

**LEGAL REGULATION OF ELECTRONIC JOURNALISM IN ALGERIA
-ANALYTICAL STUDY OF THE MEDIA LAW 12/05-**

التنظيم القانوني للصحافة الالكترونية في الجزائر

-دراسة تحليلية لقانون الإعلام 05/12-

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ABSTRACT :

The study aims to get acquainted the legal regulation of electronic journalism in Algeria through the media law 12/05, and to reveal the limits and controls of the professional practice of electronic journalism and the responsibilities that it entails for the journalist and the publishing institution, through the use of descriptive inductive approach, to analyze the legal materials that provide for the regulation of the electronic journalism profession.

The study concluded, most notably, that the Algerian media law 12/05 provided a comprehensive definition of electronic journalism, and did not take into account the characteristics and features of this type of journalism, and it did not define the tasks and responsibilities of an electronic journalist, and considered electronic journalism to be those written communication on the internet, and excluded those that have a paper version and from it limited to one type.

Keywords: *Electronic Journalism, Internet, Media law, Electronic Journalist.*

ملخص:

تهدف الدراسة إلى التعرف على التنظيم القانوني للصحافة الالكترونية في الجزائر من خلال قانون الإعلام 05/12، والكشف عن حدود وضوابط الممارسة المهنية للصحافة الالكترونية والمسؤوليات المترتبة عليها بالنسبة للصحفي ولمؤسسة النشر، وذلك من خلال استخدام المنهج الوصفي الاستقرائي، لتحليل المواد القانونية التي تنص على تنظيم مهنة الصحافة الالكترونية.

توصلت الدراسة إلى نتائج أبرزها أن قانون الإعلام الجزائري 05/12 قدم تعريفا شاملا للصحافة الالكترونية، ولم يراع خصائص ومميزات هذا النوع من الصحافة، كما أنه لم يحدد مهام ومسؤوليات الصحفي الالكتروني، كما اعتبر الصحافة الالكترونية هي تلك الاتصال المكتوب على شبكة الانترنت، واستثنى التي لها نسخة ورقية ومنه حصرها في نوع واحد.

كلمات مفتاحية: الصحافة الالكترونية، الانترنت، قانون الإعلام، الصحفي الالكتروني.

1- Introduction:

In recent years, the media has witnessed transformations on the level of its use of information and communication technologies, most notably the emergence of the internet as an interactive medium that gave individuals and institutions the opportunity to access information in a large volume and at a high speed, and due to the internet's network for Communication, its various uses, in particular the media, have become one of its contemporary applications, so the media are racing to disseminate and exchange information, which has led to the emergence of New media styles, most notably the so-called electronic journalism or internet journalism, and the latter has become a competition to traditional journalism, bringing a wide audience of users who use the internet.

Therefore, traditional media outlets have to keep up with the electronic publishing revolution and exploit the internet to develop their content and attract the attention of audiences, because today we live in the time of electronic journalism, which imposed its existence in virtual reality and became monitoring events and making news transcending the geographical and political boundaries that constitute an obstacle to traditional journalism.

Thus, the Electronic Press has achieved an amazing development day after day in its websites and services, and even its use of multimedia, which has made it an interactive electronic press, and in Algeria the press appeared in the nineties of the last century in the form of websites or copies of written press, but the legal regulation of this type of press was known Legal materials that define and regulate the activity of electronic media, and through this study we raise the following question:

- **What is the legal regulation of electronic journalism in Algeria in the light of the media law 12/05 ?**

A number of sub-questions fall under this question, namely:

- How does the media law 12/05 define electronic journalism ?
- What are the limits and controls of the professional practice of electronic journalism in Algeria ?
- Did the Algerian legislator give a concept to the electronic journalist ?
- What are the responsibilities of professional practice in electronic journalism ?

The importance of the topic lies in the fact that electronic journalism has imposed its presence in the media arena, and has become a strong competitor to other media, especially since it has interactive and dissemination characteristics that we do not find in print journalism, and its impact on public opinion is great compared to traditional media, and

therefore it must be regulated legally to control the limits of its practice and determine the rights and duties of a journalist in the electronic environment.

Therefore, the study aims to identify the legal regulation of electronic journalism in Algeria through the media law 12/05, which introduced the term electronic media in order to keep abreast of developments in the field of media through various means, as well as to identify the limits and controls of professional practice of electronic journalism and the responsibilities entailed for the journalist and the publishing institution.

