

# NEW ARAB PRESS AND MEDIA LAWS IN THE POST- ARAB SPRING AND DIGITAL AGE: AN ANALYTICAL STUDY

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**Abstract** - Driven by the events of the so-called Arab Spring in 2011 and the digital inevitability that swept through, several Arab countries have changed their constitutions and press, publications, and media laws, issuing new constitutions and laws to keep pace with the political and technological changes witnessed in the Arab world in the second decade of the 21st century.

The core argument of this paper is that some Arab countries that experienced political changes had to amend their press, and media laws not only to align with the new regimes but also to keep up with the media landscape established by new media and social networks. Meanwhile, other countries felt the need to preempt revolutions by making structural changes to their media-related legislation to avoid what happened to other Arab regimes.

The research uses qualitative analysis to examine the texts of the new Arab press, and media laws issued after 2010, the year that marked the beginning of the Arab Spring, analyzing them qualitatively according to a set of axes. Specifically, it examines the press, and media laws issued in Algeria (2012), Tunisia (2014), Morocco (2016), and Egypt (2018), in addition to partial amendments made to the laws of other Arab countries.

The research concludes that the new media laws issued to put more control on the freedom of press and media and to keep pace with the digital age. These laws have reinforced the authoritarian Arab approach to be able to deal with traditional and new media, benefiting from accumulated experiences in this field. Thus, the changes in press and media laws were not aimed at granting more freedoms but rather at tightening the regimes' control over the old and new media landscape.

**Keywords:** Digital Age - Press Laws - New Media - Arab World - Press Freedom

## INTRODUCTION

Legislation in the field of media and journalism is one of the most important pillars on which the media system in a state is based (Donders, 2021). It also represents one of the most important determinants and measures by which society's view of the media and its belief in its freedom are evaluated. Constitutional texts related to media and the laws regulating it, regardless of their names, along with actual media practices and the nature of the relationship between media outlets and the executive authority represented by the government, are the foundations by which media freedom is measured and countries are classified in reports by international organizations and forums concerned with media freedom (Chapdelaine and McLeod Rogers, 2021).

Media legislation is based on the idea that media regulation is a task that should be undertaken by legislative and parliamentary councils and governments, and that self-regulation by the media outlets themselves and associations and unions cannot replace governmental legal regulation that ensures equality for all before the law (Campbell, 2023). This is perhaps why the United Nations Educational, Scientific and Cultural Organization (UNESCO) in its 2018 Accra Declaration assigned several new responsibilities to governments regarding the establishment and implementation of legal frameworks for media regulation (Agyemang-Badu, 2023). This was a demand that UNESCO had previously been reluctant to raise for fear of criticism from Western governments and international organizations, which believe that the task of regulating this sector should be left to the media outlets themselves and media associations and unions (Pohle, 2021).

In reality, UNESCO's intervention and the call for the issuance of laws to regulate media come in line with a growing global trend in this direction that has emerged in the last ten years, coinciding

with the spread and penetration of new media, which relies heavily on audience participation in producing media content (Zancajo et al., 2021). This necessitates organizing this new media in a way that makes it subject to societal orientations to avoid negative consequences.

At the Arab level, several Arab countries, driven by waves of popular protests during and after the so-called Arab Spring, the digital inevitability that swept through, and changes in political regimes in some of them, rushed to change their constitutions and press, and media laws, issuing new constitutions and laws to keep pace with the political and technological changes witnessed in the Arab world in the second decade of the 21st century (Tazi, 2021). This research analyzes these legislative changes and their impact on media freedom in the countries where they occurred.

The core argument of the research is that some Arab countries that experienced political regime changes amended their press, and media laws not only to align with the new regimes but also to keep up with the technological media landscape established by new media and social networks (Abdelbary, 2023, Grinin and Korotayev, 2022). Meanwhile, other countries that did not experience such changes felt the need to preempt revolutions by making structural changes to their media-related legislation to avoid what happened to other Arab regimes. By analyzing the new constitutions and laws issued in some Arab countries from 2010 to 2022, and the amendments made to the constitutions and press and media laws, the research problem crystallizes around the question of whether these changes aim to grant more freedom to the press and media in those countries or to impose more restrictions.

### Theory and Literature:

Press and media legislation in the Arab world almost unanimously agree that media systems in Arab countries tend to follow the authoritarian media model, according to the “Four Theories of the Press” by Siebert, Peterson, and Schramm, despite limited individual differences between these countries. Gu notes that the establishment of media through government licensing under press and publications laws, which also comprehensively regulate journalists’ actions, leads to a press that tends to support state policies rather than act as a watchdog (Gu and Zheng, 2023). William Rugh states that the Arab journalist must be “highly sensitive to the prevailing political realities in their country (Hussein et al., 2025). Lack of legal protection and regulatory obstacles for journalists in the Arab world hinder transparency and accountability, with no detailed study of existing laws and their impact (AlAashry, 2022).

