

The Constitutional Constituent Authority's Approach to Defamation Crimes Committed through Social Media

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Abstract

Defamation through social media has emerged as one of the most serious offenses threatening individuals' privacy and reputation. The unprecedented expansion of digital technologies and the widespread use of social networking platforms have enabled the rapid and extensive dissemination of personal information, thereby exposing individuals to significant reputational harm. Although the Algerian constitutional framework has consistently recognized and protected the right to privacy across successive constitutions, online defamation has become increasingly prevalent in recent years. This paper examines the legal dimensions of defamation committed through social media and evaluates the extent to which the Algerian constituent authority has addressed this phenomenon through constitutional safeguards.

Keywords: Defamation; Social Media; Right to Privacy; Algerian Constitution; Constitutional Protection.

Introduction

Rapid technological advancement, together with the widespread and often improper use of social media platforms, has contributed to the emergence of numerous cyber-related offenses, among which defamation has become particularly pervasive. This offense directly infringes upon fundamental personality rights by facilitating the dissemination of private information, defamatory statements, and misleading content within seconds and on an unprecedented scale. Consequently, acts such as insult, slander, libel, disclosure of confidential information, and the circulation of false allegations have become increasingly common through digital communication platforms.

Although defamation is not a novel legal phenomenon, its contemporary manifestations have evolved alongside advances in information and communication technologies. The emergence of social media has transformed defamation into a transnational phenomenon that transcends geographical and political boundaries, affecting virtually every society.

While technological innovation and social networking services have significantly enhanced communication and access to information, their misuse has simultaneously created new avenues for violating individual privacy and damaging personal and institutional reputations. The publication of fabricated images, manipulated audiovisual recordings, or misleading

information intended to discredit individuals or legal entities constitutes a serious violation of legally protected rights and may substantially influence public opinion through deception.

The ongoing digital revolution has fundamentally transformed the methods and speed of information dissemination, thereby increasing the harmful consequences of defamatory content. Against this backdrop, this study explores the legal concept of defamation, examines the role of social media platforms in facilitating its dissemination within Algerian society, and analyzes the constitutional approach adopted by the Algerian constituent authority to safeguard individuals' right to privacy.

Accordingly, this study addresses the following principal research question:

How has the Algerian constituent authority addressed defamation committed through social media platforms within the constitutional framework?

The principal question gives rise to the following subsidiary questions:

- What constitutes the legal concept of defamation?
- To what extent has the Algerian constituent authority contributed to combating online defamation, and what are the principal constitutional and legal mechanisms available for this purpose?
- Has the Algerian legislator succeeded in establishing an effective legal framework capable of protecting individuals' privacy against defamation committed through social media?

To answer these questions, the study is structured into two main sections:

Section One examines defamation through social media by analyzing its legal concept and defining social networking platforms from a legal perspective.

Section Two analyzes the constitutional guarantees for combating defamation under the 2020 Constitutional Amendment, focusing on constitutional protection of privacy and the legislative mechanisms established to prevent and punish acts of online defamation in Algeria.

Significance of the Study

The significance of this study lies in the alarming increase in defamation offenses worldwide, including within Algeria. Such offenses adversely affect individuals' dignity, privacy, and reputation, particularly where defamatory statements are based on fabricated allegations and false information. In light of the rapid evolution of digital technologies, combating online defamation has become a major legal, constitutional, and public policy concern, attracting increasing attention from the Algerian constituent authority.

Research Methodology

This study primarily employs the analytical method to examine the constitutional and legislative provisions governing the protection of privacy under Algerian law. Furthermore, a comparative approach is adopted to analyze successive Algerian constitutions and constitutional amendments, with particular emphasis on the constitutional innovations introduced by the 2020 Constitutional Amendment concerning the legal, constitutional, institutional, and criminal mechanisms established to combat defamation.

Section One: Defamation through Social Media Platforms

Defamation committed through social media has become a contemporary legal issue of considerable national and international significance because of the serious risks it poses to individual dignity, honor, and reputation. These risks have been exacerbated by the unprecedented speed, accessibility, and global reach of digital communication technologies.