The study relied on the descriptive-inductive approach, by extrapolating the legal texts contained in the media law 12/05, related to the regulation of the electronic journalism profession.

2- Internet and press

2-1-Informational characteristics of the internet

The internet is a means of communication of the third millennium that reduces time and distances and contributes to lifting various barriers that prevent the passage of information for sending and receiving, whether at the level of individuals, bodies or institutions. In order to provide all this, a set of devices is required.(Al-Munjid, 1998, p39).

The information and technological revolution has put contemporary journalism in front of new challenges that have given it an unprecedented opportunity, whether it is in the abundance of information sources, in the speed of its transfer or in its use, these developments on the methods of collecting, producing and distributing information in print, audio and video media, as well as these developments have created a new distinct audience Therefore, modern press organs have hastened to attract this new audience by adding the internet to their traditional means of transmitting and marketing journalistic production, the abundance of information and the flow of communication will contribute to making it available in a way that no one can A specialist should follow up with him what is new in his specialty.(Al-Faisal, 2005, p32).

Among the advantages of the internet in the transfer of information and data that distinguish it from other media are:

- “Internet is an interactive media.
- Possibility of getting acquainted with the reaction of users by answering questions that are asked by some press institutions.

- Low cost of publishing news and advertising media content for newspapers on the internet compared to the expenses of the publishing process in printing presses.
- Possibility of flexible change and modification in the news and advertising content of the newspaper, which is the most important characteristic of journalistic work and the internet the ability to make these changes and introduce new information about the development of news". (Almuddin, 2007, p210)

There are other features that (Almuddin, 2007, p210) it adds:

- "Speed of publishing media content on the internet, as the use of the internet for publishing is not tied to a specific time.
- The internet provides a high possibility of subscribing to these sites by developing press organizations questionnaire forms.
- Press organizations that own their websites benefit from companies advertising some goods that wish to place ads on the internet for publication on the websites of newspapers that do this advertising for those companies.
- Easy insertion of audio files, animated images or video files inside media content publishing sites, whether for news or for ads on press sites.
- The internet Greatly controls the dissemination of journalistic content globally and opens new windows for digital journalistic publications and the distribution of news content by publishing it electronically.

The internet has worked to activate the media process and has gained new skills and features, the communicator has developed his performance, saved him considerable time and effort, and the recipient has increased the volume of his positive participation in the selection process and participation in the design and construction of the media message sometimes, and the medium has developed its concept and added important features such as The variety, immediacy and other important features that the network provides to the media message and Echo feedback, gave it the character of immediacy and speed compared to other media.(Beyt el Mal, 2003, p25).

2-2- Definition of Electronic Journalism

Newspapers are those that are issued and published via the internet and are in the form of newspapers printed on electronic computer screens that give new pages and include images, drawings and sound (Amin, 2007, p.90).

Electronic journalism is also defined as: " an informational type of media that is realized by the idea of Electronic Publishing, which in turn is embodied through the internet as an Information Network, a tool and a source of information, and it became easy to develop and then circulate due to the idea of desktop publishing (Belaalia, 2006, p162).

2-3- Characteristics and features of electronic press

Despite short life of electronic journalism compared to traditional journalism, this short life has witnessed a lot of scientific studies and observations that have highlighted multiple features associated with this type of journalism, and Dr. Mahmoud Alameddine says," electronic journalism has a set of features, foremost of which is news coverage of events and interviews with related personalities. In addition to real-time coverage of events by audio and video from the event site, there are other features that are not present in the paper press, such as the speed of updating News, chat rooms, dialogue arenas and forums " (Almuddin, 2000, p30).

The features of electronic journalism can be summarized as follows :

- Instant transmission of news and follow-up on developments with the possibility of modifying texts at any time, which made it compete with other media outlets such as radio and television, and even that electronic newspapers have become " competing with these two media in the element of immediacy that they monopolized, and began to precede even satellite channels that broadcast news on fixed dates, while some news is being published in electronic newspapers Less than 30 seconds after the event (Sharif, 2000, P69).
- Ability of electronic newspapers to penetrate borders, continents and countries without censorship, prohibitions or fees, and even immediately, and cheaply, through the internet, so that submerged paper newspapers are able to compete through their electronic version with large international newspapers if they are able to provide advanced technical formats, transmission skills, good quality of content and distinguished services. And " because transmission via the internet will necessarily mean giving electronic newspapers a global character regardless of their capabilities, and because the contents here must be compatible with this global character, some are seriously wondering whether it is right to call (local newspaper) traditional newspapers that issue electronic editions (Sharif, 2000, p72).
- Financial costs of electronic broadcasting of newspapers via the internet are much lower than what is required to issue a paper newspaper, they do not need

to provide buildings, printing presses paper printing supplies, not to mention the requirements of distribution and marketing, and the large number of employees, editors and workers (Arif, 1997, p13).

