

## **Practicing Journalism Between Legal Controls and Ethical Responsibility Under Media Legislation in Algeria<sup>1</sup>**

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### **Abstract**

This research paper seeks to clarify the legal controls and ethical responsibility for practicing journalism under Algerian media legislation. Journalists are granted rights in exchange for their commitment to adhering to journalistic ethics. They are also required to implement the provisions of the law, which stipulates that the general principles of the state, public order, and society must not be violated, and that the rights and freedoms of individuals must be respected. Meanwhile, regulatory texts stipulate that journalists must adhere to the principles of ethical responsibility stemming from their moral and professional conscience and adhere to social responsibility toward their community. Through our reading of Media Law 12-05, the study concludes that the practice of journalism and the right to expression are constitutionally and legally guaranteed. This guarantees the protection of media activity, which is contingent upon journalists' implementation of the provisions of the 2012 Media Law. The articles and clauses of the law reveal the means and tools of the journalistic profession and its ethics, ensuring journalists' freedom and regulating their journalistic practice to achieve honest journalistic performance.

*Keywords:* journalism, legal controls, ethical responsibility, legislation, Media Law 12-05, Algeria

## **Practicing Journalism Between Legal Controls and Ethical Responsibility Under Media Legislation in Algeria**

### **Introduction**

Practicing journalism is considered a constitutionally and legally guaranteed freedom, in accordance with ethical principles embraced by journalists and legal controls for practicing their media profession. A journalist practices their profession

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through their affiliation with a governmental or private institution, working to gather information and news and disseminating them to the public through the media outlet through which they practice their profession. Researchers and jurists in the field of media have differed regarding the extent to which a journalist adheres to legal controls for practicing their media freedom, considering that practitioners of journalism and media duties provide a service to society, requiring them to be dedicated to their work and aware of the importance of its issues. Accordingly, journalism has a social function, and failure to fulfill its social responsibility results in the loss of the rights of those benefiting from journalistic and media services, in various branches of media and journalistic practices. This was established by the Algerian legislator in the 2012 Media Law, which regulated the journalistic profession and outlined articles containing the ethics and morals of journalistic practice. The latter also follows the principles of freedom to practice it, which can only be seriously achieved if legal guarantees and controls are in place. In addition, there is the issue of its moral responsibility, while ensuring the right to access information and data, and providing appropriate conditions for media practice, including access to information sources, attendance at events, and the right to access information.

The importance of this topic stems primarily from the importance of journalism, and the effective role it plays as a moral embodiment of the fourth estate in the state. Consequently, this profession has a social function that cannot be overlooked, given its influence in guiding public opinion and shaping events. This is a matter of grave importance and cannot be left without regulation or oversight, especially from a legal and ethical perspective. The reason for regulation is that the noble and sublime mission of media professionals in raising awareness in societies and informing public opinion does not become subject to compromise in light of the challenges facing honest and ethical journalistic performance.

From this perspective, we will clarify the reality of practicing the journalistic profession, as guaranteed by the Media Law for journalists, while determining its relationship to the practice of their journalistic profession. We will also highlight their ethical responsibilities and the extent of their adherence to legal controls in light of the new legislation. Based on this, we pose the following question:

What is the reality of practicing journalism between legal controls and ethical responsibility under Algerian media legislation?

The objectives of this research paper stem from the need to address what Algerian legislation stipulates regarding the practice of journalism, the importance of which is evident in:

- Clarifying the legal controls for practicing journalism under Algerian legislation.
- Clarifying the ethical responsibility of the journalistic profession through the Algerian Media Law of 2012.

In this paper, we adopted a descriptive approach to clarify the reality of practicing journalism in light of journalists' commitment to legal controls and ethical responsibility. This is in accordance with a plan to divide the research paper into

three parts: the first part was devoted to research concepts, the second part addressed the legal controls for practicing journalism under Algerian media legislation, and the third part focused on the ethical responsibility for practicing journalism under Law 12-05 on the Media. Finally, we provided a conclusion and recommendations.