Accordingly, defaming individuals—whether through backbiting, malicious gossip, false accusations, or any comparable conduct—is both ethically reprehensible and legally objectionable. From both legal and ethical perspectives, making truthful but harmful statements about an individual in their absence constitutes **backbiting (ghibah)**; communicating statements between parties with the intention of creating hostility or discord constitutes **malicious tale-bearing (namimah)**; while attributing false allegations or fabricated facts to another person constitutes **false accusation (buhtan)**, representing one of the gravest forms of reputational harm.

Before examining the constitutional and legal safeguards established to protect individuals' right to privacy, it is necessary to provide an overview of the theoretical framework of the offense of defamation. Accordingly, this section first examines the legal concept of defamation and subsequently discusses the notion of social media platforms as regulated under Algerian legislation.

First: The Concept of Defamation

The offense of defamation is by no means a recent phenomenon; rather, it has existed since pre-Islamic times. One of the most prominent historical illustrations is the well-known **Incident of the False Accusation (Hadith al-Ifk)**, which is authentically reported in the major collections of *Sahih* and *Sunan*. The incident occurred during one of the military expeditions of the Prophet Muhammad (peace be upon him), when he was accompanied by his wife, **Aisha bint Abi Bakr** (may Allah be pleased with them both). After her necklace was accidentally lost, she remained behind searching for it, while the caravan departed, mistakenly assuming that she was inside her howdah mounted on the camel. Upon returning to the campsite and realizing that the caravan had already left, she remained where she was, confident that her absence would eventually be noticed and that the caravan would return to retrieve her, while the army continued its journey¹.

Safwan ibn al-Mu'attal al-Sulamī, one of the Prophet's most virtuous Companions, had remained behind the main caravan during one of the military expeditions and fell asleep. Upon awakening, he saw **Aisha bint Abi Bakr** (may Allah be pleased with her), whom he immediately recognized. He then knelt his camel for her to mount, without exchanging a single word with her, and proceeded to lead the camel until they rejoined the Muslim army at midday. Some of the hypocrites accompanying the Prophet Muhammad (peace be upon him) witnessed Safwan's arrival with Aisha in these circumstances and exploited the incident by spreading false allegations and malicious rumors.

The accusations rapidly circulated, and even some believers were misled into repeating them. During this period, divine revelation concerning the matter was temporarily withheld, and when Aisha learned of the accusations, she experienced profound grief. Subsequently, Allah

1- Dwi Framonu, *op. cit.*, p. 30.

revealed the Qur'anic verses that declared her innocence, admonished the believers, and instructed them with righteous guidance and sound counsel¹ Furthermore, an individual's sense of security and psychological well-being, arising from the confidence that personal conversations and private communications remain confidential, constitutes one of the fundamental manifestations of the exercise of the right to privacy.

Respect for the confidentiality of communications and correspondence is therefore intrinsically linked to the protection of human dignity and private life. Consequently, the Algerian constituent authority has recognized the confidentiality of private communications as a constitutionally protected right within the framework of constitutional guarantees.²

Scholars have adopted different approaches in defining the concept of defamation, distinguishing between its linguistic, terminological, and legal meanings.

From a linguistic perspective, the Arabic term *tashhīr* (defamation or public exposure) denotes scandal, disgrace, or public humiliation. In classical Arabic usage, the expression *ashhartu fulānan* signifies exposing or disgracing someone by making their conduct publicly known. The term has also been employed in various contexts to denote public disclosure, publicity, or the dissemination of information, particularly of an unfavorable nature. Accordingly, the word *tashhīr* generally refers to making something publicly known, irrespective of whether such publicity concerns commendation or condemnation, praise or blame.³

From a terminological perspective, defamation refers to offenses whereby the perpetrator disseminates offensive allegations that undermine the victim's honor, dignity, and reputation, thereby exposing the victim to public contempt.

Dr. Khalil Nassar defines defamation as "the public disclosure of information concerning a person that exposes hidden aspects of his or her private affairs, whether such disclosure is lawful, as in the case of prescribed legal punishments and discretionary sanctions, or unlawful, as in cases of backbiting and false accusation." Accordingly, defamation consists of disseminating unfavorable information concerning an individual or an entity, such as a magazine, school, institution, library, or any other organization.⁴

From a legal perspective, the concept of defamation originated in classical Islamic jurisprudence, and Judge **Shurayh** is widely regarded as one of the earliest jurists to employ the term. In legal doctrine, defamation refers to the dissemination of information, fabricated allegations, or false rumors intended to harm the reputation of a targeted individual or institution. More broadly, it encompasses every form of expression that unjustifiably undermines the dignity of individuals or legal entities through the disclosure of genuine private information, fabricated allegations, false reports, or inaccurate statements that cause reputational or other forms of harm⁵

1 - Ibid. P31

2 - Khalil Allah Fligha, *The Impact of the Development of Human Rights on the Algerian Code of Criminal Procedure*, Doctoral Dissertation, University of 8 May 1945 Guelma, Faculty of Law and Political Science, Department of Law, 2022–2023, p. 72.