Several factors contribute to the collective avoidance of dedicated research on media laws in the Arab world within the academic community, including the lack of academic freedom to conduct thorough research on media policies (Sirri, 2024). Arab universities often adopt a self-censorship culture, where academics who discuss sensitive topics face potential job losses or expulsion from host countries (Kamali and Kamali, 2021). (Elgamri et al., 2023) stated that language barriers and lack of transparency in media laws hinder research by Arabic-speaking researchers, making it difficult for English-speaking academics to study them in-depth, despite the absence of English translation.

Following the Arab Spring, Arab countries moved towards enacting “cybercrime” laws to regulate the internet and other digital communications (Abdelmeguid, 2024). The cybercrime laws, increasing penalties for various offenses, including defamation, spreading “false news,” and criticizing the government through digital communications (Setyawan and Barthos, 2024). Many observers believe these laws were issued to restrict critical discourse on social media.

(Alaradi and Johar, 2021) points out that “the societies of the Gulf Cooperation Council (GCC) countries are currently experiencing a significant contradiction between the traditional conservative society they have long been associated with, and the open society through the internet and search engines.” (AlAashry, 2021) stated that the clear contradiction between what is stipulated in the constitutions and press, and media laws and the actual practice of press and media freedom is one of the most important aspects of this contradiction that needs to be examined.

Libyan press system's media legislation from 1969 to 2011 emphasized freedom of ownership, access to information, multiple sources, and the public's right to know (Asadawe, 2022).

(AlAashry, 2022) stated that Arab constitutions and press laws confirms freedom of expression, press, and publication, but restrictions on journalistic activity, such as license requirements, censorship, and



penalties. Similarly, (Sakr, 2003) notes that all Arab countries have constitutions that guarantee freedom of opinion, expression, and press. However, some of these guarantees are conditional.

(AlZumai, 2022) stated that Arab countries must dismantle their legal, political, and media systems, establish a new constitution, abolish restrictive laws, establish an independent judiciary, reform journalistic institutions, and focus on ethics and excellence.

Moreover, (AlAhmad, 2024) concluded that the Arab media system is based on politicizing the content of newspapers, supporting and promoting the regime and its policies, and the return of newspaper ownership to the state or its agents. The national political system has controlled the media through legal or extralegal means.

In her research on a global declaration on digital rights and freedom (the internet), proposes formalizing the discourse on human rights related to the internet by adopting a multi-level governance approach (O'Brien, 2023). She believes that the "local-global connection" is crucial to affirming digital rights standards.

The annual report of the Arab Constitutional Law Organization: 2015-2016, published by the Arab Constitutional Law Organization in 2017 (Porras-Gómez, 2022), concluded that the new Arab constitutions or constitutional amendments approved after the Arab Spring in several Arab countries such as Morocco, Algeria, Tunisia, Libya, Egypt, Syria, Jordan, and Yemen, still retain a large part of the constitutional characteristics that existed before 2011. Although most of the new constitutions have added several rights, they have generally retained the same implementation mechanisms, with some important exceptions.

(Lakhani, 2024) concluded that the slow response to bridging the gap between law and technology can restrict the right to know. The major challenge related to freedom of information is to keep up with new developments in communication technology. Therefore, legislators must quickly understand the next trend in internet technology to harness new innovations to strengthen and enhance the right to know.

(Borghi and Brownsword, 2022) notes that with the development of societies due to technological advancements and the emergence of the so-called information revolution, legislators are racing against time to issue laws that can control the continuous and rapid changes in society. Some have banned, some have prohibited, and some have allowed the use of certain technologies. Western societies have tried to assimilate the information revolution and harness it for the benefit of society. In contrast, authoritarian societies have attempted to prevent the spread of information technology to the public.

(Tokat, 2022) concluded that governments, including democratic ones, regulate the internet to prevent monopolization by a single company and impose censorship on content. This includes controlling internet service provider licensing, extending existing press laws, and directly censoring content that conflicts with the ruling system, values, and traditions.

From the previous review of the scientific heritage, many studies have emphasized the need to develop and update Arab press and publication laws and reduce the restrictions and prohibitions to keep pace with contemporary developments. This is to advance journalism and journalists, as press and media laws are one of the factors affecting journalistic content and the performance of journalists, alongside other factors unrelated to the law that also impact the profession of journalism.

### **1. Research Objectives and Questions:**

The research aims to achieve a primary goal of monitoring and analyzing the changes and amendments in the constitutions and press, and media laws in Arab countries after the Arab Spring and the increased use of digital media platforms during the second decade of the new millennium, specifically from 2010 to 2022. Subsequently, it evaluates these changes and amendments to determine whether they contribute to more freedoms for the media or impose more restrictions. This primary goal branches into three sub-goals: monitoring and analyzing the historical context of media regulation in the Arab environment before and after Arab Spring and the digital age, monitoring, analyzing, and evaluating the changes and amendments in the constitutions of some Arab countries regarding freedom of expression, press, and media from 2010 to 2022, and monitoring, analyzing, and evaluating the changes and amendments in the press, and media laws in some Arab countries during that period.

The research seeks to answer a main question: whether the new constitutions and laws were introduced to protect regimes and reinforce the authoritarian Arab approach in dealing with traditional and new media and tighten control over the new media landscape, or to grant more freedoms. This main question branches into several sub-questions that contribute to answering the main research question: What is the legislative context for media regulation in the Arab world, and how has it influenced the legislative changes during the study period? What are the key changes related to media in the new constitutions of some Arab countries from 2010 to 2022? What are the key changes in the press, and media laws in some Arab countries from 2010 to 2022?