## **Research Concepts**

### **Legal Controls**

Legal controls refer to laws related to professional regulation. In media law, they refer to the rules that define the necessary provisions for publishing, printing, radio and television broadcasting, as well as media practice. These laws are in the form of a single law, such as publishing, printed matter, or press and media laws, for example, the laws of media institutions (Qadem, 2017: 129).

They also represent a set of rules that journalists must adhere to while practicing journalism. They are in the form of regulatory texts, which in turn provide legal protection.

### **Ethical Responsibility**

Responsibility is a professional commitment stemming from the lofty principles and goals of the profession. John Honberg defined it as “the fundamental obligations that every journalist must possess, which are primarily the need to work to achieve fair, comprehensive, accurate, truthful, and clear coverage, while taking into account the protection of sources and the public interest, by respecting the law and the rights of individuals’ privacy and correcting errors when they occur” (Honberg, 1996: 51). It is journalists’ adherence to ethical values and fundamental principles. This commitment is considered a type of personal duty that results in sound and ethical behavior, through their adherence to responsibility, credibility, and impartiality.

### **Journalism**

The word “journalism” is used to mean “press,” something related to the printing, publishing, and dissemination of news and information. It is also called “journal,” meaning both newspaper and press, and encompasses both the newspaper and journalist (Tawil, 1984: 13).

Ismail Ibrahim defines it as “all activities related to practicing the profession of collecting and tracking information, ideas, and opinions. It is a mirror reflecting everything that takes place in society and the facts and events that are based on it, whether they appear or remain hidden behind the scenes” (Ismail, 1998: 5).

Therefore, journalism is considered a media outlet that broadcasts news to the public in various fields, enabling them to learn about the various events taking place around them, whether political, social, or otherwise.

## **Media Legislation**

Legislation refers to the process by which the competent authority in a state establishes legal rules to regulate societal relations, within the limits of its jurisdiction and in accordance with established procedures (Qasaysia, 2014: 221-222).

In the field of media, it refers to binding rules related to media activity, regulating its practices and setting standards governing its various activities. Legislation is generally divided into legal rules related to content, those related to media institutions in terms of their organization and management, those related to their rights and duties, and those related to the profession (Hejab, 2004: 140).

As for Algerian media legislation, it represents a set of legal rules issued by the country's legislative authority to regulate the media sector in its various branches: audio, visual, written, and even electronic, in media laws.

## **Theoretical Basis of the Research**

### **Theories of Professional Media Practice**

#### *Theory of Freedom*

This theory dates back to the European Renaissance, when the British Parliament issued a resolution prohibiting any prior censorship of publication (Ilm al-Din, 2012: 314). Individuals were permitted to publish newspapers without requesting a license from the authorities. This theory also views humans as rational beings; according to one of its pioneers, John Milton, people have the ability to differentiate between right and wrong. Among the basic elements upon which the theory of freedom is based, Swedish media thinker Dennis McQuille (Mcquail, 2018: 634) argues as follows:

- Publication must be free from any prior censorship.
- Publication and distribution must be open to any person or group without prior government authorization.
- Criticism of any government, political party, or official must be subject to punishment even after publication.
- Coercion or compulsion against journalists must be prohibited.
- All restrictions on all information must be imposed and disseminated through legal means.
- Journalists must enjoy professional independence within their journalistic institutions (Abdul Majeed, Media Legislation, 2005: 22).
- The goals of the media, according to this theory, are to inform and entertain, as well as to participate in discovering the truth and monitoring government activities.
- Defamation, undermining prevailing moral values, and subversive activities are strictly prohibited during times of chaos and war (Mahna, 2002: 74).

Despite the factors that attempt to break this theory somewhat from the absolute rule of power and its restraint on the media by granting a form of freedom

to information and news, its implementation has encountered many obstacles, the most important of which is that the theory aims to protect media owners and cannot provide equal expression regarding the rights of editors, media professionals, editors-in-chief, or the public. It also appears as if it is designed to protect freedom of opinion and belief and has little to say about information, especially regarding access and privacy (Zadeh Souih, 2018-2019: 10).