3 - Lamia Ben Daas, "Defamation through Violations of Privacy on Social Media under Algerian Legislation," *Journal of Academic Research Studies*, University of Hadj Lakhdar Batna 1, Vol. 9, No. 1, January 2022, p. 758.

4 - Lamia Ben Daas, *op. cit.*, p. 759.

5 - Ibid.

The offense of defamation comprises both material and mental elements. The material element consists of three essential components: the prohibited conduct, the criminal result arising from that conduct, and the causal relationship between them. Legal scholarship generally considers the offense of defamation to be established upon the fulfillment of the following three conditions:¹

- The attribution of a specific factual allegation to an identifiable person, namely the victim.
- The allegation must be capable of injuring the honor, dignity, or reputation of the person to whom it is attributed.
- The allegation must have been disclosed publicly.²

In addition to the material element, defamation requires the existence of the **mental element (mens rea)**, as it is an intentional offense. Accordingly, the perpetrator must possess the deliberate intent to engage in conduct aimed at damaging the victim's honor and reputation.³ Likewise, defamation committed through social media constitutes an intentional offense that requires the existence of criminal intent.

This intent is established through the offender's knowledge of the factual allegations attributed to the victim and the deliberate will to disseminate such allegations via social media platforms. Consequently, the offense is deemed complete once the defamatory statements are intentionally made public, thereby satisfying the requirement of publicity.⁴

The Algerian constituent authority has addressed offenses affecting reputation since the country's independence, beginning with the promulgation of the first Constitution of the People's Democratic Republic of Algeria in 1963⁵ and continuing through the Constitutional Amendment of 2020.⁶

Throughout these constitutional developments, the constituent authority consistently affirmed the protection of private life and guaranteed fundamental rights and public freedoms within successive constitutional texts in recognition of human dignity as the foundation of all fundamental rights safeguarded by the Constitution⁷

Like most Arab legal systems, Algerian legislation does not expressly employ the term "**defamation offense**." The Libyan legislature represents a notable exception, having expressly adopted the concept in connection with the offense of defamation by accusation. Similarly, Algerian legislation does not provide a direct statutory definition of defamation. Nevertheless, an analysis of the relevant legal provisions, particularly Article 371 of the

¹ - Dwi Framonu, *op. cit.*, p. 33.

² - Dwi Framonu, *op. cit.*, p. 33.

³ - *Ibid.*

⁴ - Moussa Lassoud, "The Legal Characterization of Defamation through Social Media under Algerian Legislation," *Journal of Legal and Political Studies*, Amar Telidji University of Laghouat, Algeria, Vol. 1, No. 1, January 2019, p. 283.

⁵ - Constitution of 8 September 1963, *Official Gazette of the People's Democratic Republic of Algeria*, No. 64, 10 September 1963.

⁶ - Presidential Decree No. 20-442 of 30 December 2020 concerning the promulgation of the 2020 Constitutional Amendment, approved by referendum on 1 November 2020, *Official Gazette of the People's Democratic Republic of Algeria*, No. 82, 30 December 2020, p. 3.

⁷ - Lazreg Habchi, *The Impact of Legislative Authority on Public Freedoms and Their Guarantees*, Doctoral Dissertation in Public Law, Abou Bekr Belkaid University, Tlemcen, Faculty of Law and Political Science, 2012–2013, p. 10.