#### Research Methodology:

The research uses a qualitative analysis method to analyze the texts of the new Arab constitutions and press, and media laws issued after 2010, the year that marked the beginning of the Arab Spring, until the end of 2022. The qualitative analysis is conducted according to a set of axes, including guarantees of freedom of expression, press, and media, licensing, financial guarantees, and publication prohibitions and regulations. The analysis includes the restrictions contained in these laws, such as restrictions related to the right to establish and issue newspapers, establish radio and television stations, and media websites, and restrictions related to publishing news about certain individuals, issues, and events (red lines).

#### Research Sample:

The research population includes all constitutions and press, publications, and media laws issued in Arab countries from 2010 to 2022. The new Arab constitutions include the 2011 Constitution of Morocco, the 2014 Constitution of Tunisia, the 2014 Constitution of Egypt, the 2015 Constitution of Algeria, the Constitutional Document for the Transitional Period in Sudan (Mhalla et al., 2023). The population of new press, and media laws includes Tunisia (2011), Algeria (2012), Morocco (2016), and Egypt (2018) (Hoffmann-Riem, 1986).

The research sample focuses on the four countries that changed their constitutions and press, and media laws: Algeria, Tunisia, Morocco, and Egypt. The research's thematic boundaries include the new constitutional texts related to freedom of expression, press, and media, the texts related to press and media freedom in the new press, and media laws, the texts related to the right to issue in the new press, and the texts related to prohibitions in the new press, and media laws.


#### Research Findings:

##### **Answer to the First Question: The Legislative Context of Media Regulation in the Arab Experience:**

The Arab experience in regulating media dated to the late 18th century when the French invasion of Egypt (1798-1801) introduced the first press and newspapers to the Arab world by publishing two French-language newspapers aimed at the soldiers and scholars of the French occupation of Egypt. The press and the newspapers were directly controlled by the leadership of the occupier.

The first lesson Arab rulers learned from the French occupation was to ensure that newspapers and all expression outlets in society should be directly controlled by the ruler or the ruling regime. This is why it was not surprising that Muhammad Ali, the ruler of Egypt placed the first Arabic printing press he brought from Europe under his direct control and issued the first Arabic newspaper, "Journal Al-Khidiwi," in 1827, which became "Waq'a'i' Misriya" the following year, serving him personally and then his administration.

The regulation of journalism in the Arab world has seen many fluctuations, especially after the emergence of private newspapers in Egypt in the 1860s. Several factors influenced this regulation, primarily the national political authority's desire to control the press, followed by the foreign occupation and the subsequent national movements, and then the new national rule that used all available means to restrict press freedom for its opponents. Before foreign occupation, some Arab countries, like Egypt, enacted press laws (the 1881 Press Law) that granted the executive authority wide powers to monitor publications, license printing presses and newspapers, and prevent criticism of the rulers.



Under occupation, the state of press freedom varied depending on the occupier. The French occupation in Algeria, Tunisia, Morocco, Syria, and Lebanon was very harsh, while the British occupation in Egypt, Iraq, and Palestine was less severe with the national press. Thus, the national press flourished to some extent in these countries, especially after Egypt's partial independence in 1922 with the issuance of the February 28 Declaration and the 1923 Constitution, establishing monarchy and parliamentary political system. Despite this, Egyptian journalism experienced significant fluctuations under national governments, ranging from freedom during the Wafd Party's rule to severe restrictions during minority parties' rule and World War II.

After gaining independence, Arab governments established the foundations for regulating press and media through new constitutions that stipulated press freedom but surrounded this provision with a condition that emptied it of its content: "within the limits of the law," and through press, and media laws and other related laws.

#### **Answer to the Second Question: Freedom of Expression, Press, and Media in the New Constitutional Texts:**

According to some researchers, the Arab world is one of the last strongholds of authoritarianism in the world. Despite being rich in constitutions, these constitutions grant unrestricted powers to the executive authority. They contain weak and underdeveloped rights provisions, and do not allow clear mechanisms for power rotation. Even when some allow it, the application of the constitutional text often depends on the will of the individual leader (Brown, 2001). Moreover, Arab constitutions are filled with escape clauses that allow rulers to constitutionally violate their own constitutions (constitutions they themselves drafted). According to Abdul Aziz Al-Fahad, Arab regimes draft and develop constitutions for many purposes, none of which includes the primary constitutional purpose of limiting the authority power (Al-Fahad, 2005: 395-396).

Mousa (2009) indicated that ten out of 21 Arab countries explicitly mentioned press freedom in their constitutions: Jordan, Comoros, Kuwait, Egypt, Sudan, Syria, Oman, Iraq, Qatar, and Tunisia. Six Arab countries stipulated that press freedom must be in accordance with the law: Jordan, Egypt, Oman, Qatar, Sudan, and Tunisia. Ten Arab countries did not mention the phrase "press freedom" in their constitutions but used other phrases such as freedom of opinion or expression: UAE, Bahrain, Algeria, Djibouti, Yemen, Lebanon, Libya, Morocco, Mauritania, and Palestine. The only Arab country that did not mention press freedom in its basic system is Saudi Arabia, which only mentioned the obligations placed on the media in general.

