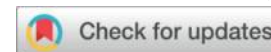




A Reading in the New Criminal Policy of the Algerian Legislator in Regulating the Media Sector (A Study in Light of the Current Media Legislation)



Dr. Najat Daoui¹, Dr. Karima Daoui²

¹Department of Law, Faculty of Law and Political Science, Kasdi Merbah University Ouargla, Algeria . Email: daoui.nadjet@univ-ouargla.dz

² Faculty of Humanities and Social Sciences, Kasdi Merbah University Ouargla, Algeria .Email: daouida456@gmail.com

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Abstract:

The media sector is among the fields recently affected by legal reforms in Algeria. It has witnessed the promulgation of a new organic law Organic Law No. 23-14 on Media alongside two new ordinary laws: the first, Law No. 23-19 , concerns the written and electronic press, and the second, Law No. 23-20, concerns audiovisual activity. This comes in recognition of the fact that the media sector, in all its forms written, audio, visual, and electronic constitutes one of the most important means of expressing opinion, given its power to influence individuals' daily lives, to critique errors, and to expose flaws and shortcomings within society.

However, like any other activity, the practice of media work may, through the publication or broadcasting of certain content, cause harm to individuals or society, by infringing upon their privacy, honor, or reputation. This has prompted the legislator to intervene in order to protect these rights and interests, and to criminalize practices that may occur within this sensitive and vital sector.

Accordingly, this study aims to shed light on the new elements introduced by the Algerian legislator's criminal policy in regulating the media sector, and to clarify the legal provisions and rules related to criminalization and punishment that have been adopted in this regard.

Keywords: Criminal policy, Media legislation, Algerian legislator, Media sector, Media offenses.

Introduction:

The media sector, in all its forms written, audio, visual, and electronic represents one of the most important means of expressing opinion, owing to its strong influence on individuals' daily lives and its role in criticizing errors and articulating societal issues. It plays a major and effective role in shaping and forming public opinion by exposing flaws and deficiencies within society, as well as by alerting and urging public authorities to address and remedy them.

However, like any other activity, the practice of media work through publishing or broadcasting certain content may cause harm to the rights of individuals or the community, as it can infringe upon

their privacy, honor, or reputation. This compels the legislator to intervene in order to protect these rights and interests and to criminalize such practices, as they constitute an abuse of the freedom of expression. While the natural legal framework for criminalization remains the Penal Code, this does not preclude the inclusion of criminal provisions within the laws regulating media activities, to ensure proper control over this sensitive and vital sector.

In discussing the recent legal reforms witnessed in Algeria, it is important to recall that the media sector was among those affected by these reforms. It has seen the promulgation of a new Organic Law No. 23-14, dated August 27, 2023, concerning media, along with two new ordinary laws: the first, Law No. 23-19, dated December 2, 2023, concerning the written and electronic press, and the second, Law No. 23-20, also dated December 2, 2023, concerning audiovisual activity.

Accordingly, this research aims to explore the new orientations of the Algerian legislator's criminal policy by identifying and revealing the plans and strategies adopted by the State to protect the interests governed by the media sector as a whole. This is pursued through the selection of appropriate and sufficient criminalization and punishment provisions to ensure effective regulation of this sensitive domain.

Given that our study focuses on examining the criminal policy adopted by the Algerian legislator in the field of media activities across its various sectors the written and electronic press, as well as the audiovisual field we raise the following central research question:

What are the new aspects of the criminal policy adopted by the Algerian legislator in regulating the media sector?

To answer this question, we rely on several methodologies. First, the descriptive method is used to describe the concepts related to the media sector in general and its various branches in particular. Second, the analytical method is employed to analyze the legal texts that regulate media activities and criminalize unlawful acts and practices. In addition, the comparative method is applied to compare the previous Organic Law No. 12-05, dated January 12, 2012, concerning the media, with the current media laws, namely: Organic Law No. 23-14 on Media, Law No. 23-19 on the Written and Electronic Press, and Law No. 23-20 on Audiovisual Activity.

There is no doubt that a careful examination of these new media laws reveals that the Algerian legislator has introduced significant changes to the previously adopted criminal policy governing and regulating the media sector under Organic Law No. 12-05 and Law No. 14-04 on Audiovisual Activity, dated February 24, 2014. These changes are evident in several aspects particularly regarding the rules of criminal responsibility, the principles of criminalization, and the rules of punishment.

Accordingly, this study is divided into the following sections:

- First: The Concept of Media Activity.
- Second: The Manifestations of the Algerian Legislator's Criminal Policy in the Field of Criminalization.
- Third: The Manifestations of the Algerian Legislator's Criminal Policy in the Field of Punishment.

First: The Meaning of Media Activity

According to Article 02 of the new Organic Law No. 23-14 on Media, "Media activity, within the meaning of the provisions of this organic law, refers to any publication of news, images, or opinions,

and any broadcasting of events, messages, ideas, knowledge, or information through any written, electronic, or audiovisual medium, intended for the public or a segment thereof.”

Media activities in Algeria are carried out by the following entities:¹

- Public bodies and institutions of the public sector.
- Political parties, associations, and trade unions, within the limits authorized by the laws governing them.
- Natural persons of Algerian nationality only, and legal entities subject to Algerian law, whose capital is owned exclusively by natural persons of Algerian nationality or legal entities under Algerian law whose shareholders or partners all hold Algerian nationality; in this case, the shares must be registered (nominative).

Media activities in Algeria are divided into:

- Written and electronic press activities.
- Audiovisual activities, whether traditional (via cable, terrestrial broadcasting, or satellite) or through the Internet, both encompassing radio (audio) and television (visual) broadcasting.

Second: The Manifestations of the Algerian Legislator’s Criminal Policy in the Field of Criminalization:

The manifestations of the criminal policy adopted by the Algerian legislator in the field of criminalization within the media sector are evident through several major amendments and reforms, the most significant of which are as follows:

1) Amendment of the Provisions on Criminal Liability:

Criminal liability refers to bearing the consequences of a crime and being legally subject to the penal sanction prescribed by law. Holding a person criminally liable means holding them accountable for the crime committed requiring them, by law, to bear its harmful or dangerous effects and to provide an account of their actions².