Algerian Penal Code, demonstrates that the legislature refers to the concept of defamation in the context of the misdemeanor of **threatening to defame another person**.¹

Although Algerian legislation does not expressly criminalize defamation as an autonomous offense, it criminalizes several related acts. In particular, Article 296 of Ordinance No. 66-156 establishing the Algerian Penal Code defines the offense of **defamation (libel)** as follows:

"Any allegation or imputation of a fact that is capable of harming the honor or reputation of a person or entity to whom it is attributed shall constitute defamation. The publication or republication of such allegation or imputation shall be punishable, whether made directly or by way of republication, even where expressed in doubtful terms or where the person or entity concerned is not expressly identified, provided that identification is reasonably possible from the wording of the statement, oral expressions, threats, writings, publications, posters, or advertisements constituting the subject matter of the offense."²

Second: The Concept of Social Media

The rapid proliferation and diversification of social media platforms have accompanied advances in digital technology. Their widespread use by individuals, often in the absence of effective legal regulation or deterrent sanctions, has transformed these platforms into instruments capable of producing significant adverse effects on both individuals and society.

Social media may be defined as a collection of internet-based platforms that facilitate communication and interaction among users within a virtual community. Such platforms enable users to exchange messages, access personal profiles, and establish various forms of social interaction, thereby serving as effective means of interpersonal communication.³

Other scholars define social media as electronic platforms that enable individuals to create personal identities and participate in online social networks through which they establish and maintain social relationships. These internet-based platforms provide users with opportunities to communicate, exchange ideas, share opinions, and disseminate information in an interactive digital environment.⁴

Social media also constitutes a form of **virtual community**, allowing both natural and legal persons to interact within digital environments based on shared interests or common affiliations, such as nationality, educational institutions, schools, organizations, or other communities. Communication occurs through direct messaging as well as through the exchange of publicly available information among users.⁵

Consequently, social media has become one of the most influential contemporary means of communication for disseminating information and exchanging opinions worldwide, including in Algerian society. Its popularity stems from its accessibility, diversity, and the wide range of motivations underlying its use. While some individuals utilize social media primarily for

¹ - Lamia Ben Daas, *op. cit.*, p. 760.

² - Article 296 of Ordinance No. 66-156 of 8 June 1966 establishing the Algerian Penal Code, as amended and supplemented.

³ - Lamia Ben Daas, *op. cit.*, p. 762.

⁴ - *Ibid.*

⁵ - Mohamed Chebbah & Moussa Saadaoui, "Electronic Marketing through Social Media and Its Impact on Consumer Purchasing Behavior: A Study of Social Media Users in Algeria," *Journal of Economic Reforms and Integration into the Global Economy*, Higher School of Commerce, Algeria, Vol. 1, No. 13, 2019, p. 239.

entertainment, others regard it as an escape from everyday reality or as a forum for exchanging ideas and engaging in public discourse.¹

The various forms of social media have evolved considerably over time, encompassing both personal and public networking platforms. Among these, **Facebook** remains the most prominent platform and may be regarded as one of the principal environments in which acts of online defamation occur and proliferate, owing to its open accessibility and extensive user base.²

Facebook, a private social networking platform established in 2004, enables users to create and share personal profiles and content. Empirical studies indicate that Facebook was originally designed as an online service exclusively for university students, faculty members, and staff. However, its scope subsequently expanded to include users from all segments of society, making it one of the most widely used social media platforms worldwide.³

Twitter (now X), by contrast, is a social networking platform designed primarily to enable users to maintain communication with friends and relatives through computers or mobile devices by exchanging short text-based messages. In addition to facilitating interpersonal communication, the platform allows for the rapid dissemination of information to a broad online audience⁴

Section Two: Constitutional Safeguards for Combating Defamation under the 2020 Constitutional Amendment

Developing a precise legal definition of defamation and establishing a comprehensive legal framework specifically governing this offense is a particularly challenging task. This difficulty stems from the rapid proliferation of defamatory conduct through social media platforms and its serious impact on individuals' honor, dignity, and reputation, whether through libel, insults, or other forms of expression capable of damaging personal or institutional standing. In response to these challenges, the Algerian constituent authority has successively adopted constitutional reforms aimed at strengthening the constitutional order and consolidating the principles of the rule of law across all sectors of public life.

Accordingly, this section examines the constitutional guarantees established to combat defamation in light of the 2020 Constitutional Amendment. It first analyzes the constitutional protection afforded against acts of defamation before examining the principal legislative mechanisms enacted by the Algerian legislature to prevent, combat, and reduce the increasing prevalence of such offenses.