#### *The Ethical Duty Theory*

This theory by Algerian researcher Azzi Abdel Rahman (2016) is based on four basic principles, which in turn branch out into sub-fields that accommodate developments in media practice. These are:

**The first principle:** Preventing harm to others. This means that media professionals should refrain from causing harm to others. This represents the highest level of ethical value. Examples include avoiding slander, insults, cursing, violating individual privacy, plagiarism, insults, abuse, ignoring, exclusion, spreading lies, fallacies, misinformation, and inflammatory propaganda.

**The second principle:** Conferring added value on others. This principle is incorporated within the field of media by contributing to the advancement of society through the media. This means that the message must be ethical in its informational, cognitive, cultural, social, economic, and political dimensions.

**The third principle:** Listening to and caring for those affected, in need, oppressed, afflicted, and those seeking help, both in times of security and reassurance and in times of crisis and exceptional circumstances.

**The fourth rule:** relates to learning and activating the practice of constructive criticism, prohibition, change, and guidance in the best possible way. Constructive criticism becomes an ethical media responsibility, given its contribution to advice, guidance, and the inculcation of various values. Therefore, the ultimate goal is for everyone to emerge as a winner from the purposeful media and ethical process. Thus, freedom of the press is automatically strengthened and embodied in reality, without resorting to other means such as deterrence and punishment (Azzi, 2016: 59-65).

From this theory, we conclude that ethics play an important role in the practice of journalism by journalists working for a media institution and their full adherence to the principles and values of professional journalistic ethics.

### **Legal Controls for Practicing Journalism Under Algerian Law**

Most texts guarantee freedom of the media and the press, but in practice, freedom of the media and the press is restricted. The issue here is the availability of rules that support freedom of the media in preparing media work. The law guarantees the journalist's right to access official reports and information, enabling him to access them, provided that their disclosure is not harmful to the public interest or in violation of the provisions of the law. Therefore, legal controls are legal restrictions imposed by Algerian media constitutions and laws on journalists, starting with the 1990 law

and ending with the 2014 law. We have summarized these in common points from the various articles and clauses. The latter, in turn, imposed restrictions and guarantees on media practice. Controls are also legal mechanisms represented by legal texts aimed at regulating the professional practice of journalism and ensuring compliance with legal obligations within the journalistic profession. They also constitute a set of legal obligations imposed on journalists, and violations are punishable by law. These obligations are as follows (Zad Souih, 2018-2019, pp. 98-116):

## **Respect for the General Components of the State**

### **Non-infringement of the general principles of the state, which branches out into:**

#### *A - Non-infringement of Legislation*

The constitution is considered the basic legislation from which all other laws derive their existence. Regarding the constitution, the media legislator has been keen to ensure its respect, given that it constitutes the frame of reference for the relationship between the ruling regime and the citizens living within the state's geographical borders. Whenever the constitution is promulgated, regardless of its form or method of issuance, it is the basic law of the state.

#### *B - Non-infringement of National Sovereignty*

The legislator obligates media institutions and all individuals practicing this media profession to respect and refrain from infringing on national sovereignty. This is a general principle that must not be made a subject of media and journalistic coverage, given the potential for attacks intended to create chaos and unrest within or outside the country.

#### *C - Non-infringement of National Security*

Algeria is committed to protecting its security and its sovereign and national entity, in accordance with its laws, which criminalize and punish anything that might undermine its unity. This includes the Media Law, which addresses the field of media activity and emphasizes the need for journalists and media institutions to respect state security and not make it a subject for discussion and analysis to the extent that it is infringing upon it. The state governs these institutions through legal mechanisms and media codes of conduct.

