or industrial property (authorship and Neighboring rights), publicity, regulations and explanatory notes complementing media legislation.

3-3: Codes of professional ethics:

The media and communication authority, which is independent of the executive, legislative, and judicial authorities can work in cooperation with the professional organizations of publishers, media professionals, and representatives of the public in the form of associations to establish professional codes of honor; It also determines the conditions for practicing the profession in accordance with rules that may be determined by law as the example of the legal and medicine profession; Also the establishment of honorary courts to ensure the application of the rules of professional codes.¹⁶

4 : The levels of organization of media legislation according to the organic law 05-12:

Based on the above theoretical background, we will extrapolate and deduce the different levels of media legislation in the text of Organic Law 12-05 related to media, so that we can finally conclude the nature of media legislation in Algeria and the extent to which these legislations keep pace with modern media laws in democratic countries and the new trends in media legislation in general.

4-1: The structure of the organic law 05-12 related to the media:

Organic Law 12-05 related to information includes (133) articles divided into (12) chapters, which we list as follows:

Part One: General Provisions, consisting of (5) articles).

The second chapter: media activity through the written press and it contains two chapters.

The first chapter: Issuing periodicals, and it consists of (27) articles; from Article (6) to Article (32).

The second chapter: distribution and sale on the public road, and it consists of (7) articles, from Article (33) to Article (39).

Part III: The authority to control the written press, which consists of (18) articles, from Article (40) to Article (57).

Chapter Four: The audiovisual activity is divided into two chapters:

The first chapter: the practice of audiovisual activity, and it consists of (6) articles, from Article (58) to Article (63).

Chapter Two: Audiovisual Control Authority, contains (3) articles, namely Articles (64), (65) and (66).

Chapter Five: Electronic Media and it includes (6) articles, from Article (67) to Article (72).

Chapter Six: The Journalist Profession and Professional Ethics and morals. It contains two chapters:

The first chapter: the profession of the journalist, and it consists of (19) articles, from Article (73) to Article (91).

Chapter Two: Ethics and morals of the Profession and contains (8) articles, from Article (92) to Article (99).

Chapter Seven: The right of reply and the right of correction, which includes (15) articles, from Article (100) to Article (114).

Chapter Eight: It was mentioned in one article (115) and is marked by responsibility.

Chapter Nine: Titled Violations Committed in the Practice of Media Activity, and it consists of (11) articles, from Article (116) to Article (126).

Chapter Ten: Specific to supporting and promoting the press, including articles (127, 128, 129).

Chapter Eleven: The activity of consulting agencies in communication, in the text of Article (130).

Chapter Twelve: It is the last chapter entitled Transitional and Final Provisions and includes the following three articles, (131), (132) and (133).

4-2: The level of the right to information:

The legislator limited the articles related to the right to information and its protection mechanisms to only a few articles, contrary to what is customary in the enactment of media laws in other countries such as the United States of America, Britain and Japan, and some Arab countries such as Jordan, Yemen and Tunisia. Where the law referred in Article 1 to the aim of the law which is defining the principles that govern the exercise of the right to information and freedom of the press, without defining or elaborating those principles.¹⁷

It is paradoxical that the law specifies in its second article the exceptions to the practice of the right to information before elaborating on the principles that govern this right, and who are the

owners of this right? Where the legislator specified the exceptions to the right to information in Article 2 which included a number of exceptions, most notably: “respect for the constitution, the laws of the Republic, the Islamic religion and other religions, respect for national identity and the cultural values of society, respect for national sovereignty and national unity, requirements of state security and national defense and requirements of public order, Citizen's right to objective information.”¹⁸ The problem raised in the exceptions part is that they are not explained which makes them subject to interpretation with the possibility of using them as arguments to restrict freedom of the press, and restrict the practice of the right to media, whether for the citizen or the journalist as a mediator between the sources of information and the citizen. The legislator stressed the exceptions in the text of Article (84) when he specified the cases in which the right of the journalist to access the sources of the news is forfeited.¹⁹