First: Constitutional Protection against Defamation

Combating crime is no longer solely a matter of domestic legislative concern. Rather, it has become an important objective of international cooperation, as reflected in the adoption of the **United Nations Convention against Transnational Organized Crime**, which seeks to

¹ - *Ibid.*

² - Lamia Ben Daas, *op. cit.*, p. 763.

³ - *Ibid.*

⁴ - *Ibid.*, p. 764.

strengthen cooperation among States in preventing and combating transnational organized criminal activities¹

The Convention further clarifies the circumstances under which an offense assumes a transnational character, including situations where a crime is committed within one State but a substantial part of its planning or direction takes place in another State; where it is committed in one State but involves an organized criminal group operating in more than one country; or where the offense is committed in a single State but produces substantial effects in other States.² Within the domestic legal framework, the Algerian legislature has consistently devoted constitutional attention to the protection of rights and fundamental freedoms. Beginning with the Constitution of 1963 and continuing with the Constitution of 1976, Chapter IV concerning **Fundamental Freedoms and the Rights of Man and Citizen** provided in Article 39 that:

"Fundamental freedoms and the rights of man and citizen are guaranteed. All citizens are equal in rights and duties."³

The same Constitution further stipulated in Article 45 that:

"No act shall constitute a criminal offense unless criminalized by law enacted prior to its commission."

Moreover, Article 49 expressly affirmed that the privacy and honor of every citizen are inviolable and protected by law. It further guarantees the confidentiality of correspondence and all forms of private communications.[– Article 49 of the same Constitution.] Following Algeria's transition toward political pluralism and the abandonment of the single-party system, the constituent authority introduced a series of successive constitutional amendments.

This constitutional commitment was reaffirmed in the **1989 Constitution**, whose Article 33 provides that:

"The State guarantees the inviolability of the human person, and all forms of physical or moral violence are prohibited."⁴

Likewise, Article 34 stipulates that:

"The law shall punish violations committed against rights and freedoms, as well as any infringement affecting the physical or moral integrity of the individual."

The **1996 Constitution** introduced substantial constitutional reforms, most notably the establishment of a bicameral legislative system through the creation of the Council of the Nation as the second chamber of Parliament, thereby broadening the scope of national representation.⁵ Within this constitutional framework, Article 34 reaffirmed that:

"The State guarantees the inviolability of the human person."

Furthermore, Article 35 emphasized that the law shall impose sanctions for violations committed against rights and freedoms and for any infringement affecting the physical or moral

¹ - United Nations General Assembly, Resolution adopted at the 55th Session, 15 November 2000.

² - El Akhdar Seddiki, "Transnational Organized Crime: Human Trafficking as a Model," *African Journal of Legal and Political Studies*, Ahmed Draia University of Adrar, Algeria, Vol. 6, No. 2, 2022, p. 223

³ - Constitution of 1976, promulgated by Ordinance No. 76-97 of 22 November 1976, *Official Gazette of the People's Democratic Republic of Algeria*, No. 94, 24 November 1976.

⁴ - Decree No. 89-18 of 28 February 1989 concerning the promulgation of the 1989 Constitutional Amendment approved by referendum on 23 February 1989, *Official Gazette of the People's Democratic Republic of Algeria*, No. 9, 1 March 1989.

⁵ - Presidential Decree No. 96-438 of 7 December 1996 concerning the promulgation of the Constitutional Amendment approved by referendum on 28 November 1996, *Official Gazette of the People's Democratic Republic of Algeria*, No. 76, 8 December 1996, p. 6

integrity of the individual.[- Article 35 of the 1996 Constitution.]The **2016 Constitutional Amendment** further reinforced the protection of fundamental rights and freedoms. Under Article 38, the constituent authority reaffirmed the constitutional guarantee of human rights, while Article 41 provides that the State shall ensure the inviolability of the human person and prohibits all forms of physical or moral violence, as well as any infringement upon human dignity.¹

The 2016 Constitutional Amendment also marked a significant milestone in strengthening constitutional protection of rights and freedoms by granting individuals the right to raise a **plea of unconstitutionality** before the Constitutional Council whenever the constitutionality of a legislative provision is challenged during judicial proceedings.² This development clearly reflects the constituent authority's commitment to safeguarding citizens' rights and freedoms and demonstrates the legislature's determination to consolidate the **rule of law** through effective constitutional protection of fundamental rights and the reinforcement of the principle of the separation of powers.