Algeria is also committed to protecting its security and defending against new threats posed by the modern technological revolution in communications, by achieving cybersecurity, which has become a priority for Algerian defense policy.

## **Not Violating the General Principles of Society**

Media professionals, while performing their duties, must act with a social conscience, respect their responsibility toward public opinion and its interests, adhere

to the social and cultural values embraced by society, and refrain from publishing anything that offends these principles, including:

- Not violating the Islamic religion or other religions.
- Not violating national identity, which is represented by the Islamic religion, the national language, and history.

### **Respecting the Rights and Freedoms of Individuals in Society**

#### *Respecting the Freedoms of Individuals in Society*

Algerian media legislation has established the duties of journalists to refrain from infringing on the freedoms of individuals in order to achieve their goals. Infringement of these freedoms must be within the limits permitted by law, which journalists must adhere to through their social and ethical responsibilities. These freedoms vary and are linked to media practice, particularly in investigative media work.

#### *Respect for Freedom of Opinion and Expression*

Freedom of opinion and expression in the media is addressed in national constitutions and legislation as one of the most important human freedoms. If a person loses it, they certainly cannot enjoy other freedoms. It is the source of many other freedoms.

Algerian law classifies it as an individual right that must be respected in any public profession, as individuals have the right to express their opinions, and journalists and media outlets have a legal and ethical obligation to respect freedom of opinion and expression.

#### *Respecting Freedom of the Press and Media*

Freedom of the press and media is an element of freedom of opinion. It serves the purpose of developing new ideas by providing individuals and readers with ready-made ideas and news that the public receives, creating a general trend within society.

#### *Respecting the Rights of Individuals in Society*

These rights are enshrined in international conventions, particularly Algerian ones, and guaranteed by law that protects them from all attacks or infringements. Human rights issues have received particular attention in the media through the dissemination of knowledge that enables individuals to understand their rights and influence the protection of these rights.

In the same context, the Algerian legislature has ensured that various media institutions and journalists are obligated to respect the rights of individuals and their place in society in the performance of their journalistic profession. These rights include the following:



### *Respect for Individuals' Right to Privacy*

This right is one of the legal controls that curb freedom of media practice. In our opinion, it pertains to ordinary individuals and citizens who do not have public responsibilities toward society, as their lives are not the subject of media coverage unless they violate the law. Respect for privacy is one of the most prominent principles upon which professional media ethics are based, even before legal ethics.

Therefore, investigative journalists must not use any media outlet to harm the reputation of individuals and their right to privacy. Respect for the private lives of individuals is part of the journalist's ethical, legal, and social responsibilities.

### *B- Respecting Individuals' Right to Access Information*

Citizens' right to access information cannot be satisfied by constitutional and legal protection. How can the media respect this right, and what type of information needs to be respected?

### **Legal Controls for Practicing Media Work According to Media Law No. 12-05**

The law constitutes one of the fundamental controls for practicing the journalistic profession, as it enshrines, through legislative rules, the right to information. Conversely, the legal rules in force in the country constitute legal texts that regulate media activity and the methods of practicing it. This is outlined in Algerian media legislation, through the provisions of the laws that have regulated the media field since independence, and the executive decrees issued within its framework, up to the 2012 Media Law issued under No. 12-05, which defines the means and tools for practicing media activity, as follows (Organic Law No. 12-05 of January 12, 2012, relating to the media, 2012, page 28):

#### *Means for Practicing Media Activity in Law No. 12-05*

The Algerian legislator defined in Article 3 what is meant by media activities within the meaning of Organic Law No. 12-05, which relates to the media in force, defines it as: "Any publication or broadcast of events, messages, opinions, ideas, or knowledge, via any written, audio, television, or electronic media, or directed to the public or a segment thereof. Article 5 specifies the objectives that the media (media activity) contributes to achieving". This law defines the means of media practice as follows:

**First: Public sector media.**

**Second: Media outlets established by public bodies.**

**Third: Media outlets owned or established by political parties or accredited associations.**

**Fourth: Media outlets owned or established by legal persons provided that they are subject to Algerian law and their capital is owned by natural or legal persons of Algerian nationality.**



**Fifth: Electronic media.** Electronic media is defined as: “A new type of media that shares the same concept, general principles, and objectives as traditional media (Alaoua, 2017: 164)». What distinguishes it from traditional media is that it relies on a new form of modern media, namely the integration of all traditional means of communication with the aim of delivering the desired content in distinct and more effective forms. It relies primarily on the Internet, which provides media professionals with ample opportunities to present their various media materials purely electronically.