#### **Constitutional Changes Following the Arab Spring:**

With the advent of the Arab Spring in Tunisia and Egypt in early 2011, the February 20 Movement emerged in **Morocco**, protesting in more than 50 cities against corruption and authoritarianism. This prompted the king to announce significant constitutional reforms to avoid a widespread revolution. The July 2011 Constitution was adopted, followed by the November 2011 elections, in which the Justice and Development Party, with an Islamic reference, won and formed a coalition government with palace-affiliated parties (Nawid, 2018: 4).

The Moroccan Constitution of July 30, 2011, mentioned the press, media, and freedom of opinion and expression in several articles. Article 10 granted the parliamentary opposition a status that gives it the right to use the public media and a time slot proportional to its representation in the parliament. Article 25 combines freedom of thought, opinion, and expression with freedom of creativity, publication, and presentation in literature, art, scientific, and technical research, and guarantees them. Article 27 granted citizens the right to access information held by public authorities, elected institutions, and bodies responsible for public service, restricting the right to information only by law to protect national defense, state security, individuals' private lives, and to prevent harm to the freedoms and fundamental rights enshrined in the constitution, and to protect information sources and areas precisely defined by law.

Article 28 guarantees press freedom, prohibits prior censorship, and ensures everyone the right to express, publish news, ideas, and opinions freely, without restriction, except as explicitly provided by law. Article 59, concerning the imposition of a state of emergency. It states that the fundamental



freedoms and rights enshrined in the constitution, including freedom of expression and press, remain guaranteed.

The new **Tunisian** Constitution, approved by the Tunisian Parliament on January 27, 2014 ([constitutionnet.org/country/Tunisia](http://constitutionnet.org/country/Tunisia)), includes two articles guaranteeing the freedoms of opinion, thought, expression, and media. It explicitly states that these rights are not subject to prior censorship. Article 31 states that “freedom of opinion, thought, expression, media, and publication is guaranteed,” and “no prior censorship may be exercised on these freedoms.” Article 32 guarantees “the state’s right to information and the right to access information,” and its efforts to “ensure the right to access communication networks.”

The new Constitution of the People’s Democratic Republic of **Algeria**, issued on December 28, 2015, and adopted by the parliament on February 3, 2016 (Ben Jelani, 2014: 29), added three repeated articles. The first is Article 41/1, which guarantees the citizen’s right to peaceful demonstration within the framework of the law that defines its modalities. The second is Article 41/2, which guarantees the freedom of written, audiovisual, and online media without any form of prior censorship. This freedom cannot be used to harm the dignity, freedoms, and rights of others. It also guarantees the free distribution of information, ideas, images, and opinions within the framework of the law and respect for the nation’s constants and its religious, moral, and cultural values, and ensures that press offenses are not subject to custodial penalties. The third is Article 41/3, which guarantees access to information, documents, and statistics and their transmission to the citizens, provided that the exercise of this right does not harm the individual privacy and rights of others, the legitimate interests of businesses, or national security requirements, and that the law defines the modalities for exercising this right.

The 2014 Constitution of **Egypt**, amended in 2019 and currently in force, includes four articles related to the freedom of opinion, expression, and the press (AlAshry, 2021). Article 65 guarantees freedom of thought and opinion, recognizing every person’s right to express their opinion by speech, writing, photography, or other means of expression and publication (Woods, 2022). Article 70 guarantees freedom of the press, printing, and publishing in paper, visual, audio, and electronic forms, recognizing the right of Egyptians, whether natural or legal bodies, public or private, to own and issue newspapers and establish visual, audio, and digital media outlets (AlAshry, 2022). Newspapers are issued upon notification as regulated by law. The law also regulates the procedures for establishing and owning radio and television stations and electronic newspapers.

Article 71 prohibits any form of censorship on Egyptian newspapers and media or their confiscation, suspension, or closure, except for specific censorship during times of war or general mobilization (Mohiuddin, 2024). No custodial penalties are imposed for crimes committed by publications, except for crimes related to incitement to violence, discrimination among citizens, or defamation of individuals, for which the law specifies penalties (AlAshry, 2022). Article 72 obliges the state to ensure the independence of state-owned press and media institutions, guaranteeing their neutrality, expression of all political and intellectual opinions and social interests, and ensuring equality and equal opportunities in addressing public opinion.

The broad protection provided by Article 70 for freedom of the press, printing, and publishing in paper, visual, audio, and electronic forms extends to media companies managed by the state and its security agencies or individuals approved by them (Ansari, 2023). Since the issuance of this constitution, no new newspapers, visual or audio media outlets, or digital media platforms have been established under the right to own and issue newspapers and establish visual, audio, and digital media outlets stipulated in the same article. Although the right to ownership for individuals and legal entities is recognized and newspapers are issued upon notification, this right remains incomplete as it is subject to the regulations set by law (Anderson, 2001).