2-4-types of electronic newspapers

There are two types of newspapers on the internet :

• Complete electronic newspapers

The advantage of this type of electronic newspaper is that :

- Providing the same media and journalistic services provided by the paper newspaper of news, reports, Events, Photos and others .
- Providing additional journalistic and media services that the paper newspaper cannot provide, and made available by the nature of the internet and hypertext technology, such as search services within the newspaper or in the web, in addition to linking services to other sites, instant reply services and archives .
- Provision of text and audio multimedia services.

- Electronic versions of paper newspapers

By this we mean the websites of paper newspapers on the network, whose services are limited to providing all or some of the content of the paper newspaper with some services related to the paper newspaper, such as the subscription service to the paper newspaper, the service of providing ads and linking to (Nasr, 2003, p102).

Researchers divide electronic newspapers according to " the extent of their independence or dependence on existing media institutions, which he called (complementary media sites) to :

- Parallel press publishing: in which the electronic publication is parallel to the printed publication so that the electronic newspaper is a complete copy of the printed newspaper except for advertising materials. (Al-Anzi, 2007, p.241).
- Private electronic journalistic publishing in this type, the electronic published journalistic material does not have a printed origin, as the newspaper appears directly through online publication only (Al-Anzi, 2007, p242).

3-Legal regulation of electronic journalism in the media law 12/05

The media scene has been going through a legal vacuum in the field of electronic journalism since the era of pluralism at the beginning of the nineties, despite the emergence of many electronic newspapers.

The Algerian media law 12/05, for the first time in the history of the Algerian Press, included a full chapter dealing with the legal rules for electronic media and other articles regulating this activity.

3-1-Definition of electronic journalism in the media law 12/05

The media law 12/05 distinguishes between electronic journalism and the audiovisual service via the internet by defining each of them based on the type of media material published, whether it is text or sound and image.

Article 67 of the media law 12/05 defines electronic journalism as follows:

"Electronic journalism means in the concept of this organic law, every written communication service via the internet addressed to an audience...".

This definition indicates that electronic journalism is the content that are published via the internet aimed at a certain audience, and have a manager, whether a natural or legal person, and excluded electronic copies of printed newspapers in Article 68, which states in the second paragraph that "paper publications do not fall into this category when the online version and the original copy are identical", Therefore, electronic journalism is considered the publications that are published via the internet and do not have a paper version.

As for the audiovisual service via the internet, the law defines it in Article 69 " the audiovisual service via the internet means, within the meaning of this organic law, every audiovisual communication via the internet (WEB -TV, WEB-radio) addressed to the public or to a category thereof and produced and broadcast professionally by a natural or legal person subject to Algerian law And controls its opening content"

The law confirmed in Article 70 that audiovisual activity via the internet processes news related to events and is the subject of processing of a journalistic nature, and this category only concerns audiovisual services that practice their activity exclusively via the internet. the law in Article 72 excluded from the previous definitions news that constitutes a tool for promotion or a branch of industrial or commercial activity, and what is meant here are newspapers and websites Advertising.

It is noteworthy that the law stated that the electronic media is aimed at an audience or a category of it, and here is a reference to specialized electronic channels, then it states that

the audiovisual activity via the internet processes news related to events, and this is a definition of the field of activity of these means, which is news.

Hence, we find that the media law 12/05 listed definitions of electronic media, but the definitions are largely similar, excluding advertising websites and limiting the activity of these media to processing news and events, and pointed out the need to have a board of Directors, whether a natural or legal person.

3-2-Practicing the journalistic profession in electronic media

Article 71 of the media law 12/05 defines the conditions for practicing journalistic activity in electronic media, whether journalism or audiovisual service as indicated in Article 2 of this law, which states: "media activity is freely practiced within the framework of the provisions of this organic law and the applicable legislation and regulation and in compliance with:

- Constitution and laws of the Republic.
- Islamic religion and other religions.
- National identity and cultural values of society.
- Requirements for state security and national defense.
- General system requirements.
- Economic interests of the country.
- Tasks and obligations of the public service.
- The Citizen's right to full and objective information.
- Confidentiality of the judicial investigation.
- Pluralistic nature of opinions and ideas.
- Human dignity, individual and collective freedoms.