Concerning electronic media, the Algerian legislator addressed it in a separate chapter of this law, and allocated specific provisions commensurate with its nature and characteristics as a special media outlet. These provisions specifically define the meaning of electronic journalism, the meaning of online audiovisual services, and what online print journalism represents.

As for the conditions for practicing electronic journalism and online audiovisual activities, the Algerian legislator stipulated that they must also be conducted in compliance with the text of Article 2 of this law, which defines the basic principles for practicing media activity and the profession of journalists, as they constitute the first basic rules within which the regulating provisions are established for professional ethics and morals.

#### *Media Activities in Law No. 05-12*

The Media Law divides media activities into two categories based on the nature of the tools used in its practice, which are divided between two tools: written media and audiovisual media. Each is organized in a separate chapter, containing the following basic provisions (Nail, 2022: 2029-2030).

*First: Media Activities in the Print Press* - These provisions are regulated in Chapter Two of Media Law No. 12-05, which includes two chapters: the first regulates the procedures for issuing periodicals, and the second regulates distribution and sale on public roads. Regulating the practice of media activities through the print press is entrusted to an independent regulatory authority for the print press.

The powers of the regulatory authority for the print press are also defined under the provisions of Chapter Three of Law No. 12-05, while stipulating that the procedures for the operation and organization of this authority are determined by internal provisions, without specifying the body issuing these provisions.

*Second: The Practice of Audiovisual Media Activity* - This activity is regulated under the provisions of Chapter Four in two chapters. The first defines what is meant by audiovisual activity within the meaning of this organic law, emphasizing that this activity is a public service task, the specification of which is referred to regulation. Chapter Two of this chapter regulates the audiovisual regulatory authority, the establishment of which is established under Article 64 of this law, defining its legal nature as an independent authority with legal personality and financial independence. In the following Article, No. 65, the definition of the duties and functions of this authority, as well as its composition and operation, is referred to the law relating

to audiovisual media, which was issued in 2014 under No. 14-04. Article 66 of the same chapter, with regard to the practice of audiovisual activity via the Internet, affirms the freedom to practice this activity, provided that it is subject to registration procedures and information monitoring by submitting a prior declaration by the director responsible for the online media apparatus. In the midst of these texts that define the practice of the journalistic profession, we conclude that media legislation has set important controls that restrict its practice, which are represented in respecting the general components of the state, represented in legislation, national sovereignty, respect for public order, the privacy of individuals and society, not violating the general principles of society, respecting individual freedoms and not violating national security; simultaneously, the provisions of the law regulate the activity of the written press, electronic media and audio-visual media, all of which are controls that regulate the media profession of the journalist and prevent the journalist from exceeding the prohibited, whatever the circumstances.

## **Ethical Responsibility for Practicing the Journalistic Profession in Algerian Media Legislation**

### **Ethical Responsibility**

*Definition of Professional Ethics* - The Dictionary of Journalism and Media defines it as a set of rules related to professional conduct established by an organized profession for all its members. These rules are defined, monitored, and enforced. They are collective morals, ethics, and duties that complement or replace legislation and its application by judges (Mustafa and Al-Badawi, 1991: 17).

Media professional ethics are the set of rules and duties governing the journalistic profession, or the various principles that a journalist must adhere to in their work. They are also the set of ethical principles that a journalist must voluntarily adhere to in the performance of their duties, as behavioral standards that guide them to produce work that gains public approval (Macbride, 1981: 505).