Despite Article 71’s prohibited any form of censorship on Egyptian newspapers and media, many international freedom organizations confirmed that Egyptian media operating within Egypt are subject to a new form of strict censorship by sovereign and security agencies (AlAshry, 2022). In 2024, Egypt is ranked 170 out of 180 countries in the World Press Freedom Index by Reporters Without Borders (RSF).

This ranking reflects the significant challenges faced by journalists and media outlets in the country, including restrictions on freedom of expression and press freedom (Gamal Nour El Din, 2025).

Additionally, Article 71 stipulates that no custodial penalties are imposed for crimes committed by publication or publicity. However, the number of journalists imprisoned and detained for years under judicial rulings or pending investigation exceeded sixty journalists in April 2020, according to estimates by Reporters Without Borders (Fathonah and Sunarto, 2021). It is confirmed that Egypt tops the list of countries with the largest number of imprisoned journalists worldwide, as also affirmed by the Committee to Protect Journalists, which classified Egypt as one of the four largest prisons for journalists globally.

The analysis of media and press-related texts in Arab constitutions reveals contradictions between constitutional guarantees of freedom of opinion and expression and actual practices. The activation of these rights depends on ruling regimes, who control state institutions and can amend constitutions. Freedom of thought is limited to regime supporters, and opposing views are denied access to media platforms, persecuted, and their relatives detained.

### **Answer to the Third Question: Press, Publications, and Media Laws:**

Press, and media laws in Arab countries often state, sometimes in the first article, that the state guarantees freedom of the press, printing, and publishing. However, the same text nullifies this guarantee by adding the phrase “within the limits of the law.” This practically means that this guarantee becomes meaningless if the newspaper, media outlet, journalist, or media professional violates any provision in the press law itself or other related laws.

Article 2 of the 2012 **Algerian** Media Law states that “media activity is exercised freely within the framework of the provisions of the Media Law,” and adds to it the applicable legislation and regulations (Benammar, 2020). It also adds other frameworks to ensure that the exercise of freedom respects the constitution and the laws of the republic, Islam and other religions, national identity and unity, state security and national defense requirements, public order requirements, the country’s economic interests, national service duties and obligations, the citizen’s right to complete and objective information, the confidentiality of judicial investigations, the pluralistic nature of opinions and ideas, and human dignity and individual and collective freedoms.

The first chapter of the 2011 Decree on Freedom of the Press, Printing, and Publishing in **Tunisia** states that the right to freedom of expression is guaranteed and exercised in accordance with the provisions of the International Covenant on Civil and Political Rights and other relevant international treaties ratified by the Republic of Tunisia and the provisions of this decree (Jebril and Moussa, 2023). The right to freedom of expression includes the freedom to circulate, publish, and receive news, opinions, and ideas of any kind. The decree prohibits restricting freedom of expression except by legislative text, provided that the aim is to achieve a legitimate interest, such as respecting the rights and dignity of others, maintaining public order, or protecting national defense and security, and that the restriction is necessary and proportionate to the measures required in a democratic society without posing a danger to the essence of the right to freedom of expression and media.

Article 3 of Law No. 13.88 on Press and Publishing in **Morocco** states that “freedom of the press is guaranteed in accordance with the provisions of Article 28 of the Constitution and cannot be restricted by any form of prior censorship (Maghraoui, 2022). These rights and freedoms are exercised in accordance with the Constitution and the conditions and formalities set out in this law and Law No. 89.13 on the Statute of Professional Journalists and Law No. 90.13 on the National Press Council.”

In contrast, the 2018 Law on the Regulation of Press and Media in **Egypt** states without legal limits that “the state guarantees freedom of the press, media, printing, and publishing in paper, audio, visual, and electronic forms.”

The new press, and media laws in the four countries have expanded significantly in guaranteeing and ensuring press freedom, responding to political and technological changes by including all traditional and new publishing platforms. They have linked these freedoms to international civil and political rights and prohibited restricting this right except under specific conditions.

However, actual practice and reports from international organizations concerned with media and press freedom indicate that this guarantee of media freedom, especially in Egypt, is only upheld to the extent permitted by the ruling regime (Riti et al., 2021). Anyone exercising this freedom and criticizing the current authority faces years of pretrial detention, prison sentences, and suspensions.

### **Restrictions in New Press, Publications, and Media Laws:**

Legally, there are numerous restrictions imposed on the press and media in Arab countries, included in the new press, and media laws, regardless of their titles. The primary restrictions relate to the right to establish and issue newspapers, radio and television stations, and media websites. Analyzing the new laws issued in the second decade of the 21st century in Algeria, Tunisia, Morocco, and Egypt reveals the following findings:

#### **Expansion of Legal Regulation Framework:**

The new press, and media laws in Arab countries no longer limit themselves to periodic newspapers issued regularly under one name (Mohd, 2025). Due to political, technological, and media changes, Arab legislators have expanded the scope of regulation to include all journalistic, audio, visual, and electronic publishing platforms, regardless of their periodicity or operation method, focusing only on the platform's public circulation. Consequently, these legislations subjected all publishing means to the new laws.

