

The Legal Framework of the National Independent Regulatory Authority for Audiovisual in Algeria: Between Digital Challenges and International Comparison

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Abstract

With the acceleration of digital transformations, social media platforms have emerged as a key actor in Algeria's communication landscape, imposing new patterns of content production and circulation that go beyond the boundaries of traditional media regulation. Despite the existence of the Independent National Authority for Audiovisual Regulation as an independent national body, its ability to keep pace with this reality remains questionable, particularly in light of the cross-border nature of digital platforms and the weakness of the legal frameworks governing them. Accordingly, this article seeks to answer the following main question: Is the Independent National Authority for Audiovisual Regulation able to exercise its supervisory functions over content published on digital platforms within the dominance of an open digital space, in accordance with the relevant national legislation?

Keywords: Regulatory Authority, Audiovisual Law, Digital Environment, Digital Platforms.

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Introduction

In recent years, Algeria has undergone major transformations affecting its national legal system. Most notably, the 2020 constitutional amendment expanded citizens' rights and freedoms. This was accompanied by structural reforms to organic laws regarding elections, political parties, and associations, as well as the modernization of the media sector through new legislation regulating the printed and electronic press and audiovisual activities. These shifts included enhancing transparency and governance mechanisms and enshrining the independence of certain regulatory bodies to ensure they operate free from direct executive interference.

These legal amendments resulted from the Algerian government's shift toward fundamental political reforms since 2011. This led to a radical transformation in the history of Algerian audiovisual media, resulting in the emergence of the first private Algerian television channel amid the regional tensions of the Arab Spring. "Ennahar TV" launched on March 6, 2012, from Amman, Jordan, focusing on political, cultural, and sports news in Algeria. It was followed by "Echorouk TV," which began official broadcasting on March 15, 2012, headquartered in Algiers but also broadcasting from Jordan. Although these channels are legally considered foreign, they represented a significant symbolic shift that changed the Algerian audiovisual sector. This development led to several other channels, most notably "El Djazairia TV" (later rebranded as El Djazairia One), and "Samira TV," which launched in 2013 targeting a female audience.

To regulate these developments and keep pace with the opening of the sector to the private sphere, the "Audiovisual Regulatory Authority" was established under Organic Law No. 12-05. Law No. 14-04 subsequently defined its tasks, powers, and composition as an independent body with legal personality and financial autonomy. However, the authority soon faced a crisis due to the expansion of audiovisual activities across global digital platforms, posing real-world challenges in the digital environment. The legal framework remained limited to traditional television and radio broadcasting and did not expand to cover digital media. The Algerian legislator addressed digital content in only one article—Article 56—which extended the authority's powers to internet-based audiovisual activities. Consequently, the authority's role remained

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narrow in the face of digital transformations, leading to the repeal of its framework under Article 86 of Law No. 23-20.

To address these shortcomings, the **National Independent Regulatory Authority for Audiovisual** was established by Law No. 23-20 on December 2, 2023. This served as a solution to the rise of controversial content on social platforms like TikTok and YouTube and the expansion of digital media activities. This evolution indicates that the Algerian legislator did not create an entirely new entity but rather developed the existing legal and institutional framework by expanding powers and enhancing independence, particularly regarding the monitoring of digital content and electronic platforms. Thus, the National Independent Regulatory Authority for Audiovisual represents the legal and institutional successor to the previous Audiovisual Regulatory Authority

Research Problem: With the rapid acceleration of digital transformations, social platforms have emerged as a fundamental and structural actor in the Algerian communication landscape. These platforms have imposed new patterns of content production and dissemination that transcend the traditional boundaries of media regulation. Despite the establishment of the **National Independent Regulatory Authority for Audiovisual (ANRAA)** as a new legal entity, its effectiveness in keeping pace with this reality remains questionable, given the trans-border nature of digital platforms and the limitations of the existing legal frameworks governing them.

Accordingly, this study seeks to address the following central question: **To what extent do the modernized legal frameworks of the National Independent Regulatory Authority for Audiovisual contribute to enabling the authority to regulate digital content amidst the dominance of an open cyberspace?**

The following sub-questions branch out from this central inquiry:

- What is the legal and institutional framework governing the National Independent Regulatory Authority for Audiovisual in Algeria?
- What are the most prominent legal and technical challenges facing the authority in monitoring digital content?
- Do current legislations allow for effective intervention in regulating international digital platforms?
- What are the possible alternatives and mechanisms for developing the regulatory system to align with rapid digital transformations?