*Definition of Ethical Responsibility* - This is the responsibility arising from the obligation of the moral law and from the fact that the actor has free will. This means that the actor whose actions are necessary, i.e., arising from natural causes or driven by the will of another, is not considered morally responsible. This responsibility has varying degrees, the highest of which is the responsibility of someone who freely chooses to act, and the lowest of which is the responsibility of an actor whose heart is controlled, blinded by his vision, and prevented from seeing the truth (Boulsnam and Boukhors, 2022: 60).

Moral responsibility stems from a pure conscience and feeling that automatically approves of good and instinctively disapproves of evil. This conscience recognizes what should be done. The core of this responsibility is trust between journalistic and media professionals, relying on credibility, honesty, integrity, and impartiality in conveying facts and news, commenting on events, expressing opinions, and

emphasizing the importance of building sound, objective foundations to protect freedom of the press and freedom of expression (Boulsnam and Boukhors, 2022: 61-62).

*The Concept of Ethics in Media Practice* - The term “ethics” is typically used to denote the sum of qualities and characteristics, commendable human behavior and conduct. These are universal standards whose practice ensures upright human conduct. Ethics in Arabic means “nature, chivalry, religion, and nature” (Hajjam, 2014: 133).

John Honberg defines media ethics as: “The basic obligations that every journalist must possess, which are primarily the need to work to achieve fair, comprehensive, accurate, truthful, and clear coverage, while taking into account the protection of sources and the public good, by respecting the law and the rights of private life, and correcting errors if they occur” (Honberg, 1996: 51).

*Ethical Responsibility for Practicing Journalism Through Law 2012* - The Algerian media legislator, through Organic Law 12/05 on the Media, devoted a chapter to professional ethics, containing eight articles separate from the rest of the law’s topics. These articles are included under Chapter Six, entitled “The Journalist’s Profession, Ethics, and Professional Conduct”. Below, we review the contents of these articles, attempting to analyze them and determine the extent to which they encompass the ethical and creative freedom demanded by media professionals in the field of seeking and disseminating information, as well as those working in journalism, within the limits of the Media Law (Organic Law No. 05-12 of January 12, 2012 on the Media).

- Article 92: “A journalist must ensure full respect for professional ethics and conduct in the exercise of journalistic activity”.
- Article 93: “Violating the privacy, honor, and reputation of individuals is prohibited. Violating the private life of public figures, directly or indirectly, is prohibited”.

Article 94: “A Higher Council for Journalism Ethics and Morals shall be established, and its members shall be elected by professional journalists”.

Article 95: “The composition, organization, and operation of the Higher Council for Journalism Ethics and Morals shall be determined by its founding general assembly. The Higher Council for Journalism Ethics and Morals shall also benefit from public funding”.

Article 96: “The Higher Council for Journalism Ethics and Morals shall prepare and approve a code of honor for the journalistic profession”.

The Algerian legislature has also granted the authority to draft a code of honor for the journalistic profession. Since this has been recognized, we believe there is no need to mention professional ethics and morals in the media law, as the code will necessarily include them.

Article 97 of Organic Law 12/05 on the media: “Any violation of the rules, ethics, and morals of the journalistic profession shall subject its perpetrators to penalties ordered by the Higher Council for Journalism Ethics and Morals”.

Article 98: “The Higher Council for Journalism Ethics and Morals shall determine the nature of these penalties and the procedures for appealing them”.

The Algerian legislature also granted the Supreme Council for Journalism Ethics and Morals the authority to determine the penalty and how to appeal it. However, it did not specify the legal procedures in the event that this council exceeds its powers or in cases where the crime committed by a journalist is both a criminal offense and a civil case.

- Article 99: “The Supreme Council for Journalism Ethics and Morals shall be established within a maximum period of one year from the date of issuance of this organic law”.