The **Algerian** Media Law of January 2012 expands the definition of media activities to include all publications or broadcasting of events, messages, opinions, or knowledge through any written, audio, or electronic means directed at the public or a segment of public. Article 4 states that the media covered by the law include public sector media, media established by public bodies, media owned or established by accredited political parties or associations, and media owned or established by legal entities subject to Algerian law, with their capital owned by natural or legal persons holding Algerian nationality.

In **Tunisia**, the legislator uses a comprehensive definition to include all publications, even postcards, under regulation.

The **Moroccan** Press and Publishing Law No. 88 of 2013 provides a more detailed definition of the activities it regulates, including any written periodic publication that publishes news, ideas, opinions, information, images, or drawings, and any electronic newspaper with a specific domain name and content management system directed at the public through the internet and modern technologies (Zaid and Ibahrine, 2021).

The 2018 Law on the Regulation of Press and Media and the Supreme Council in **Egypt** defines publications as all writings, drawings, musical pieces, pictures, or other means of representation when transferred by mechanical, chemical, electronic, or other means, making them available for circulation (Elmeshad, 2021). It defines the newspaper as any paper or electronic publication edited or broadcast by unionized journalists, issued under a unified name, regularly, and by an Egyptian person, whether natural or legal, public or private. Audio, visual, or electronic media includes all radio, television, or electronic broadcasts reaching the public or specific groups, through signals, images, sounds, drawings, or writings, not characterized by private correspondence, by any wired or wireless means and other modern technologies, or any means of radio, television, and electronic broadcasting, issued by natural or legal persons, public or private, according to the rules and procedures of the executive regulations of this law.

#### **Transition from Licensing to Notification:**

Arab media laws often require prior licensing for issuing periodicals. However, in the 21st century, the term "licensing" has been abandoned (Ayish, 2022). New laws in Algeria, Tunisia, Morocco, and Egypt adopt "prior declaration" or "notification," which is similar to other licensing systems. Also around 2012 Algerian Media Law requires registration procedures, considering it a notification of issuance (Arroussi, 2024). Article 11 states the freedom to issue periodicals (newspapers and magazines of all kinds issued regularly) and subjects the issuance of each periodical to registration procedures and verification of information accuracy by submitting a prior declaration signed by the publication's responsible director to the Press Regulation Authority, including the publication's title, issuance timing, subject, place of issuance, language, the responsible director's name, surname, address, and qualifications, the



company's legal nature, the names and addresses of the owner(s), the company's capital components, price, and size.

Article 15 of the Tunisian law states that "the publication of any periodical is free and without prior licensing," but it adds, "subject to the declaration procedures mentioned in Article 18 of this decree."

The 2016 Moroccan Press and Publishing Law uses the term "declaration" in Article 21, which must be submitted by the owner of any periodical or electronic newspaper within thirty days before the expected issuance date. This declaration is submitted in three copies to the public prosecutor at the primary court where the press institution's headquarters is located, with copies sent to the National Press Council and the government authority responsible for communication.

The issuance of newspapers in Egypt, according to the 2018 Law on the Regulation of Press and Media and the Supreme Council, follows a notification system that is practically similar to licensing (Elmeshad, 2021). Article 40 does not allow the issuance of a newspaper or the establishment of an electronic site before completing the notification data, stating that "anyone wishing to issue a newspaper must notify the Supreme Council with a signed letter from them or their legal representative, including the newspaper or electronic site's name, the owner's name, surname, nationality, residence, the language in which the newspaper or electronic site is published, content type, editorial policy, funding sources, activity type, editorial and administrative structure, budget statement, address, editor-in-chief's name, and the printing press's address where the newspaper is printed and the electronic site's broadcasting location (Maass et al., 2021)."

Conversely, Article 6 of this law does not allow the establishment or management of electronic sites in Egypt or the management of offices or branches of electronic sites operating from outside the Republic without obtaining a license from the Supreme Council according to the regulations and conditions it sets in this regard.

#### **Lifting the Nationality Requirement for Media Ownership:**

Previously, Arab media laws restricted the right to issue newspapers and establish media outlets to their citizens only. However, with the political changes resulting from the Arab Spring and the spread of digital media, new legislations have largely moved beyond this restriction.

The 2012 Algerian Media Law outlines conditions for responsible newspaper or magazine directors, including university degrees, media experience, Algerian nationality, civil rights, non-dishonorable crime convictions, and non-hostility to the November 1, 1954 Revolution for those born before 1942 (Kessar et al., 2021). The Tunisian law does not impose conditions on the owner of a newspaper or media platform. Article 16 only requires that each periodical have a responsible director who is a Tunisian adult with full civil and political rights and a known address in Tunisia. Article 17 requires the editor-in-chief to be a Tunisian at least 30 years old with full civil and political rights (Snoussi et al., 2024).

The 2016 Moroccan Press and Publishing Law defines a press institution in Article 8 as any natural or legal person who publishes a periodical or electronic newspaper as an owner, lessee, or manager. Article 9 requires that press institutions, whether natural or legal persons, have their headquarters in Morocco, and at least two-thirds of the owners, partners, shareholders, or those with voting rights in the general assemblies and management bodies must be Moroccan nationals. The law sets conditions for those who own or participate in the ownership of a newspaper or electronic site, including not being deprived of political rights and not having been convicted of a felony or dishonorable misdemeanor unless rehabilitated. These conditions also apply to the editor-in-chief and responsible editors (Article 41) and those who own or participate in the ownership of a media outlet or electronic site (Article 50).