Methodology: To answer these questions, the study employs a **descriptive approach** to review the conceptual and organizational framework of the National Independent Regulatory Authority for Audiovisual. Additionally, an **analytical approach** is used to examine the legal provisions within various media laws, providing commentary and analysis on their contents to fulfill the research objectives.

1. The Legal Framework of the National Independent Regulatory Authority for Audiovisual in Algeria

The **National Independent Regulatory Authority for Audiovisual (ANRAA)** was established to replace the previously mentioned "Audiovisual Regulatory Authority," pursuant to **Law No. 23-20** of December 2, 2023, regarding audiovisual activities. This legislative evolution indicates that the Algerian legislator did not establish an entirely new entity from scratch; rather, the objective was to reform and modernize the existing legal and institutional framework. This was achieved by expanding its mandates and reinforcing its autonomy, particularly concerning the monitoring of digital content and electronic platforms.

Consequently, the National Independent Authority represents the legal and institutional successor to the former regulatory body, with a redefined scope of intervention aligned with the requirements of digital transformation and modern media governance.

An analytical reading of the legal texts governing the National Independent Regulatory Authority for Audiovisual reveals that the legislator has provided a significant characterization for this authority by conferring upon it both **Authoritative and Administrative natures**:

A. *Authoritative Character*

The concept of "Authority" inherently signifies the privileges and prerogatives enjoyed by traditional public powers, namely the legislative, executive, and judicial branches. However, this concept has evolved significantly, particularly following the reduction of the State's direct role in managing economic affairs. This evolution led to the expansion of the term to encompass what are known as **Independent Administrative Authorities (IAAs)** (ميمون، 2022، صفحة 503)

By employing the term "Authority," the Algerian legislator intends to clarify that these entities are not merely advisory bodies limited to providing recommendations. Instead, they possess the power to issue binding decisions—a prerogative originally held by the Executive Branch (ZOUAIMIA , Les autorités administratives indépendantes et la régulation économique, 2024, p. 30). Consequently, the issuance of such decisions entails all the legal effects associated with executive administrative acts.

In this context, the Algerian legislator explicitly conferred the "status of authority" upon the **National Independent Regulatory Authority for Audiovisual**. According to Article 14 of Organic Law No. 23-14 regarding Information: "*A national independent regulatory authority for audiovisual, of a special nature, shall be established by virtue of this law, enjoying legal personality as well as financial and administrative autonomy.*"

This legal characterization is not unprecedented but rather an extension of a previous legislative trend. The Algerian legislator had formerly granted the same status to the "Supreme Council of Information" in 1990, pursuant to Article 59 of Law No. 90-07 relating to Information (subsequently repealed).

Accordingly, it is evident that the power granted to the National Independent Regulatory Authority for Audiovisual is primarily rooted in its role in regulating and organizing the audiovisual media market, especially following the executive's withdrawal from this direct role. This authoritative characteristic grants it broad powers to take necessary decisions to achieve its statutory objectives.

Therefore, this authority is distinguished by several legal features, most notably its ability to issue enforceable individual decisions, which confirms that it is not a mere consultative body. Furthermore, it possesses **Legal Personality**, granting it the right to litigate as a plaintiff or defendant. This confers upon it a "special character" that distinguishes it from traditional government administrations.

B. *Administrative Character*

The administrative nature of Independent Administrative Authorities (IAAs) is indisputable, as they are formally classified as such by the legislator (ZOUAIMIA , Les autorités administratives indépendantes et la régulation économique, 2024, p. 32). Referring to Article 14 of Organic Law No. 23-14 relating to Information, which states that "*the Audiovisual Regulatory Authority shall enjoy legal personality as well as administrative and financial autonomy,*" it is evident that the legislator explicitly affirmed the administrative character of the authority. This represents a significant milestone in the audiovisual sector due to its legal implications.