By examining the provisions of Organic Law No. 23-14 on Media, Law No. 23-19 on the Written and Electronic Press, and Law No. 23-20 on Audiovisual Activity, it becomes clear that the legislator has abandoned certain rules that previously governed criminal liability under the former Organic Law No. 12-05, and has returned to the original and conventional framework for organizing these provisions.

This shift is manifested in the following situations:

1.1) Abandonment of the Provisions on Collective Criminal Liability or Liability for the Acts of Others in Media-Related Offenses:

It is well established that criminal liability is personal, and it is borne only by the individual who committed the crime or participated in its commission as a perpetrator, accomplice, or instigator. Accordingly, no person may be held liable for a crime committed by another, as criminal justice rejects the notion that someone entirely unrelated to an offense should bear responsibility for it³.

The personal nature of criminal liability means that an individual is held criminally accountable only for their own actions and not for the acts of others. The principle of personal criminal liability is considered one of the fundamental foundations of the modern criminal justice system⁴.

However, criminal liability in press-related or media activities in general used to be governed by special provisions that distinguished it from other types of offenses. The Algerian legislator, in the provisions of the former Organic Law No. 12-05, particularly Article 115, departed from the general rule based on the principle of personal liability, which stipulates that a person is criminally responsible only for the acts they have committed or participated in. This deviation was due to the specific nature of journalistic work, which creates difficulties in identifying those responsible for press-related crimes.

At present, criminal liability applies only to the person who committed the offense and to those who participated in its commission, while other individuals cannot be held responsible unless their involvement in the offense is proven in some way.

Article 115 of the former law provided that: “The director of the publication or of the electronic press outlet, as well as the author of the text or drawing, shall be held responsible for any text or drawing published by a periodical or an electronic press outlet. The director of the audiovisual or Internet communication service, as well as the author of the broadcasted news item, shall be held responsible for the audio and/or visual information disseminated by the audiovisual or Internet communication service.”

Thus, the Algerian legislator expanded the scope of persons held criminally liable for offenses committed in the exercise of media activities. The provisions of criminal liability were extended to include the director of the concerned media outlet whether a periodical, radio, television, or electronic platform in addition to the direct perpetrator of the offense, such as the author of the published text, drawing, or broadcasted news item⁵.

Criminal liability was therefore joint or collective, a system that placed responsibility for publication-related offenses on more than one person simultaneously specifically, on both the author (any person who presents words, writings, or drawings to the public with the intention of publishing them, regardless of whether they are the original creator of the text or drawing) and the editor-in-chief or responsible editor⁶.

However, with the promulgation of the new Organic Law No. 23-19, the Algerian legislator abandoned these provisions and restored the rules of criminal liability to the general principle established in the Algerian Penal Code that is, the principle of personal criminal liability.

Article 167 of the current Algerian Constitution (2020) explicitly states: “Criminal penalties are subject to the principles of legality and individuality.”

2.1) Imposing Criminal Liability Directly on the Media Institution Instead of Its Director:

Through the provisions of the new Organic Law No. 23-14 on Media, the Algerian legislator has amended many of the criminal provisions that were previously contained in Organic Law No. 12-05. The reform notably shifted the rules of criminal liability from the director, responsible person, or any other individual offender to the media institution itself, that is, to the legal entity. Consequently, the media outlet now bears direct criminal responsibility for offenses committed in its name and on its behalf.

The main offenses affected by this reform include the following:

2.1.1) Article 117 of the former Organic Law No. 12-05 provided that: “Any director of one of the titles or media outlets referred to in Article 4 above who, in his personal capacity or on behalf of a

media outlet, receives ... shall be punished by a fine ranging from one hundred thousand dinars (100,000 DZD) to four hundred thousand dinars (400,000 DZD).”

This was replaced by Article 44 of Organic Law No. 23-14 , which now states: “Any media outlet that receives, whether directly or indirectly, financial support and/or material assistance ... shall be punished by a fine ranging from one million dinars (1,000,000 DZD) to two million dinars (2,000,000 DZD).”

2.2.1) Article 123 of the former Organic Law No. 12-05 stated that: “Anyone who, through one of the media means referred to in this organic law, insults foreign heads of state or members of diplomatic missions accredited to the Government of the People’s Democratic Republic of Algeria shall be punished by a fine ranging from twenty-five thousand dinars (25,000 DZD) to one hundred thousand dinars (100,000 DZD).”

This provision was replaced by Article 48 of Organic Law No. 23-14, which now reads: “Any media outlet that issues an insult toward foreign heads of state or members of diplomatic or consular missions accredited to the People’s Democratic Republic of Algeria shall be punished by a fine ranging from one hundred thousand dinars (100,000 DZD) to five hundred thousand dinars (500,000 DZD).”

2.3.1) Article 125 of the former Organic Law No. 12-05 stipulated that: “Without prejudice to Articles 100 to 112 of this organic law, anyone who refuses to publish or broadcast a reply through the concerned media outlet shall be punished by a fine ranging from one hundred thousand dinars (100,000 DZD) to three hundred thousand dinars (300,000 DZD).”

This provision applied to the director of the periodical publication or the head of the concerned media organization, since publishing or broadcasting a reply was considered an obligation⁷.

When replaced by Article 49 of Organic Law No. 23-14, the provision now states: “Without prejudice to Article 41 of this organic law, any media outlet that refuses to publish or broadcast a reply or correction within the prescribed deadlines shall be punished by a fine ranging from one hundred thousand dinars (100,000 DZD) to five hundred thousand dinars (500,000 DZD).”

Thus, the new legislative approach clearly transfers criminal liability from the individual (the director or editor) to the media institution itself , reinforcing the accountability of legal entities in the Algerian media sector.

3.1) Emphasis on the Establishment of Criminal Liability for Legal Entities in the Media Sector:

The Algerian legislator, through the provisions of the new Organic Law No. 23-14 on Media, has explicitly affirmed the criminal liability of legal entities for offenses committed in their name and on their behalf. Article 53 of this law provides that: “The legal entity shall be held responsible for the acts referred to in this chapter, in accordance with the provisions set forth in the applicable legislation.”

A similar provision was adopted in Article 78 of Law No. 23-19 concerning the written and electronic press, which states: “The legal entity shall be considered responsible for the acts referred to in this chapter, in accordance with the provisions set forth in the applicable legislation.”

