



## CIVIL LIABILITY OF JOURNALISTS

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### **Abstract:**

*The civil liability of a journalist arises when an individual fails to fulfill their obligations as outlined in a contract or by law, causing harm to others. The consequence of this liability is compensation for the damage inflicted on the affected party. It is well-known that civil liability is a legal institution that has existed for centuries, transcending ancient eras and extensive research. Its origins can be traced back to the time of Roman law, and scholarly inquiry into it continues to this day, and will persist as long as humans exist and bear responsibility for their actions. This study will address the foundation of this liability, its provisions, and the appropriate methods of compensation in cases of abuse of this right.*

**Keywords:** Civil liability, element of fault, element of harm, abuse of the right to freedom of expression, compensation for liability.

### **INTRODUCTION:**

The profession of journalism and journalists have been of great importance from the dawn of humanity in ancient times to the present day. Journalism is a key factor in the development and progress of society because of the crucial role it plays in this regard. It serves as one of the most important pillars of a successful democratic civil society, engaging public opinion across time and space. As a result, it has received considerable attention from all legislators, with most constitutions enshrining its freedom, although the implementation of constitutional provisions varies between democratic and non-democratic countries.

However, this freedom is not absolute; journalists have limits to their freedom to write and publish, which they must respect so as not to violate the rights of others. The right to freedom of expression ends when it is abused, as the public interest cannot be served by libel, slander or invasion of privacy.

Civil liability arises as soon as an individual commits acts defined by law as giving rise to civil liability, provided that the element of publicity is established. However, a journalist can be exempted from liability by proving good faith and by engaging in constructive criticism. We therefore propose the following question: What is the scope of the right to information? What are the consequences of violating this right? To address this issue, we have divided this research into two sections: the first section discusses the nature of journalists' civil liability, while the second section examines the elements of journalists' civil liability.

### **Section One: The Nature of the Civil Responsibility of Journalists**

The press plays an important role in enlightening public opinion on various issues, as its doors are diverse and cover all fields, including political, scientific, artistic, social and others. Journalism participates in the joys and sorrows of society, in its victories and defeats, in its wars and conflicts, contributing positively or negatively.

The journalist plays a crucial role in building society and driving its development, aiming to uplift the community and contribute to progress while exposing corruption and forms of deviation. For a journalist to be effective, he or she must be well informed about his or her role and be able to express the thoughts of his or her society without fear of being harmed for his or her beliefs and



ideas, while respecting rights and freedoms. In addition, there should be a good relationship between the journalist and the newspaper he or she works for, based on mutual trust. Since the journalist is the one who provides the content of the newspaper and has a significant impact on it, we will explore this issue in this section, looking at the nature of the journalist in the first sub-section and devoting the second sub-section to organising the civil responsibility of journalists.

#### **Subsection One: Definition of the Journalist**

Journalism is considered a noble profession and a noble mission in the service of society, with a crucial role in enlightening public opinion and preparing it for social progress. This can only be achieved through the tools of the press, the most important of which is the broad base of honourable journalists who perform their work in the service of the community. This is followed by some of the people in charge of the operation, such as the manager and the editor-in-chief, among others. This subsection will define the journalist, outline the necessary conditions for practising the profession, and discuss how the profession is practised and who is involved.

Using a variety of media - print, audio and visual - journalists cover most aspects of life that affect society and that the public wants to know about. They discuss public opinion, communicate it to the governing authority and criticise the authority for its mistakes, performance and what it has provided and what it should provide to the public. From this perspective, the importance of the journalist as a source of information for the press becomes clear<sup>1</sup>.

#### **Section One: Defining the Journalist and Journalism**

There are several definitions of a journalist; its meaning in the language differs from its conventional definition. The purpose of understanding the definition is to identify the person who has published content and whether they qualify as a journalist, which is essential to hold the publisher accountable. In this case, the responsibility differs depending on whether the publisher is a journalist or not.

The term “journalism” is derived from “newspaper”, with the plural being “newspapers”. The common dictionary defines journalism as the profession of gathering news and opinions and publishing them in a newspaper or magazine. The term “press” is associated with the printing and dissemination of news and information, while “journal” refers to the newspaper. The meaning of “journalism” is “journalisme” and the term for a journalist is “journaliste”. Thus, the term journalism includes both the newspaper and the journalist<sup>2</sup>.