The most prominent consequence of this characterization is that the decisions issued by the Authority are considered **Administrative Acts**, representing an exercise of **Public Power Privileges** (Prerogatives of Public Authority). Accordingly, any legal challenge against the Authority's decisions must, as a general rule, be brought before the **Administrative Judicial Authorities**. Furthermore, appeals lodged against the

decisions of independent administrative authorities—including the one under study—are categorized as **Annulment Appeals**. This is based on the principle that these decisions are not judicial rulings and do not possess the **Res Judicata** (authority of a final judgment) (شيتور، 2021، صفحة 31)، which further confirms the administrative status of this entity.

C. *The Characteristic of Independence*

Independent Administrative Authorities (IAAs) are characterized by both organic and functional independence. While their outputs remain subject to the oversight of competent judicial authorities, they possess broader powers and mandates compared to purely advisory bodies. In comparative legal systems, **Independence** signifies that these authorities are not subject to any form of "guardianship" (tutelle) or administrative oversight, nor do they receive instructions or directives from any other governmental entity (كسال، 2008، صفحة 21).

From a legal perspective, independence implies that Independent Administrative Authorities are exempt from both **Hierarchical Power** (Presidential Authority) and **Administrative Guardianship** (ZOUAIMIA , Les autorités administratives indépendantes et la régulation économique, 2024, p. 25). This ensures that the authority can exercise its regulatory functions with neutrality, free from the direct influence of the executive branch.

➤ *Organizational Independence of the Authority.*

Law No. 23-20 introduced a fundamental amendment to the composition of the **National Independent Regulatory Authority for Audiovisual**. According to Article 43, the authority consists of nine (9) members, including the President, all of whom are appointed exclusively by the **President of the Republic** for a five-year term, renewable once.

However, granting the appointment power solely to the Executive branch may constrain the authority's independence, making it susceptible to political considerations. This structure potentially contradicts the philosophy of independent regulation, which is fundamentally based on neutrality, transparency, and ensuring a balance between various actors in the media landscape. Consequently, this raises critical questions regarding the authority's ability to perform its mandates with complete objectivity and impartiality.

International Comparative Models:

The French Model (Arcom): Members are appointed through a distributed mechanism between the President of the Republic, the President of the Senate, and the President of the National Assembly. This pluralistic distribution ensures representation across different political and institutional spectrums, thereby strengthening the authority's immunity against executive polarization.

The British Model (Ofcom): The appointment process relies on an **Independent Selection Panel** that interviews candidates based on professional merit and competence. The panel then submits its recommendations to the relevant Minister, while Parliament maintains a crucial supervisory role in the process.

➤ *Functional independence of the Authority:*

The functional independence of the National Independent Regulatory Authority for Audiovisual is evidenced by the fact that its decisions are not subject to revocation or modification by any higher authority" (لاعة، 2016-2015، صفحة 55). However, despite the Algerian legislator granting this independent character to the Authority, as previously discussed, this independence is not absolute. The legislator has imposed certain legal and regulatory constraints, both regarding the Authority's composition and the mechanisms for exercising its powers. This raises critical questions about the true nature of this

independence and the extent of its alignment with the requirements of independent regulation in the audiovisual sector.

D. *The Regulatory Character*

The Algerian legislator, under **Ordinance No. 03-03** relating to Competition (as amended and supplemented), defined "Regulation" in Article 3 as: "*Any measure, regardless of its nature, issued by any public body specifically aimed at strengthening and ensuring the balance of market forces, freedom of competition, and the removal of restrictions that could hinder market entry or flexible operation, as well as allowing for the optimal economic distribution of market resources among various actors*" (Law No. 08/12 of 25 June 2008 amending and supplementing Ordinance No. 03/03 of 19 July 2003 relating to competition.)

Accordingly, it is evident that the regulatory function of the **National Independent Regulatory Authority for Audiovisual** is characterized by its broad scope of exercise. Its intervention is not limited to resolving disputes after they arise (ex-post); rather, it extends to the stage prior to their occurrence within the economic market. This is manifested in its verification of the legal requirements necessary for granting licenses, reflecting a form of **Ex-ante Regulation** within the sector (بركات و اكلي، 2016، صفحة 05).

Furthermore, the Authority assumes an ongoing supervisory role in subsequent stages. This involves monitoring the extent to which operators comply with the legal and regulatory provisions governing audiovisual activities. Such a role significantly contributes to ensuring the proper functioning of the market and adherence to the established rules of regulation.