The term legal entity here refers to all organizations, institutions, and bodies engaged in media activities in all their forms and types including written or electronic press, as well as radio and television broadcasting, whether traditional or digital.

It is worth noting that the former Organic Law No. 12-05 contained no such provision explicitly establishing the criminal liability of legal entities. Under the previous framework, this matter was governed only by general rules applicable in the broader field of criminal law.

4.1) Continuation of Subjecting Liability Actions Arising from Media-Related Offenses to a Short Statute of Limitations:

Article 124 of the former Organic Law No. 12-05 provided that: “Public and civil actions relating to misdemeanors committed through the written, audiovisual, or electronic press shall be time-barred after a period of six (6) full months from the date of their commission.”

It is important to note that, at that time, the statute of limitations for public action in misdemeanor cases, as a general rule, was three (3) full years from the date of the offense, according to Article 8 of the Algerian Code of Criminal Procedure⁸, which states: “Public action in misdemeanor cases is time-barred after three full years.”

As for civil actions, their limitation period is governed, as a general rule, by Article 133 of the Algerian Civil Code⁹, which provides that: “An action for compensation shall be time-barred after fifteen (15) years from the date of the harmful act.”¹⁰

The Algerian legislator slightly modified these limitation periods in Article 54 of the new Organic Law No. 23-14, which provides that: “Public and civil actions relating to misdemeanors committed through the written press shall be time-barred after three (3) months from the date of their commission, and after six (6) months in the case of electronic and audiovisual press.”

It is also worth noting that the Algerian legislator further amended the limitation periods for criminal offenses with the promulgation of the new Code of Criminal Procedure, Law No. 25-14, dated August 3, 2025¹¹. According to this reform, public action in misdemeanor cases is now time-barred after five (5) full years, and this period is extended to ten (10) full years when the prescribed prison sentence exceeds five (5) years, as established by Article 11 of the new law.

2) Amendment of the Rules of Criminalization:

In the provisions of the current Organic Law No. 23-14 on Media, the Algerian legislator has introduced significant changes and modifications to the rules governing the criminalization of harmful and dangerous acts committed during or in connection with the exercise of media activity.

This is evident, on the one hand, in the amendments made to most of the offenses that were previously included in the provisions of the former Organic Law No. 12-05. On the other hand, the legislator has also introduced new criminal provisions that did not exist before.

2.1) Amendment of the Offenses Contained in the Former Organic Law No. 12-05 on Media:

The repealed Organic Law No. 12-05 on Media consisted of 132 legal articles, distributed across twelve (12) chapters, with Chapter Nine specifically devoted to offenses committed in the course of media activities.¹² The former Organic Law No. 12-05 contained 11 legal articles in this chapter. As for the former Law No. 14-04 on Audiovisual Activity, it consisted of 113 legal articles distributed across seven (7) chapters, with Chapter Six devoted to criminal provisions, containing only five (5) articles, namely Articles 107 to 111.

In contrast, the new Organic Law No. 23-14 on Media comprises 56 legal articles, of which 10 articles from Article 44 to Article 53 are devoted, in Chapter Seven, to misdemeanors committed in the course

of media activities. Through the provisions of this new law, the Algerian legislator introduced amendments to nearly all the offenses, as detailed below:

1.1.2) The Offense of a Media Outlet Receiving Funding or Material Assistance from an Entity Not Organically Linked to It, or from a Foreign Entity:

Article 117 of the former Organic Law No. 12-05 provided that: “Any director of one of the titles or media outlets referred to in Article 4 above who, in his personal capacity or on behalf of a media outlet, receives, either directly or indirectly, funds or accepts benefits from a public or private foreign institution, except for subscription revenues and advertising in accordance with applicable rates and regulations, shall be punished by a fine ranging from one hundred thousand dinars (100,000 DZD) to four hundred thousand dinars (400,000 DZD).

The court may order the confiscation of the funds subject to the offense.”

With the promulgation of the new Organic Law No. 23-14, the Algerian legislator amended the provisions of this offense, now codified under Article 44, which states: “Any media outlet that receives, whether directly or indirectly, funding and/or material assistance without having an organic link with the granting entity, or that benefits from funding and/or material assistance from a foreign entity, outside the funds intended for the payment of subscription and advertising fees in accordance with applicable rates and regulations, shall be punished by a fine ranging from one million dinars (1,000,000 DZD) to two million dinars (2,000,000 DZD).” “The competent judicial authorities may order the confiscation of the funds subject to the offense.”

Through this provision, the Algerian legislator criminalizes the acts whereby a media outlet obtains funding or material assistance that is not legally authorized, namely those received from an entity with which it has no organic link, or from a foreign entity. However, funds obtained as payment for subscriptions or advertising in accordance with what the law allows are excluded from the scope of criminalization.

It is noteworthy that some of these provisions had previously been included in Article 116 of the former Organic Law No. 12-05, which addressed the offense of violating Article 29 of the same law.

Article 29 laid out a series of obligations imposed on periodical publications, aimed at ensuring economic transparency, including:

- ✓ The requirement that a periodical declare and justify the source of funds constituting its capital and operating resources, in accordance with applicable laws and regulations.
- ✓ The obligation that a periodical maintain an organic link with the entity providing financial support, regardless of the nature of that support, and to disclose this relationship.
- ✓ The prohibition of any direct or indirect financial support from foreign entities.

Under the former legal framework, the Algerian legislator addressed this offense in Article 116 of the Organic Law No. 12-05 on Media, establishing a principal penalty of a fine ranging from one hundred thousand dinars (100,000 DZD) to three hundred thousand dinars (300,000 DZD), along with the temporary or permanent suspension of the periodical or media outlet. The court was also empowered, at its discretion, to order the confiscation of the funds involved in the offense.

The purpose of criminalization in this context is to prevent the use of financial support or material assistance as a means of pressure or inducement to influence or alter the editorial policy or general orientation of a periodical or media outlet. Such manipulation may occur through buying loyalty or

bribing staff members by offering excessive financial incentives, subsidies, or donations loyalty that must remain reserved for the State alone, and not extended to private or foreign entities.

Donations may take the form of cash or in-kind contributions, such as printing machines, computers, recording or filming equipment, furniture, paper, or printing materials. They may also consist of granting premises to a media organization, either domestically or abroad, constituting direct donations.