Article 2 stipulates that the free practice of journalism is achieved by working to respect the following:

- The Constitution and the laws of the Republic.
- Islam and other religions.
- The national identity and cultural values of society.
- The pluralistic nature of opinions and ideas.
- Human dignity and individual and collective freedoms.
- The citizen’s right to full and objective information.

These points and others suggest that freedom of media and journalism exists. However, media professionals must respect these rules, which represent an inalienable framework for media practice, setting limits beyond which freedom of media performance may be transgressed (Dahmani, 2019, pp. 67-68).

As long as it remains a positive law, it will certainly require continuous amendment to keep pace with the times and address new media violations, especially with the technological development in media and communications and the development of new methods to violate not only media laws but freedom of expression itself. From this, the common articles of the Media Law have established a professional conduct for journalists in their ethical responsibility, which is evident in the following elements:

**Guaranteeing freedom of the media and the press.** Sheridan believes)1846( : “It is better for us to be without parliament than without freedom of the press. It is better to be deprived of ministerial responsibility, personal freedom, and the right to vote on taxes than to be deprived of freedom of the press, for it is only with these freedoms that the other freedoms can be restored, sooner or later” (Abdul Majeed, *Journalism in the Arab World*, no year of publication, p. 98).

Based on this, freedom of the media plays a major role not only in arriving at the truth, but also in providing journalists with a sense of comfort and reassurance.

**Freedom of access to objective sources of information.** Among the demands of journalists is access to objective information, and the ability to broadcast and disseminate it, just as they demand the right to freedom of expression.

**Accuracy, truthfulness, and non-distortion of the presentation of facts.** “Gaining the reader’s trust is the foundation of distinguished journalism”, and truth, and making every effort to ensure that the newspaper’s news content is accurate, free

of any falsification, covers all aspects, and is published fairly (Moghaddam, 1997, p. 51).

**The right to knowledge.** This right includes the citizen's right to know what is happening within government organizations. Depriving citizens of this right is considered an obstacle to the credibility of the media and the process of democracy.

**Impartiality.** Impartiality includes writing objectively and separating subjectivity and emotion from what is written (Hardo Center, 2016: 6).

**Responsibility toward public opinion, its rights, and its interests toward national, ethnic, and religious communities, the nation, the state, and religion, and maintaining peace.**

**Integrity and independence.** The independence of the profession and the integrity of the media professional is exemplified in gathering and disseminating news, information, and opinions to the public and institutions.

**The Necessity of Refraining From Defamation, False Accusations, Slander, and Violating Privacy**

**Right of reply and correction.** The right to reply and correct has become a necessity imposed by circumstances, as has the right to inform others, complete missing information, and correct it when it is false.

**Respect for professional confidentiality.** This is both a right and an obligation, and its goal is to protect journalists and media freedom alike, and to facilitate access to information sources.

**Justice and fairness.** The journalist must be fair and committed to actual facts.

**Preserving public morals and ethics.** "This is everything related to the foundations of moral dignity within the community, the pillars of good behavior, the foundations of its moral excellence, and the refusal to deviate from them" (Organic Law No. 05-12 of January 12, 2012 on the Media).

Consequently, every society has its basic components that the press is keen to adhere to, leaving some roles to each journalist's sense of applying legal controls and his commitment to moral responsibility, in addition to embracing his social responsibility toward society and appreciating its circumstances, the seriousness of the information, and its impact. In such a vision, journalists adhere to this without any state-mandated legislation, but rather through voluntary codes of professional ethics. Other countries believe that this should not be based solely on journalistic conscience and patriotism, but rather that their media legislation and laws must include what journalists are required to uphold, at times, the foundations of society, and at other times, its religious or secular authorities, and impose penalties on those who violate these requirements. This is especially true given the rampant phenomenon of fanaticism, which has historically led to wars of words, sometimes bloody. Fanaticism is among the unethical elements that negatively impact journalism, as it exaggerates matters by inciting racial or sectarian changes, and disregard for the law, among other things. These are all remnants that undermine the ethical principles and rules of the media profession, and journalists must avoid them for the sake of peace and humanity. Although deterrent legal controls exist, they are not sufficient to deter media professionals, whether intentionally or unintentionally, from violating the freedom of the media and expression. Rather, they

have suffered from some deviation and have become a target for exploitation by capitalists. Media projects have tended to satisfy viewers and readers, forgetting their primary objective for the media.