2. *Digital Challenges in Monitoring Digital Content*

With the massive expansion of digital platform usage in Algeria—particularly TikTok, Facebook, and YouTube—significant challenges have emerged. By late 2025, user numbers reached approximately **24.8 million for TikTok, 27.5 million for Facebook, and 25.4 million for YouTube** (DataReportal team, 2025). This proliferation has led to "random publishing" by internet users, driven primarily by the pursuit of **symbolic capital** (increased views and fame) and direct financial gains from advertising and platform-specific monetization (e.g., TikTok Beta) at the expense of social values.

This situation has shifted the "opinion-making" influence from traditional media institutions to individual influencers on social networks, highlighting the initial weakness of regulatory oversight over user-generated content (UGC). Since 2020, Algeria has witnessed the spread of content featuring violence or moral lapses. Despite public outcry, the previous regulatory body lacked the legal and technical basis to intervene in such **cross-border digital content**.

In response to this legislative gap, the Executive Branch (Ministry of Communication) resorted to blocking seven news websites in November 2020 without public judicial orders, reflecting the limitations of legal mechanisms in the national digital space at that time.

However, a pivotal shift occurred on **August 16, 2025**, following professional violations by several Algerian TV channels during the coverage of a tragic bus accident in the El Harrach area (resulting in 24 deaths and 18 injuries) (ملتميديا الإذاعة الجزائرية، 2025). These violations involved breaching the ethics of reporting tragic events and failing to protect the dignity of victims and their families.

Invoking **Law No. 23-20**, the **National Independent Regulatory Authority for Audiovisual** issued a decision to temporarily suspend several channels (El Bilad, El Watania, El Hayat, and Echorouk) for 48 hours. Crucially, this suspension covered both **satellite broadcasting and digital presence**, including a ban on publishing via social media platforms. This move demonstrates the expansion of the Authority's mandates and the evolution of the regulatory scope in Algeria to encompass the digital sphere.

This incident serves as a practical model of **Ex-post Regulation** (after-the-fact monitoring) practiced by the Authority to rectify professional deviations. It ensures a balance between media freedom and individual

rights, confirming that the Authority's powers extend beyond granting initial licenses to active intervention whenever necessary.

3. *Does Current Legislation Allow for Effective Intervention in Regulating Digital Platforms?*

An analysis of **Law No. 23-20** regarding audiovisual activities reveals that while the Algerian legislator has taken significant preliminary steps toward regulating the digital space, these measures do not yet encompass the comprehensive regulation of digital platforms. Although certain legal provisions relate to digital content, they remain limited in scope. Furthermore, the legislation does not explicitly mention "digital platforms," referring to them only implicitly under the general term "digital content."

This limitation stems from the fact that Algerian legislations were originally designed to regulate traditional audiovisual activities and were merely extended in certain articles to include the digital sphere. This extension overlooks the technical, economic, and legal specificities of **cross-border digital platforms** operating outside the state's **territorial jurisdiction**, as most globally recognized platforms with high Algerian user engagement are managed and regulated from abroad.

Moreover, there is a total absence of a specialized law dedicated to digital platform activities, unlike contemporary international practices such as the European **Digital Services Act (DSA)**. The European Union has adopted a modern legal approach based on assigning clear and direct responsibilities to digital platforms, proportionate to their size and influence (Commission Européenne, 2026).

The **DSA** explicitly defines the responsibility of digital platforms (**Intermediary Liability**) for user-generated content (Le Parlement européen, 2022). It adopts the "**Notice and Action**" mechanism—procedural tools that compel cross-border platforms to respond to requests from national authorities, as stipulated in Articles 11, 12, 13, and 14 of the EU regulation (Le Parlement européen, 2022). Additionally, Article 15 imposes an obligation on intermediary service providers to publish periodic **transparency reports** (Le Parlement européen, 2022).

Consequently, the comparison with the **DSA** highlights the urgent need for Algeria to develop a legal framework that regulates cross-border digital platforms and defines their legal responsibilities and the powers of regulatory bodies. This includes establishing the principle of **Algorithmic Transparency** and protecting user rights. Currently, the National Independent Regulatory Authority for Audiovisual lacks the legal and technical mandates to hold platforms accountable for recommendation algorithms that may facilitate the spread of violent or hateful content; it remains limited to **ex-post regulation** of widely circulated content. International comparison underscores the necessity of enacting laws that establish algorithmic transparency as a tool for **proactive (ex-ante) regulation**, rather than merely reacting after content has spread.