The **2020 Constitutional Amendment** further strengthened the constitutional protection of human rights. Article 47 provides that:

"Every person has the right to the protection of his or her private life and honor. Every person has the right to the confidentiality of his or her correspondence and private communications in whatever form they may take. The rights referred to in the first and second paragraphs may not be restricted except pursuant to a reasoned order issued by the competent judicial authority. The protection of individuals with regard to the processing of personal data constitutes a fundamental right. The law shall punish every violation of these rights."

Similarly, Article 48 provides that:

"The State guarantees the inviolability of the home. No search may be conducted except in accordance with the law and in compliance with its prescribed procedures."

Furthermore, Article 51 stipulates that:

"Freedom of opinion is inviolable. Freedom of worship is guaranteed and shall be exercised in accordance with the law. The State shall ensure the protection of places of worship from any political or ideological influence."

The Constitution also guarantees every citizen the right to access, obtain, and exchange information, documents, and statistical data, provided that the exercise of such rights does not infringe upon the privacy of others, their legally protected rights, the legitimate interests of institutions, or the requirements of national security. These constitutional provisions clearly demonstrate the Algerian legislature's sustained commitment to protecting private life and preserving the dignity and inviolability of individuals through comprehensive constitutional guarantees.

1 Law No. 16-01 of 6 March 2016 concerning the 2016 Constitutional Amendment, Official Gazette of the People's Democratic Republic of Algeria, No. 14, 7 March 2016, p. 2.; Article 41 of the same Constitutional Amendment.

2 - Article 188 of the same Constitutional Amendment.

Second: Legal Mechanisms for Combating Defamation in Algeria

Efforts to combat **electronic defamation** seek to eliminate conduct that adversely affects individuals' private lives and reputations, even where the disseminated information may contain elements of truth. Consequently, legal systems worldwide have adopted various legislative measures to address such offenses. Kuwaiti legislation, for example, establishes a graduated system of criminal sanctions based on the seriousness of the offense and the extent of the harm inflicted upon the victim, prescribing penalties of imprisonment for up to two years, a monetary fine, or both.¹

Likewise, the Algerian legislature has sought to combat defamation-related offenses through a range of provisions incorporated into the Algerian Penal Code. Among the most significant are Article 371 of Law No. 66-156 of 8 June 1966, as amended by Law No. 82-04 of 13 February 1982, together with Articles 303 bis 1 and 303 bis 3, as amended by Law No. 06-23 of 20 December 2006.²

These successive legislative amendments reflect the constituent authority's determination to combat defamation and protect both private property and the right to privacy by imposing criminal sanctions, including imprisonment and financial penalties, on those responsible for such offenses. These measures are intended to reduce the spread of defamatory conduct within Algerian society and to enhance legal protection against violations of personal rights.

In the same context, **Professor Abdelghani Harir**, Attorney before the Boumerdès Court of Appeal, observes that the Algerian legislature introduced significant reforms through the enactment of **Article 303 bis**, which provides that any person who intentionally violates another individual's right to privacy shall be liable to imprisonment for a term ranging from six months to three years and to a fine ranging from **DZD 50,000 to DZD 300,000**.³ Furthermore, Algerian legislation criminalizes acts that threaten the privacy of others or involve the disclosure and dissemination of confidential personal information through social media and other electronic means. Such infringements upon the private sphere of individuals are prohibited unless expressly authorized by a competent judicial authority.

In this regard, the Algerian legislature has established comprehensive legal protection for personal rights. Article 47 of the Algerian Civil Code provides that:

"Any person who is subjected to an unlawful infringement of a right inherent in his or her personality may request the cessation of such infringement and claim compensation for any damage suffered."

¹ - Mishal Ayadah Askar Al-Anzi, "Electronic Defamation and Its Punishment in Islamic Jurisprudence and Kuwaiti Law (A Jurisprudential and Legal Study)," Ministry of Awqaf and Islamic Affairs, State of Kuwait, Vol. 37, Part 4, 2022, p. 254

² - Law No. 82-04 of 13 February 1982 amending Ordinance No. 66-156 of 8 June 1966 establishing the Algerian Penal Code, *Official Gazette of the People's Democratic Republic of Algeria*, No. 7, 16 February 1982, p. 317.; Law No. 06-23 of 20 December 2006 amending and supplementing Ordinance No. 66-156 establishing the Algerian Penal Code, *Official Gazette of the People's Democratic Republic of Algeria*, No. 84, 24 December 2006, p. 11.