- The law defines the functions of media activities to serve the citizen's right to information.²⁰ It also refers to the subsidies for freedom of expression granted by the state within the framework of supporting and promoting the press.²¹ In order to preserve the informational nature of periodicals and guarantee the citizen's right to information; The law specified the total space allowed for advertising which does not exceed one third.²²

The law also obliges all bodies, departments and institutions to provide the journalist with news and information in a way that guarantees the citizen's right to information. The law also affirms the journalist's right to access news sources.²³

4-3: The level of organization of media activity:

-FIRSTLY : Regulating media activity through the written press:

- The law defines media activities and ways to guarantee them.²⁴ It also defined the periodical publications for general and specialized media, the procedures for issuing periodical publications in terms of permits, registration and control procedures and also it defined the language of issuance for national publications and the licenses for foreign companies.²⁵

- The law included the conditions that must be met by the manager responsible for a periodical publication.²⁶ The law also required justifying the sources of funds constituting its capital, and preventing support from any foreign entity.²⁷

- The law defines the methods of distributing and selling national and foreign periodicals to ensure that citizens are able to access the news and protect childhood and public morals.²⁸

- The law also defines the composition, functions, and functioning of the authority to control the written press.

-SECONDLY: Organizing the practice of audiovisual activity:

-The law defined the audiovisual activity and the bodies authorized to practice this activity; As well as the tasks and powers of the audiovisual control authority.²⁹

- The note recorded in this part of the analysis of Organic Law 05-12 related to media, that it did not elaborate in the chapter the audiovisual activity instead it gave details about regulating media activity through the written press. As the regulation of audiovisual media activity was referred to Law 04-14 related to audiovisual activity for the year 2014 .³⁰

-THIRD: Organizing electronic media activity:

- Contrary to Law 07-90 related to media,³¹ the legislator singled out the regulation of electronic media activity for the first time in Chapter Five of Organic Law 05-12 related to media through defining the activity of the written press and the audiovisual service via the Internet.³² This section also needed an organizational text that explains the provisions contained therein and that was on

November 25, 2020 with the approval of Executive Decree No. 20-332 that specifies the modalities for practicing media activity via the Internet and publishing the response or correction via the website.³³

4-4: The level of organization of journalistic rights and duties:

- The law defines the professional journalist and refers to the professional journalist's card. The law also regulates the work relations between the employer and the journalist, such as the written work contract, the circumstances of the journalist's termination of the contract, cases of the journalist's right to compensation³⁴, professional secrecy, the right to literary and artistic property, and the acquisition of private life insurance.³⁵

- According to this law and within the framework of supporting and promoting journalism, the state contributes to raising the professional level of journalists through training, and media institutions must allocate a percentage of their profits to training journalists and promoting media performance which falls within the media rights of journalists.³⁶

- The law regulates professional ethics and morals which gives it the nature of command and obligation in the context of legal responsibility instead of moral responsibility as is customary in modern media legislation. The law affirmed, in addition to the provisions contained in Article 2 of it that the journalist must respect the principles of professional ethics³⁷.

- Every breach of professional ethics and morals is subject to penalties ordered by the Supreme Council of Ethics and morals of the Journalism Profession; although the law indicated that this council should be installed within a maximum period of one year from the date of issuance of this law,³⁸ this council has not yet been established.

-Chapter Seven of the law regulates the formal and substantive conditions for the right of reply and the right to correction.³⁹ Responsibility for offensive publication is based on solidarity in the text of Article (115) in Chapter Eight.