As for indirect advantages or donations, an example would be when the director, publication, or media outlet receives inflated subscription or advertising payments from a foreign company, where the amount paid far exceeds the actual value of the subscription or advertising service provided.¹³

2.1.2) The Offense of Lending One's Name to Another Person for the Purpose of Establishing a Periodical Publication:

Article 45 of the new Organic Law No. 23-14 on Media provides that: "Any person who lends their name to a natural or legal person, whether by pretending to subscribe for shares or to acquire holdings for the purpose of creating a media outlet, shall be punished by a fine ranging from one million dinars (1,000,000 DZD) to two million dinars (2,000,000 DZD).

The beneficiary of the 'name-lending' operation shall be punished with the same penalty.

In addition, the competent judicial authorities shall order the permanent cessation of the media outlet's activity, the closure of its premises, and the confiscation of its equipment."

The Algerian legislator has largely retained, in this article, the content of Article 118 of the former Organic Law No. 12-05, introducing only minor adjustments to the incriminating provisions and increasing the amount of the fine. The previous article stated: "Any person who intentionally lends their name to a natural or legal person for the purpose of creating a publication, particularly by subscribing for a share or holding in a publishing company, shall be punished by a fine ranging from one hundred thousand dinars (100,000 DZD) to five hundred thousand dinars (500,000 DZD). The beneficiary of the 'name-lending' operation shall be punished with the same penalty. The court may order the suspension of the publication."

This article aims to prevent manipulative practices whereby certain individuals who are not legally entitled to issue a periodical publication use the names of others who meet the legal conditions whether in exchange for payment or not. In such cases, the registered name is only nominal, while the actual owner, publisher, or director is a person prohibited from issuing publications.

Therefore, this provision serves to ensure transparency and integrity in media activities, preventing individuals from circumventing legal restrictions through deceptive ownership or representation arrangements.¹⁴

3.1.2) The Offense of Publishing or Broadcasting News or Documents that Harm the Confidentiality of Preliminary Criminal Investigations:

The Algerian legislator, under Article 46 of the new Organic Law No. 23-14 on Media, has criminalized acts involving the publication or broadcasting of information or documents that infringe upon the confidentiality of preliminary or judicial investigations, as well as the content of deliberations of judicial bodies when their sessions are held in camera, or the publication of reports concerning private life or personal honor, when such acts are committed through a media outlet.

Article 46 provides that: “Any person who publishes or broadcasts, through a media outlet, any information or document that infringes upon the confidentiality of preliminary or judicial investigations and/or the content of the deliberations of judicial bodies that issue rulings when their sessions are held in camera, and/or reports on pleadings related to private life or the honor of individuals, shall be punished by a fine ranging from one hundred thousand dinars (100,000 DZD) to five hundred thousand dinars (500,000 DZD).”

This offense is not new, as it already existed under the former Organic Law No. 12-05, albeit in a different structure. In fact, Article 46 of the current law consolidates what had previously been three separate provisions in Articles 119, 120, and 121 of the former law:

Article 119 stated: “Any person who publishes or broadcasts, through one of the media means provided for in this organic law, any news or document that causes harm to the confidentiality of preliminary investigations in criminal cases shall be punished by a fine ranging from fifty thousand dinars (50,000 DZD) to one hundred thousand dinars (100,000 DZD).”

Article 120 stated: “Any person who publishes or broadcasts, through one of the media means provided for in this organic law, the content of the deliberations of judicial bodies that issue rulings when their sessions are held in camera shall be punished by a fine ranging from one hundred thousand dinars (100,000 DZD) to two hundred thousand dinars (200,000 DZD).”

Article 121 stated: “Any person who publishes or broadcasts, through one of the media means provided for in this organic law, reports on pleadings related to personal status or abortion shall be punished by a fine ranging from fifty thousand dinars (50,000 DZD) to two hundred thousand dinars (200,000 DZD).”

Through Article 46 of Organic Law No. 23-14, the legislator thus consolidated these provisions into a single article that criminalizes the publication or broadcasting, through any media outlet, of information or documents that infringe upon the confidentiality of preliminary or judicial investigations in criminal cases. This aligns with the principle of confidentiality established in Article 19 of the Code of Criminal Procedure, which provides that: “Investigative, inquiry, and preliminary proceedings shall be confidential unless otherwise provided by law, and without prejudice to the rights of the defense.”

The legislator further stipulated that, for the offense to be constituted, the publication or broadcast must cause harm to the confidentiality of the preliminary investigation. Therefore, if such publication or broadcasting occurs without affecting the secrecy of the investigation, the offense is not established, and the perpetrator cannot be punished.

The criminalization of publishing news or documents related to investigations and judicial inquiries is thus a logical consequence of the principle of confidentiality governing pre-trial procedures. It would be illogical to prohibit the parties involved in the proceedings from accessing case details while allowing their disclosure to the public through the media.¹⁵

Regarding the publication or broadcasting of the content of judicial deliberations in cases where sessions are held in camera, it should be noted that, as a general rule, judicial hearings are public. Publicity is considered one of the fundamental principles of trial proceedings, and any violation of it renders the proceedings null and void. It means that every person has the right to attend hearings freely and without restriction, and publicity applies to all procedural stages of the trial, including the announcement of case schedules, the calling of parties and witnesses, and the pronouncement of

judgments. However, publicity does not extend to the deliberations of judges, which must remain confidential.

4.1.2) The Offense of Publishing or Broadcasting Images, Drawings, or Illustrative Data Reproducing the Circumstances of Certain Felonies or Misdemeanors:

The Algerian legislator has maintained the offense of publishing or broadcasting, through any media outlet, images, drawings, or other illustrative data that recreate all or part of the circumstances of certain felonies or misdemeanors. This offense, previously found in Article 122 of the former Organic Law No. 12-05, was reintroduced in Article 47 of the new Organic Law No. 23-14, with almost identical wording.

Article 47 provides that: “Any person who publishes or broadcasts, through a media outlet, images, drawings, or any other illustrative data reproducing all or part of the circumstances of the felonies or misdemeanors referred to in Articles 255, 256, 257, 258, 259, 260, 261, 262, 263 bis, 333, 334, 335, 336, 337, 338, 339, 341, and 342 of the Penal Code shall be punished by a fine ranging from one hundred thousand dinars (100,000 DZD) to five hundred thousand dinars (500,000 DZD).”