³ - Mohamed Zakaria Kharab & Aqila Maqrou, "Electronic Defamation: The Problem of Concept and the Application of Law," *Tobna Journal of Academic Scientific Studies*, Si El Haouès University Centre of Barika, Vol. 5, No. 1, 2022, p. 1824.

Similarly, the Algerian Penal Code affords specific criminal protection to preserve individuals' reputation and safeguard their personal dignity against unlawful attacks.¹ Some legal scholars argue that defamation committed through social media encompasses various forms of unlawful conduct, including threats communicated through written documents, threats involving the publication of photographs or video recordings, and threats of violence as criminalized under Article 287 of the Algerian Penal Code.²

A victim is generally understood to be any person who suffers physical, financial, or moral harm, or whose honor, dignity, or fundamental rights have been violated as a consequence of unlawful conduct or oppression perpetrated by individuals or organized groups.³ The Algerian legislature has also attached particular importance to the protection of children and women, recognizing them as among the most vulnerable groups within society. In light of the increasing incidence of child abduction, homicide, and other serious offenses witnessed in recent years, the legislature has afforded these groups enhanced legal protection through **Law No. 15-12 on Child Protection**.⁴

Conclusion

The right to privacy constitutes one of the fundamental personality rights inherent in every individual and legal entity and is intrinsically linked to the protection of human dignity. Consequently, constitutional democracies seek to safeguard this right through constitutional provisions and legislative instruments designed to ensure effective legal protection.

Defamation has become one of the most serious offenses threatening individuals' private lives and reputations, both now and in the future. Accordingly, legal systems around the world have increasingly sought to combat this phenomenon because of the profound harm it inflicts not only upon individuals and their families but also upon institutions whose credibility and public reputation may be severely damaged. Furthermore, the rapid evolution of digital technologies has significantly increased the complexity of these offenses by transforming the traditional public sphere and conventional mass communication into an unlimited digital environment characterized by numerous online platforms and communication channels.

In response to these developments, the Algerian constituent authority has established a comprehensive constitutional and legislative framework aimed at preventing and combating defamation while strengthening the constitutional protection of privacy. Based on the foregoing analysis, the following recommendations are proposed:

1. In light of the increasing prevalence of online defamation, the Algerian legislature should establish a comprehensive and autonomous legal framework specifically regulating defamation offenses and strengthen the legal mechanisms available to combat them.

¹ - Seham Akkouche, "Legal Protection of the Right to Privacy against Threats through Social Media under Algerian Law," *Global Politics Journal*, Mohamed Bougara University of Boumerdès, Algeria, Vol. 6, No. 1, 2022, p. 1303.

² *Ibid.*

³ - Mourad Menaa, "Victims' Rights to Privacy: Between the Generality of Legal Texts and the Necessity of Specific Protection," *Professor-Researcher Journal of Legal and Political Studies*, Faculty of Law, Mohamed Boudiaf University of M'Sila, Algeria, Vol. 6, No. 2, December 2021, p. 1360.

⁴ - Law No. 15-12 of 15 July 2015 on Child Protection, *Official Gazette of the People's Democratic Republic of Algeria*, No. 39, 19 July 2015, p. 4.

2. The Algerian Code of Criminal Procedure should be amended to include explicit provisions recognizing crime victims' right to privacy and ensuring effective procedural safeguards for the protection of that right.
3. Criminal sanctions should be reviewed and strengthened to ensure that they are proportionate to the seriousness of technology-enabled defamation and other cyber-enabled offenses.
4. Existing criminal penalties should be enforced rigorously and effectively in order to achieve genuine deterrence rather than remaining merely symbolic legislative provisions.
5. Public awareness campaigns should be intensified through educational institutions, religious establishments, civil society organizations, and digital media platforms to promote responsible use of social media and enhance awareness of the legal consequences of online defamation.
6. Specialized academic courses addressing cybercrime, digital ethics, and electronic defamation should be incorporated into educational curricula at all levels of instruction.
7. Greater investment should be made in advanced digital forensic technologies and investigative tools capable of identifying perpetrators of cybercrime and online defamation, while strengthening the technical capacities of specialized judicial police units responsible for investigating such offenses.

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