- Always at the level of regulating the profession of journalism. The law devoted Chapter Nine to penalties resulting from violations committed within the framework of the practice of media activity as the imprisonment penalty contained in the previous Law 07-90 related to the media was abolished (the phrase "punishment by imprisonment" was repeated nine times against a journalist or a device Media that violates the provisions of Law 07-90), where the legislator limited the punishment to a financial fine against those who violate the provisions of Organic Law 05-12 related to media.⁴⁰

Conclusion:

We conclude this research paper by emphasizing on a basic idea which refers that all media laws around the world are interested in setting the legal framework for the right to information as a human right; While the Organic Law 12-05 related to media focused on organizing Algerian media institutions, managing them and defining the formal and objective conditions for publishing and broadcasting through modern and traditional means of communication with defining the rights and duties associated with the profession of journalism.

In fact this is that takes it out of the circle of media laws as required by modern trends in media legislation. This is the prevailing situation in countries with a Latin legal system, led by France, from which the Algerian legislator derived the procedures for regulating media and communication activity. This legal system corresponds to the Anglo-Saxon system in which the regulating legislations devoted to the right to information and its principles prevail as a human right, as required by modern trends in media legislation.

Recommendations:

In light of the foregoing in this research paper in its theoretical and applied or analytical parts of Organic Law 05-12 related to media, we present a set of observations and recommendations related to the text of the law in terms of structure and wording:

Firstly- The Algerian legislator combined codifications of varying nature in one text related to regulating the right to information, and this is what must be remedied when drafting a new draft media law in Algeria. It is necessary to separate and distinguish between the right to information law and in a more comprehensive way the right to communication and between laws regulating Media activity.

Secondly – This law can be criticized as it abbreviated the articles devoted to the right to information, while the articles regulating publishing and media activity dominated the content of the law; In addition to recording an important group of specific exceptions that define the field of practicing the right to information, and they were often mentioned in the form of general terms that need to be clarified, Explained and justified.

Thirdly - The legislator is supposed to devote an entire section to defining the right to information by referring to its concept, principles, the bodies that guarantee its protection, and the penalties for violating this right. While the legislator referred only in the section in general provisions and in other places of the legal text - and with modesty - to the general principles that govern the exercise of this right. This matter is contrary to what is regulated by the media in more than a hundred countries (100) across the world and contrary to what is listed in the recent trends of media legislation.

Fourthly - Modern media legislation refers the organization of the journalistic profession and the ethics and morals of the profession to self-regulation. However, this law is unlike what is found in media laws. It devotes an entire chapter to the profession of the journalist and the ethics and morals of the profession. Even with regard to press councils, we record excessive interference by the government and official authorities in the formation and operation of those councils. In this regard, we recommend activating the role of syndicates and professional federations to defend the honor of the profession.

Fifthly - This law addresses the media institution and the journalist and does not address the sources of information, in contrast to the media laws that address the sources of information and specify the penalties for withholding information from the citizen and the journalist as he is considered as a representative of the citizen's right to information or a mediator between the sources of information and the citizen.

At the same point, we point out that Organic Law 12-05 related to media determined responsibility for abusive publication, and violations resulting from the practice of media activity, and did not specify violations and penalties for withholding information from citizens and journalists by information sources.

¹ - Ali Kssaissia, “*Modern Media Legislation in Light of the Principles of the Free Market of Ideas,*” Algerian Journal of Communication, Institute of Information and Communication Sciences, Algeria, Issue 14 (July / December 1996), pp. 41, 42.

² -Loc.Cit.

³ -*The European Seminar on promoting independent and pluralistic media*, Sofia, 10-13 september1997. at : [Unesdoc.unesco.org/images/0010/001095/109588fo.pdf](https://unesdoc.unesco.org/images/0010/001095/109588fo.pdf). Accessed : 20/8/2020.

* - "The best law for journalism is no law at all," says Danilo Arbia from the Inter-American Press Association and *Bosqueda* newspaper in Uruguay. "In an ideal world, legislation governing press freedom would not exceed two pages, with paragraphs written clearly and explicitly," he says. Any attempt to control freedom of expression is prohibited.

⁴ - Government Secretariat. (2012). *Organic Law n°12-05 of January 12, 2012 relating to the media. Official Gazette of the people's Democratic Republic of ALGERIA* (02).