In amending this offense, the legislator only modified the penalty, increasing the amount of the fine imposed on offenders.

This provision concerns primarily two categories of crimes under the Algerian Penal Code: Homicide offenses, in all their forms, as defined in Articles 255 to 263 bis; and

Moral or sexual offenses, as defined in Articles 333 to 342 of the same code.

Through this regulation, the Algerian legislator seeks to prevent the sensational or graphic reproduction of criminal acts that could offend public morality, the dignity of victims, or the course of justice, while reaffirming the ethical limits of freedom of the press and audiovisual reporting.¹⁶ This stance reflects the legislator’s concern for protecting individuals’ private lives and safeguarding the public’s sensibilities from images that may cause distress or offend public decency.¹⁷ The reason behind this may be the desire to preserve the dignity of the victim in such types of crimes.

This criminalization aligns with Article 54 of the current Algerian Constitution of 2020, which states: “Freedom of the press written, audiovisual, and electronic is guaranteed.

Freedom of the press includes, in particular:

- The right to publish news, ideas, images, and opinions within the framework of the law and with respect for the nation’s constants and its religious, moral, and cultural values.
- Freedom of the press may not be used to infringe upon the dignity, freedoms, or rights of others.”

In any case, confidentiality applies only to pleadings and deliberations and does not extend to the pronouncement of judgments, which must always take place in a public session, under penalty of nullity and annulment. The public pronouncement of judgments is a principle enshrined in Article 169, paragraph 2, of the Constitution, which provides that: “Judicial rulings shall be pronounced in public sessions.”

This means that the operative part of the judgment must be read aloud in court so that it may be heard by the public, even if the proceedings themselves were held in camera.¹⁸

5.1.2) The Offense of Insulting Foreign Heads of State and Members of Diplomatic and Consular Missions Accredited in Algeria:

This offense is among those that the Algerian legislator has retained and reintroduced in the new Organic Law No. 23-14 on Media, making only minor modifications to its provisions. Specifically, the legislator expanded the category of protected persons under this offense by adding members of consular missions, who were not included in Article 123 of the former Organic Law No. 12-05, which had governed the same offense. The legislator also increased the penalty for this crime, as set forth in Article 48 of the new Organic Law No. 23-14, which states: “Any insult expressed through a media outlet toward foreign heads of state or members of diplomatic and consular missions accredited to the People’s Democratic Republic of Algeria shall be punished by a fine ranging from one hundred thousand dinars (100,000 DZD) to five hundred thousand dinars (500,000 DZD).”

For this offense to be constituted, the victim must be a foreign head of state or a member of a diplomatic or consular mission officially accredited to the Government of the People’s Democratic Republic of Algeria. It is also required though not expressly stated in the text that the offense be committed during or on the occasion of the performance of their duties, as logic dictates.

The insult may take the form of any act, word, image, drawing, or other expression that conveys contempt or offense capable of undermining the dignity, honor, or reputation of the protected person. The medium used to commit the offense is irrelevant it may be a print publication, a radio station, a television channel, or any other electronic media outlet.

6.1.2) The Offense of Refusing to Publish or Broadcast a Reply:

As a general rule, a newspaper has the right to decide what to publish or not publish according to its editorial policy, and to determine how content is presented. However, while the press enjoys freedom of publication, this freedom does not exempt it from criminal or civil liability for the material it publishes if such publication constitutes a crime or causes harm to others.

In some cases, the consequences of publication may be serious enough to require urgent measures to address the harm caused. Hence, the duty to publish or broadcast replies was established as a safeguard to ensure balance between freedom of the press and protection of individual rights.¹⁹

In matters related to reply and correction, two interests come into conflict: the interest of the person concerned by the false or inaccurate news, who seeks to respond and correct what has been published about them, and the interest of the owner of the periodical publication, who, as the proprietor, holds the right to decide whether or not to publish such a reply in their media outlet.²⁰ In addition, the person targeted by the false news or inaccurate information often lacks access to a media outlet capable of reaching the public such as the publication in which the news originally appeared making it impossible for them to correct the misinformation through their own means.²¹

For this reason, the Algerian legislator, under Article 125 of the former Organic Law No. 12-05 on Media, criminalized the act of refusing to publish or broadcast a reply, prescribing a fine ranging from one hundred thousand dinars (100,000 DZD) to three hundred thousand dinars (300,000 DZD).²² This penalty applied to the director of the periodical publication or the head of the concerned media outlet, since the publication or broadcasting of a reply was considered a legal obligation.²³ The legislator later reintroduced the same offense in the new Organic Law No. 23-14, with a slight modification to its provisions. The criminal liability for the offense of refusing to publish or broadcast a reply was transferred from the director of the media outlet to the media institution itself as a legal

entity. Accordingly, Article 49 of the new Organic Law No. 23-14 states: “Without prejudice to the provisions of Article 41 of this organic law, any media outlet that refuses to publish or broadcast a reply or correction within the prescribed deadlines shall be punished by a fine ranging from one hundred thousand dinars (100,000 DZD) to five hundred thousand dinars (500,000 DZD).”

7.1.2) The Offense of Insulting a Journalist:

Article 126 of the former Organic Law No. 12-05 provided that: “Anyone who insults a journalist, either by offensive gestures or abusive words, during or on the occasion of performing their duties, shall be punished by a fine ranging from thirty thousand dinars (30,000 DZD) to one hundred thousand dinars (100,000 DZD).”

This provision was replaced by Article 51 of the new Organic Law No. 23-14, which now states: “Anyone who insults a journalist, either by offensive gestures or abusive words, during or on the occasion of performing their duties, shall be punished in accordance with the provisions of the Penal Code.” The innovation in Article 51 lies in the removal of a specific fine range as previously set out. Instead, the Algerian legislator referred the punishment to the Penal Code, which serves as the general legal framework for criminal sanctions.²⁴

This means that the legislator no longer limits the penalty to a fine, but now also allows for imprisonment, in addition to a fine. According to Article 144 of the Algerian Penal Code: “Any person who insults a judge, public official, or officer, whether by word, gesture, threat, sending any object, or through non-public writings or drawings, during or in connection with the exercise of their duties, with the intent to offend their honor, dignity, or the respect due to their authority, shall be punished by imprisonment from six (6) months to three (3) years and a fine ranging from one hundred thousand dinars (100,000 DZD) to five hundred thousand dinars (500,000 DZD).” Thus, under this provision, the legislator equates the journalist with a public official, granting them similar legal protection against insults or offenses committed during or in connection with their professional duties.