Article 33 of the 2018 Law on the Regulation of Press and Media stipulates that the right to own or participate in the ownership of newspapers is reserved for Egyptians, whether natural or legal persons (Hamoud, 2023). Article 49 extends this right to media outlets or digital media sites.

#### **Abandoning Capital and Financial Security Requirements:**

Arab countries' legislations previously imposed restrictions on the freedom to issue newspapers and establish radio, television, and electronic media institutions by requiring large deposits before

establishing newspapers to ensure the payment of employees' rights in case of cessation and setting a minimum capital for the newspaper or media institution. Some Arab legislations also required financial security when applying for a license.

The new Arab legislations have almost eliminated these requirements, Except for Egypt. The new press, publication, and media laws in Tunisia, Algeria, and Morocco do not stipulate capital or financial security requirements.

Article 35 of the 2018 Law in Egypt requires natural and private legal persons to deposit six million Egyptian pounds (120000 \$) in a bank under the supervision of the Central Bank for daily newspapers, two million Egyptian pounds (40000\$) for weekly newspapers, one million Egyptian pounds (20000\$) for monthly or regional daily newspapers, four hundred thousand pounds for regional weekly newspapers, and two hundred thousand pounds for regional monthly newspapers. For electronic newspapers, the capital must be at least one hundred thousand pounds. Article 37 requires existing private or party-owned press institutions to deposit a security amount determined by the Supreme Council for Media Regulation, not less than five hundred thousand pounds and not more than one million pounds, for each newspaper or electronic site.

Article 54 of the Egyptian law requires that the licensed capital for a company establishing a television channel be at least fifty million Egyptian pounds (1 million \$) for a news or general channel, thirty million pounds for a specialized television channel, fifteen million pounds for a single radio station, and two and a half million pounds for an electronic or digital television channel on a website.

#### **Licensing Restrictions for Newspaper Issuance and Media Establishment:**

The examples of restrictions on issuing newspapers and establishing media outlets and digital media sites in the Arab world show that the license to issue a newspaper and allow it to continue publishing is primarily dependent on the government's will and does not reflect a belief in press freedom. Most governments restrict this right to their supporters and those who do not pose a threat of opposition. This has often led to the phenomenon of Arab expatriate journalism, where newspapers are published outside the Arab countries and distributed within the Arab world, and the phenomenon of Arab satellite television channels operating from outside the region due to the difficulty of obtaining terrestrial broadcasting licenses in most Arab countries.

#### **Continued Licensing Restrictions for Distribution and Circulation:**

Licensing, or prior notification is not the only obstacle to issuing newspapers in press and publication laws. The circulation and distribution of newspapers to the public also require prior licensing. Many Arab laws still subject the sale and circulation of publications in public places or shops, even temporarily, to prior government licensing. In many countries, press and publication laws require prior licensing before establishing a publishing house.

The new laws have maintained distribution and circulation conditions. For example, the Algerian law dedicates an entire chapter to distribution and public sale. Article 34 states that the activity of distributing periodicals, including foreign ones, is exercised freely according to the applicable legislation and regulations, especially concerning child protection and public morals. However, Article 35 subjects the sale of periodicals by itinerant vendors or in public places to prior notification to the municipal council president. Article 37 subjects the import of foreign periodicals to prior licensing from the Press Regulation Authority, with the conditions and procedures for granting the license specified by regulation.

Although the Tunisian law has moved beyond the licensing requirement for distribution, it has retained deposit conditions. Legal deposit is defined as a procedure that enables the administration to obtain copies of all publications specified in the decree for documentation and preserving the national memory.

The new Moroccan law includes provisions related to deposit. Article 26 requires that upon publishing, each issue of a periodical, a copy must be submitted to the government authority responsible for communication, the public prosecutor at the primary court where the press institution's headquarters is located, and the National Press Council. Copies can also be deposited by registered mail. Article 31 allows the prohibition of distributing foreign publications and periodicals, displaying them for sale, or holding them for distribution and sale if they contain content offensive to Islam, the monarchy,

incitement against the territorial integrity of the kingdom, defamation, or insults to the privacy of the king, crown prince, or royal family members, or disrespect to the king. It also allows prohibition if the publications incite soldiers to disobedience, rebellion, or refusal to perform duties, incite violence or hatred, promote terrorism, or incite racial or gender discrimination or harm to minors.

The new Egyptian law has expanded the powers of the semi-governmental Supreme Council for Media Regulation regarding the distribution and circulation of all media materials, not just newspapers. Article 4 grants the council the authority, for national security reasons, to prevent the entry, circulation, or display of publications, newspapers, media or advertising materials issued or broadcast from abroad. The council must also prevent the circulation of pornographic materials or those that offend religions and religious sects in a way that disturbs public peace, or that incite discrimination, violence, racism, hatred, or intolerance. Article 6 prohibits the establishment or management of electronic sites in Egypt or the management of offices or branches of electronic sites operating from outside without obtaining a license from the Supreme Council according to the regulations and conditions it sets. Article 67 prohibits broadcasting the content of print, audio, visual, and electronic media on smartphones or similar devices without prior approval from the Supreme Council.