⁵ - Muhammad Mounir Hijab, *The Media Dictionary*, 1st edition, Dar Al-Fajr, Cairo, 2004, p. 140.

⁶ - Loc.Cit.

⁷ - Ali Kssaissia, "*Modern Media Legislation in Light of the Principles of the Free Market of Ideas*," Ibid, pp. 42-44. See also

-Laila Abdel-Meguid, *Press Legislation in the Arab World: Reality and Future Prospects*, Al-Araby for Publishing and Distribution, Cairo, 2001, p. 13.

- The Arab Organization for Education, Culture and Science, "*The Arab Media, Present and Future*," Report of the Arab Committee for the Study of Media and Communication Issues in the Arab World, Information Department, Tunisia, 1987, pp. 74, 75.

⁸ - Ali Kssaissia, "*The Problematic of Media Legislation in Transitional Societies, the Case of Algeria*," pp. 9, 10, online article dated April 12, 2012. See the website:

www.alikessaissia.net/index.php/etudes-et-recherches/legislations, browsing date 1/5/2020.

*- Non-unified terms are used in the Arabized literature prevailing in the Arab East and Maghreb to denote the means of communication and information in a way that raises confusion between the medium and the content due to the difference between the term "information" in the Anglo-Saxon and Latin literature, especially French. It has been almost unanimous among those interested in the Maghreb to use the term media of communication as an alternative to the term media, especially with the new elements introduced by new technologies to the processes of information and communication. See:

- Ali Kssaissia, "*The Problematic of Media Legislation in Transitional Societies, the Case of Algeria*," Ibid, pp. 23.

⁹ - Ali kssaissia, *Contemporary Media Legislation: Undocumented Lessons Delivered to Master's Students*, Department of Media and Communication Sciences: Majoring in Media Legislation, University of Algiers, Second Semester, Spring 2010.

¹⁰ -ibid .

¹¹ - Ali kssaissia, "*Modern Media Legislation in Light of the Principles of the Free Market of Ideas*," Ibid, pp. 46,47.

¹² - Al-Taher bin Kharfallah, *Lectures on Public Freedoms and Human Rights*, D. M.J., Algeria, pp. 114,115.

¹³ -Ali kssaissia, "*Modern Media Legislation in Light of the Principles of the Free Market of Ideas*," Ibid, pp. 52.

¹⁴ Ibid pp .14-10

¹⁵ -Comeback to :

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¹⁶ - Ali.Kssaissia, "*Media Legislation and the Nature of Professional Rules*", Algerian Journal of Communication, Institute of Information and Communication Sciences, Algeria, Issue 8 (Winter 1992). pp. 21-30.

¹⁷ -Organic Law n°12-05 of January 12, 2012 relating to the media , article1, pp.22.

¹⁸ - Organic Law n°12-05 of January 12, 2012 relating to the media , article2, pp.22.

¹⁹ -Organic Law n°12-05 of January 12, 2012 relating to the media , article84, pp.29.

²⁰ - Organic Law n°12-05 of January 12, 2012 relating to the media , article5, pp.23.

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²² - Organic Law n°12-05 of January 12, 2012 relating to the media , article 28, pp.25.
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²⁴ - Organic Law n°12-05 of January 12, 2012 relating to the media , articles 3,4, pp.22 ,23.
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³⁴ - Organic Law n°12-05 of January 12, 2012 relating to the media , articles 73-82, pp.28,29.
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³⁶ - Organic Law n°12-05 of January 12, 2012 relating to the media , articles 128,129, pp.32.
³⁷ - Organic Law n°12-05 of January 12, 2012 relating to the media , articles 92,93, pp.29.
³⁸ - Organic Law n°12-05 of January 12, 2012 relating to the media , article 99, pp.30.
³⁹ - Organic Law n°12-05 of January 12, 2012 relating to the media , articles 100-114, pp.30,31.
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