2.2) Introduction of New Offenses under the New Media Laws:

The Algerian legislator introduced several new offenses through the provisions of the new Organic Law No. 23-14 on Media, Law No. 23-19 on the Written and Electronic Press, and Law No. 23-20 on Audiovisual Activity. These newly established offenses include the following:

2.2.1) Offenses Introduced under the New Organic Law No. 23-14 on Media:

Through the provisions of the new Organic Law No. 23-14 on Media, the Algerian legislator added new categories of offenses that did not exist under the former Organic Law No. 12-05, namely:

a. The offense of engaging in media activity on behalf of a foreign media outlet without obtaining the required legal accreditation, as provided in Article 50 of Organic Law No. 23-14, which states: “Any person who conducts media activities in Algeria on behalf of a media outlet subject to foreign law without obtaining the accreditation referred to in Article 22 of this organic law shall be punished by a fine ranging from five hundred thousand dinars (500,000 DZD) to one million dinars (1,000,000 DZD).”

b. The offense of failing to obtain life insurance for journalists, introduced under Article 52 of Organic Law No. 23-14, which provides: “Any media outlet that fails to obtain life insurance for journalists in accordance with Article 30 above shall be punished by a fine ranging from five hundred thousand dinars (500,000 DZD) to one million dinars (1,000,000 DZD).”

2.2.2) Offenses Introduced under Law No. 23-19 on the Written and Electronic Press:

This law introduced several new offenses that did not exist and were not recognized under the former Organic Law No. 12-05, namely the following:

a. The offense of publishing a periodical without completing the declaration procedures required by the provisions of Law No. 23-19, punishable under Article 73 by a fine ranging from two hundred thousand dinars (200,000 DZD) to five hundred thousand dinars (500,000 DZD). In addition, complementary penalties may be imposed, including the closure of premises and exploitation sites, and the confiscation of periodicals and the equipment used.

b. The offense of creating an electronic newspaper without completing the declaration procedures required by the same law 23-19, also punishable under Article 73 by a fine ranging from two hundred thousand dinars (200,000 DZD) to five hundred thousand dinars (500,000 DZD). Furthermore, the competent judicial authorities may order the closure of the website used, blocking access to it, as well as the closure of the premises or exploitation sites and confiscation of the equipment used.

c. The offense of failing to declare any modification to the information provided in the initial declaration for the creation of a periodical or an electronic newspaper, as set out in Article 75 of Law No. 23-19, punishable by a fine ranging from two hundred thousand dinars (200,000 DZD) to five hundred thousand dinars (500,000 DZD). In cases where the modification involves a change in shareholders, partners, or owners of the publication or electronic newspaper, the competent judicial authority may order the closure of premises or exploitation sites, the shutdown of the website, or the confiscation of the equipment used.

d. The offense committed by a printing company or web host for printing a periodical or hosting an electronic newspaper without the required declaration, a newly introduced offense by the Algerian legislator in Article 76 of the new Organic Law No. 23-14, punishable by a fine ranging from one hundred thousand dinars (100,000 DZD) to five hundred thousand dinars (500,000 DZD).

3.2.2) Offenses Introduced under Law No. 23-20 on Audiovisual Activity:

The Algerian legislator did not limit the introduction of new offenses to Organic Law No. 23-14 on Media and Law No. 23-19 on the Written and Electronic Press but also added new offenses to the list of those committed within the framework of media activity under Law No. 23-20 on Audiovisual Activity. This addition consists of a single offense:

the offense of engaging in audiovisual activity or producing audiovisual works without obtaining the required licenses provided for by Law No. 23-14. This offense was introduced in Article 83 of Law No. 23-20 and is punishable by a fine ranging from one million dinars (1,000,000 DZD) to two million dinars (2,000,000 DZD). The competent judicial authority may also order the confiscation of the equipment and facilities used.

Meanwhile, the Algerian legislator has retained all the offenses previously included in Law No. 14-04 on Audiovisual Activity, making only minor amendments deemed necessary in the current legal context.

Third: Manifestations of the Algerian Legislator's Criminal Policy in the Field of Punishment:

The most important aspects of the new criminal policy in the field of punishment, as adopted by the Algerian legislator in the new media laws, particularly in the Organic Law No. 23-14, can be

observed in the preservation and introduction of penal rules applicable to offenses committed within the practice of media activities.

Among the most significant of these aspects are: The legislator's maintenance of the abolition of imprisonment for offenses related to media activity; and The increase in the amount of fines imposed as penalties for such offenses.

1. Preservation of the Gain from Abolishing Imprisonment Penalties for Media Activity Offenses:²⁵

The Algerian legislator, in the new Organic Law No. 23-14 on media, as well as Laws 23-19 on print and electronic press and 23-20 on audiovisual activity, retained all the offenses previously stipulated in Organic Law 12-05 on media. It also preserved the important gain of abolishing imprisonment penalties for all such offenses, maintaining as before only financial fines as punishment. However, the legislator increased the amount of these fines, in some cases significantly, in accordance with the changing value of the national currency.

This means that the Algerian legislator as a continuation of the legal reforms adopted in the media sector has continued the policy of abandoning imprisonment as a penalty for such offenses, keeping only financial fines. Although the amounts of these fines were raised compared to before, this increase is justified by rising prices and the difference in the value of the national currency between the past and the present.

Moreover, the fine, like all other penalties, is subject to the principle of the personal nature of punishment, and therefore it is enforced only on the convicted person and cannot be collected from others.²⁶

2. Increase in the Legally Prescribed Fines for Most Media Activity Offenses:

The three new media laws Organic Law No. 23-14, Law No. 23-19, and Law No. 23-20 have introduced significant increases in the amount of financial fines imposed for most media-related offenses. In some cases, the value of the fines has increased up to ten (10) times compared to those stipulated in the previous Organic Law No. 12-05. This applies in particular to the following offenses:

1.2) The offense of a media outlet receiving funding or material assistance without having an organic link with the granting body, or from a foreign entity, as stipulated and penalized under Article 44 of the new Organic Law No. 23-14 on media. The Algerian legislator set the fine for this offense at between one million dinars (1,000,000 DZD) and two million dinars (2,000,000 DZD), whereas previously, under Article 117 of the former Organic Law No. 12-05, the fine ranged from one hundred thousand dinars (100,000 DZD) to four hundred thousand dinars (400,000 DZD).