Furthermore, the European legislation imposes stringent obligations on "Very Large Online Platforms" (VLOPs) and search engines with more than 45 million users (10% of the EU population), as per Article 76 of the **DSA**. In contrast, the Algerian legislator continues to treat digital content as a single, uniform entity.

4. *Possible Alternatives for Developing Regulatory Mechanisms in Line with Digital Transformations*

In 2019, UNESCO adopted a report titled "*Freedom of Expression in the Digital Age: Challenges and Prospects*," which emphasized the need for states to adopt more flexible policies in dealing with digital platforms through partnerships between governments, platforms, and civil society. Such recommendations can serve as a reference framework for rethinking current regulatory mechanisms in Algeria to include digital platforms and address their technical complexities.

To modernize the regulatory framework, the following alternatives are proposed:

- **Enacting a Dedicated Legal Framework for Digital Platforms:** This framework should complement the provisions of Law No. 23-14 regarding Information and Law No. 23-20 regarding Audiovisual Activity. Similar to the European **Digital Services Act (DSA)**, it should define platform responsibilities, interaction mechanisms, and provide a clear legal basis for the National Independent Regulatory Authority for Audiovisual to intervene in the digital environment with full mandates.
- **Implementing a Tiered Regulatory Approach:** Monitoring mechanisms should be based on differentiating between digital platforms according to their size, reach, and influence. This model allows for directing regulatory efforts toward platforms with the greatest impact on Algerian public opinion.
- **Enhancing Participatory Governance:** Involving digital platforms and civil society alongside regulatory bodies in establishing general rules, while the state retains the power of supervision and sanction. This approach contributes to greater flexibility in oversight without compromising legal sovereignty.
- **Leveraging Artificial Intelligence (AI):** Employing AI tools for monitoring, analyzing, and indexing content disseminated in the digital space. This supports **Proactive Regulation** and the exercise of regulatory powers rather than relying solely on ex-post intervention, provided that personal data privacy and freedom of expression are strictly respected.
- **Establishing Regional and International Cooperation Agreements:** Forging partnerships to exchange information with peer regulatory bodies to address the challenges of **cross-border digital platforms**.

Conclusion

The **National Independent Regulatory Authority for Audiovisual (ANRAA)** in Algeria stands at a historic crossroads. Regulation is no longer confined to traditional radio and television broadcasting; it has become inextricably linked to a complex digital space that poses legal, technical, and cultural challenges. Consequently, the Authority's success in fulfilling its mandate depends on its ability to adapt its regulatory tools to the digital environment and the speed with which the Algerian legislator can bridge legal gaps to ensure a precarious balance between freedom of expression and the protection of the public interest.

The specific nature of the Authority lies in its role as a regulatory and supervisory body tasked with ensuring media pluralism, protecting the public's right to information, and maintaining the equilibrium between media freedom and the nation's fundamental values and professional ethics. The legislator has granted it extensive powers, including regulatory, consultative, arbitral, and investigative functions, in addition to financial and non-financial sanctioning prerogatives.

However, the Authority continues to face several constraints that limit its autonomy. **Organically**, the appointment of its members remains under the exclusive control of the Executive Branch, represented by the President of the Republic, which diminishes its actual independence. **Functionally**, it remains subject to administrative, financial, and legislative oversights that narrow its margin of freedom in decision-making.

Therefore, the current legal status of the National Independent Regulatory Authority for Audiovisual does not allow it to function as a "sectoral regulator" in the sense established in comparative models, such as the French **ARCOM** or the British **Ofcom**. The legal texts governing its operations are still characterized by shortcomings, particularly regarding digital media and social platforms. It is evident that the Authority's independence remains more formal than substantive, requiring deeper legal reforms to ensure transparent and independent member appointments, alongside an expansion of its jurisdiction to encompass digital content and cross-border platforms.

In conclusion, the establishment of the National Independent Regulatory Authority for Audiovisual is a significant step toward organizing a sensitive sector caught between media freedom and regulatory requirements. However, its ultimate success is contingent upon overcoming the legal and functional

constraints that limit its independence and adopting profound reforms capable of keeping pace with contemporary digital challenges.

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