#### **Publication Prohibitions in New Press, Publications, and Media Laws:**

Media laws in almost all Arab countries contain long lists of prohibitions, warning journalists that they cannot write stories that might “harm the economy” or “disturb public order,” leading to excessive self-censorship by journalists to avoid trouble. The publication prohibitions in the recent press, publications, and media laws extend to all publishing platforms, not just newspapers, including personal electronic sites, personal blogs, or personal electronic accounts with five thousand or more followers.

The 2012 Algerian Media Law states that media activities are exercised freely but ties this freedom to respecting the constitution, the laws of the republic, Islam and other religions, national identity, cultural values, national sovereignty, national unity, state security, national defense requirements, public order, and the country’s economic interests (Trung et al., 2022). The law imposes several obligations on journalists in the second chapter on professional ethics, which can also be considered publishing prohibitions. These include respecting state symbols, refraining from harming national history, glorifying colonialism, directly or indirectly praising racism, intolerance, and violence, and refraining from publishing or broadcasting images or statements that offend public morals or provoke citizens’ feelings (Kessar et al., 2021). Article 84 grants professional journalists the right to access news sources, except in five cases: when the news concerns national defense secrets, clearly affects state security and/or national sovereignty, concerns judicial investigation secrets, involves strategic economic secrets, or affects the country’s foreign policy and economic interests.

Law No. 13.88 on Press in Morocco, issued in 2016, prohibits various publication activities such as insulting Islam, the monarchy, inciting territorial integrity, defamation, disrespecting the king, inciting felony or misdemeanor, discrimination, false news, and inciting crimes (Lotfy et al., 2025). It also prohibits insulting judges, public officials, and law enforcement officers. (Chapdelaine and McLeod Rogers, 2021) stated that 2018 Law on Press and Media and the Supreme Council for Media Regulation prohibits publishing or broadcasting content that contradicts the constitution, incites law violations, breaches professional ethics, or incites discrimination, violence, racism, or hatred, as well as false news and racist content.

(Koltay, 2021) stated that article 19 extends these prohibitions beyond licensed mass media to “any personal electronic site, personal blog, or personal electronic account with five thousand or more followers,” effectively imposing the same restrictions on citizen journalism, including personal sites, blogs, and social media accounts.

#### **CONCLUSION**

The analysis of the new constitutional and legislative texts issued by Arab countries in the period following the Arab Spring (2010-2011), specifically in Algeria, Tunisia, Morocco, and Egypt, reveals that these changes were driven by two main factors. The first factor is the structural political changes brought about by the Arab Spring in countries like Tunisia and Egypt, and the fear of similar uprisings in countries like Algeria and Morocco. The ruling regimes in these four countries resorted to issuing new constitutions and laws for press, publications, and media to slightly open the media space and surpass some of the

restrictions contained in previous constitutional and legal texts. The second factor is the significant changes in media, both in terms of technology with the expansion and flourishing of new media and social networks and smartphone applications, and in terms of media globalization, the multiplicity of media platforms, their integration, and the realization by these countries of the impossibility of applying old legal foundations to new media or imposing preventive censorship on everything published.

In reality, these changes in texts, which are more open than their predecessors at the level of constitutions and press, publications, and media laws, have not significantly altered the actual practice of freedom of expression, press, and media. Except for Tunisia, which has slightly improved in international reports measuring press freedom, the other three countries, like other Arab countries, continue to rank low in these reports. In some cases, such as Egypt, the situation of press freedom has worsened compared to the old constitutional and legal texts. This confirms what many researchers have concluded: the problem of Arab media may not lie in the constitutional and legal texts as much as in the regimes' belief in the importance of media freedom and its role in supporting democratic transformation and correcting errors.

The changes in constitutional and legal texts in the four Arab countries represent a tangible shift towards granting more freedoms to traditional and new media. However, they remain mere texts that are not implemented in reality. These texts are primarily promotional, intended to show the world that the ruling regimes have changed their approach to media. Despite these changes reaffirming freedom of expression and press, the fundamental restrictions inherited from different historical contexts remain largely in place. These changes have not succeeded in making real changes in issuance restrictions, distribution and circulation restrictions, publication restrictions, or eliminating long lists of publication prohibitions.

The trend of Arab countries towards updating laws regulating media in society seems appropriate given the rapid changes in the media environment and industry at all technological and production levels. However, this update should aim to grant more freedoms to media, whether in terms of issuance, distribution, and circulation freedom, protecting journalists and media workers, or reducing long lists of publication prohibitions.


In summary, the constitutional texts and new press, publications, and media laws issued between 2010 and 2022 in the Arab world have retained almost all the restrictions contained in previous laws and extended them to new publishing platforms. They did not include new freedoms or support for existing freedoms. The real aim, as revealed by the analysis of a sample of texts from four Arab countries, was to impose more regulatory restrictions, especially on new media, which are viewed with great suspicion as they represented and continue to represent an existential threat to the ruling regimes during and after the Arab Spring.

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