Thus, it can be said that the increase in the fine reached up to ten times the minimum amount and five times the maximum amount previously prescribed.

2.2) The offense of lending one's name to another person for the purpose of creating a periodical publication was previously punishable under Article 118 of the former Organic Law No. 12-05 by a fine ranging from one hundred thousand dinars (100,000 DZD) to five hundred thousand dinars (500,000 DZD). Under Article 45 of the new Organic Law No. 23-14, the fine has been increased to a range between one million dinars (1,000,000 DZD) and two million dinars (2,000,000 DZD). Thus, the amount of the fine was increased by ten (10) times for the minimum limit and four (4) times for the maximum limit.

3.2) The offense of violating the secrecy of preliminary or judicial investigations, as well as the content of closed-session discussions and pleadings related to private life or individual honor is now punishable, under Article 46 of the new Organic Law No. 23-14, by a fine ranging from one hundred thousand dinars (100,000 DZD) to five hundred thousand dinars (500,000 DZD). Previously, under Article 119 of Organic Law No. 12-05, the fine ranged from fifty thousand dinars (50,000 DZD) to one hundred thousand dinars (100,000 DZD). Hence, the fine amount was doubled for both the minimum and maximum limits.

4.2) The offense of publishing or broadcasting images, drawings, or illustrative data that recreate the circumstances of certain felonies or misdemeanors was, under Article 122 of the former Organic Law No. 12-05, punishable by a fine ranging from twenty-five thousand dinars (25,000 DZD) to one hundred thousand dinars (100,000 DZD) . Under Article 47 of the new Organic Law No. 23-14, the fine has been raised to between one hundred thousand dinars (100,000 DZD) and five hundred thousand dinars (500,000 DZD). Thus, it increased by four (4) times the minimum limit and five (5) times the maximum limit.

5.2) The offense of insulting foreign heads of state and members of diplomatic or consular missions accredited in Algeria now carries, under Article 48 of the new Organic Law No. 23-14 , a fine ranging from one hundred thousand dinars (100,000 DZD) to five hundred thousand dinars (500,000 DZD) . Previously, under Article 123 of Organic Law No. 12-05, the fine ranged from twenty-five thousand dinars (25,000 DZD) to one hundred thousand dinars (100,000 DZD). Therefore, the fine has increased by four times the minimum limit and five (5) times the maximum limit.

6.2) The offense of refusing to publish or broadcast a reply is punishable, under Article 49 of the new Organic Law No. 23-14, by a fine ranging from one hundred thousand dinars (100,000 DZD) to five hundred thousand dinars (500,000 DZD). Previously, under Article 125 of Organic Law No. 12-05, the fine ranged from one hundred thousand dinars (100,000 DZD) to three hundred thousand dinars (300,000 DZD). Thus, the maximum fine increased to less than double its previous amount, while the legislator maintained the same minimum limit.

Conclusion:

In conclusion, after reviewing the new criminal policy adopted by the Algerian legislator in regulating the media sector, it can be said that the legislator has, in many of the amendments and changes introduced, returned to the fundamental principles and rules established in the Penal Code, which serves as the general legal framework. This demonstrates greater respect for the core principles traditionally upheld in Algerian criminal law.

Findings:

- Media activity in Algeria is carried out by print press institutions, electronic press outlets, and audiovisual media, including radio and television stations, whether publicly owned or privately licensed.
- One of the key manifestations of the Algerian legislator's criminal policy in defining media-related offenses is the amendment of criminal liability provisions, through the abandonment of collective or vicarious criminal responsibility for media-related offenses and a return to the principle of personal responsibility.

- The legislator has maintained the short statute of limitations for both criminal and civil actions arising from media-related offenses, while differentiating between the limitation periods applicable to offenses committed via print media and those committed via electronic or audiovisual media.
- The Algerian legislator has modified the criminalization framework governing harmful and dangerous acts committed during or in connection with media activity. Most of the offenses contained in the previous law were retained but amended; at the same time, new offenses were introduced under the three new media laws.
- The most significant feature of the new criminal policy in sentencing is the legislator's decision to maintain the abolition of imprisonment penalties for offenses committed in the exercise of media activities, while substantially increasing the fines imposed for nearly all such offenses.

Recommendations:

- It is recommended that the Algerian legislator consolidate all offenses committed within the scope of media activity under the Organic Law No. 23-14 on media, as the general legal framework for all other media laws. This would make it easier for individuals to access and understand these offenses, since multiple sources of criminalization within the same field complicate and hinder legal clarity and accessibility.
- It is also recommended that the legislator reconsider and harmonize the limitation periods applicable to criminal and civil actions arising from offenses committed in the exercise of media activity, as there is no justified reason for differentiating between the limitation period for offenses committed through print media and those committed through electronic or audiovisual media.

References:

Legal Texts:

1. The Algerian Constitutional Amendment of 2020, issued under Presidential Decree No. 20-442, dated December 30, 2020, Official Journal No. 82 of 2020.
2. Organic Law No. 12-05, dated January 12, 2012, concerning Algerian media, Official Journal No. 02, dated January 15, 2012.
3. Organic Law No. 23-14, dated August 27, 2023, concerning Algerian media, Official Journal No. 56, dated August 29, 2023.
4. Ordinance No. 66-156, dated June 8, 1966, containing the Algerian Penal Code, as amended and supplemented by Law No. 24-06, dated April 28, 2024, Official Journal No. 30, dated April 30, 2024.
5. Ordinance No. 75-58, dated September 26, 1975, containing the Algerian Civil Code, as amended and supplemented by Law No. 07-05, dated May 13, 2007, Official Journal No. 31, dated May 13, 1975.
6. Law No. 08-09, dated February 25, 2008, containing the Algerian Code of Civil and Administrative Procedure, Official Journal No. 21, dated April 23, 2008.