Thus, the law considered the conditions for practicing electronic media activity as other media activity, without mentioning conditions consistent with the privacy of electronic publishing, such as respect for intellectual property, fighting cybercrime, how to protect data and other characteristics that distinguish electronic media from others.

3-3-Journalist in the electronic media

The Algerian media law did not clarify the definition of the rights and duties of an electronic journalist, and it was included in the definition of a professional journalist, although an electronic journalist has characteristics and features that differ from a journalist in other media, such as technical and technical skills.

As for Article 79 of the media law 12/05, in its second paragraph, the law exempted electronic media journalists from being subject to the conditions of employment of journalists who have the national professional journalist card, which requires that their number be one

third of the editorial staff, as well as the possibility of terminating the contract between the professional journalist and the electronic media in case of changing its orientation or content.

3-4-Right of reply and Correction

Article 113 of the media law 12/05 States: "the director of the Electronic Media Authority must publish on his website every response or correction immediately after being notified by the person or body concerned".

Through this article, we find that the law has allocated a legal base for the right of reply, correction and rectification to be borne by the director of the Electronic Media Authority and did not explicitly mention the electronic press, and he also referred to the phrase "published on his website" indicating that the right of reply is on the website of the electronic medium, and therefore he did not allocate the electronic press.

He pointed out that the right of reply is only based on a notification by the person or body concerned, as is done in the printed newspaper.

3-5-Responsibility

The first paragraph of Article 115 of the media law 12/05 States : "the director of the publication or the director of the Electronic Press Agency, as well as the owner of the writing or drawing, shall be responsible for each writing or drawing published by a periodical publication or electronic press."

Through this paragraph, we find that the responsibility is borne by both the director of the media and the owner of the news, and this indicates that freedom of expression in electronic media is greater than other media, as the law indicated that the responsibility is borne by the director, the publishing officer, the director of the electronic press service or the owner of writing or He did not say the electronic newspaper, and therefore he considers only the website of the publication as an electronic newspaper and considered it an existing device in itself that differs from the printed publication, but there is a conclusion in the terminology, sometimes the publication is mentioned and sometimes the electronic press device is mentioned, which reflects the lack of We also note that the legislator has made those who bear responsibility in the periodical publishing press or the electronic newspaper the same, although the electronic newspaper has characteristics that may make it more dangerous than the written publication, especially with regard to interactivity Circulation and speed of dissemination, which makes the responsibility greater for the journalist or the newspaper manager, in order to avoid falling into irregularities.

4-CONCLUSION

Finally, it can be said that although electronic journalism is a media activity that has imposed itself in the digital environment, but its legal and legislative regulation has been defined somewhat late in Algeria compared to other Arab countries, and through reading the articles of law 12/05 on media, we record the lack of defining aspects of electronic journalism and defining the concept of electronic journalist, and this affects the objectivity and practice of The journalistic profession online and facing the challenges posed by the accelerated development of new media.

The legislative system in regulating the profession of electronic journalism, despite its appearance in Algeria about 15 years before the issuance of the media law 12/05, where the first electronic newspaper appeared in Algeria in 1996, and the law 12/05 defines electronic journalism as written communication via the internet, and audio-visual communication via the internet is also considered to be electronic journalism.

The media law did not consider the websites of traditional media to be electronic media, although they are considered a type of electronic journalism, on the other hand, the media law exempted electronic media journalists from being subject to the conditions of employment of journalists who have the national professional journalist card, and this distinguishes between a professional journalist who works in traditional media and its electronic counterpart, although the law did not specify the responsibilities and tasks of a journalist in electronic media or define it, which constitutes a legal gap.

The law focuses on publishing as the basis in print journalism, sometimes it mentions the electronic newspaper device and considers it an existing device in itself, but did not specify how it is formed and its tasks, and sometimes it mentions electronic media, which is a broad concept in which various media that exist in the electronic environment come together.

The equated the responsibility in the periodical publication and the electronic newspaper, although the publication in the electronic newspaper may have more serious dimensions due to its interactive properties, dissemination and circulation, and here it is necessary to reconsider the degrees of responsibility between the two means and their workers.

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*Legal regulation of electronic journalism in Algeria
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