## **Conclusion**

From the above presentation, it is clear that the reality of practicing journalism in Algeria is represented by the following:

- The media law regulates the journalistic profession and establishes its ethics in an organic legal text, based on the provisions of the Constitution and overseen by both the Constitutional Council and the Council of the Nation in Algeria, which provides sufficient legal force to enforce compliance with these provisions.

- Media Law No. 12-05 established the necessary legal mechanisms to enforce respect for the ethics of the journalistic profession and regulate its practice, by establishing the Supreme Council for Ethics and Journalism as a supervisory and disciplinary body for the practice of journalism, in addition to creating two authorities to regulate the print press and to regulate audiovisual activity.

- The practice of journalism is not an absolute freedom, but rather is restricted by legal controls and moral responsibility under the 2012 Media Law. However, like other freedoms and rights, it has a scope and a context that cannot be exceeded under any circumstances. If it insists on exceeding them arbitrarily or aggressively, media laws must intervene to prevent violations and punish media professionals who commit them and to protect the public or private interest. The reason for this is to link the freedom of media practice for journalists to legal controls and moral responsibility, and to be imbued with social responsibility as a third factor to respect the general principles of society in the practice of their journalistic work.

## **Research Suggestions**

- Journalists must be familiar with the legal rules governing their media profession and view the law as the source of professional practice to avoid committing prohibited acts and exposing themselves to legal penalties.
- Establish a code of honor for the journalistic profession that is consistent with the provisions and principles of Media Law 12-05.
- Journalists often fall into prohibited acts, and therefore they are obligated to adopt professional ethics and consider them a responsibility stemming from conscience. This is to demonstrate the value of their profession and portray a positive image of it in society, enabling them to gain trust and respect. They must also adhere to the noble ethics stemming from the rules of the media profession, viewing it as a humane and ethical practice rather than legal restrictions and controls.

The practice of journalism must be linked, above all, to an important aspect: moral conscience and social responsibility toward one's society.



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## **Praktikovanje novinarstva između zakonske kontrole i etičke odgovornosti prema medijskom zakonodavstvu u Alžiru**

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### **Apstrakt**

Ovaj istraživački rad nastoji razjasniti zakonsku kontrolu i etičku odgovornost za bavljenje novinarstvom prema alžirskom medijskom zakonodavstvu. Novinarima se daju prava u zamenu za njihovu posvećenost pridržavanju novinarske etike. Takođe su dužni provoditi odredbe zakona, koje propisuju da se opštii principi države, javnog poretka i društva ne smeju kršiti i da se moraju poštovati prava i slobode pojedinaca. U međuvremenu, regulatorni tekstovi propisuju da se novinari moraju pridržavati principa etičke odgovornosti koji proizlaze iz njihove moralne i profesionalne savesti i pridržavati se društvene odgovornosti prema svojoj zajednici. Kroz naše čitanje Zakona o medijima 12-05, studija zaključuje da su novinarska praksa i pravo na izražavanje ustavno i zakonski zagarantovani. Ovo garantuje zaštitu medijske aktivnosti, što zavisi od toga da li novinari primenjuju odredbe Zakona o medijima iz 2012. godine. Članovi i odredbe zakona otkrivaju sredstva i alate novinarske profesije i njene etike, osiguravajući slobodu novinara i regulirajući njihovu novinarsku praksu kako bi se postiglo pošteno novinarsko delovanje.

*Ključne reči:* novinarstvo, pravne kontrole, etička odgovornost, zakonodavstvo, medijsko pravo, medijski zakon 12-05, Alžir.

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