7. Law No. 14-04 , dated February 24, 2014, concerning Algerian audiovisual activity, Official Journal No. 16 , dated March 23, 2014 .
8. Law No. 23-19 , dated December 2, 2023, concerning Algerian print and electronic press, Official Journal No. 77 , dated December 2, 2023.
9. Law No. 23-20, dated December 2, 2023, concerning Algerian audiovisual activity, Official Journal No. 77, dated December 2, 2023.
10. Law No. 25-14 , dated August 3, 2025, containing the Algerian Code of Criminal Procedure, Official Journal No. 54, dated August 13, 2025.

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1. Adel Boutros ,Law of the Media: The Legal Status of Media Means , Vol. 1, no publisher, Beirut (Lebanon), 1991.
2. Abdelfattah Bayoumi Hegazy, General Principles in Press and Publication Crimes, Dar Al-Fikr Al-Jamei, Alexandria (Egypt), 2006.
- 3.Ali Abdelkader Al-Qahwaji, Criminal Law: General Section , Al-Dar Al-Jamei'a, Alexandria (Egypt), 2000.
4. Fetouh Abdallah Al-Shadhli, Criminal Responsibility, Vol. II: Responsibility and Sanction, Dar Al-Matbou'at Al-Jamei'a, Alexandria (Egypt), no publication year.
5. Makhtar Al-Akhdari Al-Sa'ih, Press and Judiciary, Dar Houma, Algiers, 2011.
6. Nabil Saqr, Press Crimes in Algerian Legislation, Dar Al-Huda, Ain M'lila (Algeria), 2007.
7. Laila Abdel-Meguid, Media Legislation, Cairo University Open Education Center, Egypt, 2005.

¹According to the provisions of Article 04 of the new Organic Law No. 23-14 concerning Algerian media.

²Ali Abdelkader Al-Qahwaji, Criminal Law: General Section , Al-Dar Al-Jamei'a, Alexandria (Egypt), 2000, pp. 578–579.

³Ibid., p. 619.

⁴Fetouh Abdallah Al-Shadhli, Criminal Responsibility, Vol. II: Responsibility and Sanction, Dar Al-Matbou'at Al-Jamei'a, Alexandria (Egypt), no publication year, p. 56.

⁵The Egyptian Court of Cassation, in the context of press offenses, ruled that the criminal responsibility of the editor-in-chief is based on a legal presumption that he has reviewed everything published in the newspaper and has assessed the responsibility arising from such publication, even if he had not actually reviewed it. He cannot exonerate himself by proving that he did not see the original article or did not have enough time to review it.

See: Cassation Ruling, March 5, 1934, Compilation of Principles, Vol. 3, No. 215, p. 274, cited in Ali Abdelkader Al-Qahwaji, *ibid.*, pp. 624–625.

⁶Laila Abdel-Meguid, *Media Legislation*, Cairo University Open Education Center, Egypt, 2005, p. 338.

⁷See Articles 104, 107, and 113 of the previous Organic Law No. 12-05 concerning media.

⁸Ordinance No. 66-155, dated June 8, 1966, as amended and supplemented, containing the former Algerian Code of Criminal Procedure.

⁹The Algerian Civil Code was enacted under Ordinance No. 75-58, dated September 26, 1975, amended and supplemented by Law No. 07-05, dated May 13, 2007.

¹⁰Article 10 of the former Algerian Code of Criminal Procedure stated: “The civil action is subject to the statute of limitations in accordance with the provisions of the Civil Code.”

¹¹Law No. 25-14, dated August 3, 2025, containing the Algerian Code of Criminal Procedure, Official Journal No. 54, dated August 13, 2025.

¹²Representing 8.33%, i.e., less than one-tenth (1/10) of the articles of the previous Organic Law No. 12-05.

¹³Abdelfattah Bayoumi Hegazy, *General Principles in Press and Publication Crimes*, Dar Al-FikrAl-Jamei, Alexandria (Egypt), 2006, pp. 191–192.

¹⁴See: Nabil Saqr, *Press Crimes in Algerian Legislation*, Dar Al-Huda, Ain M’lila (Algeria), 2007, p. 137.

¹⁵Makhtar Al-Akhdari Al-Sa’ihi, *Press and Judiciary*, Dar Houma, Algiers, 2011, p. 48.

¹⁶The following felonies and misdemeanors are concerned:

- Felony of premeditated or ambushed murder (Articles 255 , 256, 257 of the Penal Code);
- Felony of parricide (Article 258);
- Felony of infanticide (Article 259);
- Felony of poisoning (Article 260);
- Felony of torture or barbaric acts committed to perpetrate a felony and murder associated with another felony (Articles 262, 263 bis);
- Misdemeanor of indecent public acts (Article 333);
- Misdemeanor of indecent acts against a minor under sixteen without violence or attempt thereof (Article 334/1);
- Felony of indecent acts against a minor over sixteen but not yet of legal age, committed by an ascendant through marriage (Article 334/2);
- Felony of indecent acts against a person without violence or attempt thereof (Article 335);
- Felony of rape (Article 336);
- Misdemeanor of homosexual acts with a person of the same sex (Article 338);
- Misdemeanor of adultery (Articles 339 , 341);
- Misdemeanor of inciting minors under nineteen to debauchery or moral corruption, encouraging or facilitating it (Article 342).

¹⁷Makhtar Al-Akhdari Al-Sa’ihi, *ibid.*, p. 53.

¹⁸Makhtar Al-Akhdari Al-Sa’ihi, *ibid.*, p. 63.

¹⁹Laila Abdel-Meguid, *ibid.*, p. 175.

²⁰Adel Boutros, *Law of the Media: The Legal Status of Media Means*, Vol. 1, no publisher, Beirut (Lebanon), 991, pp. 127–128.

²¹*Ibid.*, p. 128.

²²For further details on the right of reply, see Nabil Saqr, *ibid.*, p. 143 et seq

²³See Articles 104, 107, and 113 of Organic Law No. 2-05 concerning media.

²⁴Algerian Penal Code, issued under Ordinance No. 66-156, dated June 8, 1966, as amended and supplemented by Law No. 24-06, dated April 28, 2024.

²⁵In implementation of Article 54/5 of the Algerian Constitutional Amendment of 2020, which stipulates:

“Press offenses shall not be subject to imprisonment.”

²⁶Fetouh Abdallah Al-Shadhli, *ibid.*, p. 304.