It is known that the precise term for a journalist is (sahafi), which derives from the craft of producing newspapers and writing for them, or from someone who learns from a newspaper rather than from a teacher.

Journalism is also defined as a publication that is mechanically printed and issued by an economic institution, and that appears regularly at very short intervals, not more than once a week. This publication must have a global character and provide information relevant to current events. It is required that it publishes news, disseminates ideas, evaluates matters and provides information with the aim of creating and maintaining its audience<sup>3</sup>.

Regarding the legal definition, Article 6 of the Journalists’ Syndicate Law No. 76 of 1970 states: “A journalist is considered to be a person who regularly and primarily exercises the profession of journalism in a daily or periodical newspaper printed in the Arab Republic of Egypt, or in a news

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<sup>1</sup>- Ibrahim Ali Hamadi Al-Halbousi, *Civil Responsibility of Journalists for Breaching Their Professional Obligations*, Al-Halabi Legal Publications, Lebanon, 2018, p. 26.

<sup>2</sup>- Farouk Abu Zaid, *Introduction to Journalism*, Al-Amal Books, Cairo, 1998, p. 37.

<sup>3</sup>- Khaled Mustafa Fahmy, *Civil Responsibility of Journalists: A Comparative Study*. Dar Al-Fikr Al-Jami'i, Alexandria, 2012, p. 67.



agency, whether Egyptian or foreign, in which he is employed and for which he receives a fixed salary, provided that he does not exercise another profession.<sup>1</sup>”

French law, in Article 761/2 of the French Labour Code, defines a professional journalist as follows: “Anyone who regularly and principally exercises the profession of journalist in one or more daily or periodical newspapers or in a news agency and derives his principal income from this work.<sup>2</sup>”

According to this definition, a professional journalist is a person who regularly and primarily exercises his profession in one or more journalistic institutions or in one or more newspapers or news agencies and derives his main source of income from this work.

As far as the Algerian legislator is concerned, the journalist is defined in Article 16 of Organic Law 23/14 on the Media, which states that “Any person exercising a journalistic activity within the meaning of this organic law shall be considered a journalist and his status shall be verified by a card issued by the employing body”.

Thus, on the basis of the above definitions, it can be said that journalism is the eye of the people on those in power and serves as an excellent tool for enlightening the human mind and promoting progress as a rational, ethical and social being.

### **The second branch: the practice of journalism**

From the previous definitions of a journalist, two essential conditions emerge:

1. They must be actively engaged in the profession of journalism and devote all or most of their time to it.
2. They must practise journalism while attached to a journalistic institution.

It should be noted that French legislation does not impose any specific conditions or certifications for practising journalism, but it does lay down certain rules in this respect.

#### **First: The practice of journalistic work**

Since journalistic work, due to its great importance in society, requires the presence of people who are able to properly convey the journalistic message, various legislations have agreed on three methods of practicing journalistic work. The first allows any citizen to practice journalism without restrictions or conditions. The second links the right to practice journalism to obtaining prior authorisation from the authorities. The third links the right to practise journalism to the need to be registered in the lists of those practising journalism, and links the granting of licences to prior registration in these lists.

Although Egyptian legislation does not require prior authorisation for those practising journalism, it does exclude certain categories from exercising the right to practise journalism, namely:

1. Those who do not exercise political rights.
2. Those prohibited from forming or participating in political parties.
3. Those who deny the divine laws<sup>3</sup>.

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<sup>1</sup>- Brachard (M), Report on the Proposal Regarding the Professional Status of Journalists, J.O.CH, Dep. March 28, 1939, Annex, No. 4516; Lachard (M). Commentary on the Law of March 29, 1935.D.1936-4-56.

<sup>2</sup>- Article L -761-2 of the French Labor Code: "A professional journalist is one whose primary, regular, and paid occupation is the exercise of their profession in one or more publications or periodicals or in one or more news agencies, and who derives the majority of their income from it."

<sup>3</sup>- Khaled Mustafa Fahmy, the previous reference, pp. 70-71.



It is clear that a person must be registered with the Journalists' Syndicate in order to practice journalism<sup>1</sup>.

## **Second: Those who practice journalism**

The production of a newspaper is based on a team in which each member is responsible for a specific task within the newspaper in accordance with the requirements of journalistic work. This is done within a framework of interconnectedness and commitment from each member to fulfil their role, ensuring that the newspaper is presented as expected. The people who carry out journalistic work within the newspaper and have the title of journalist can be categorised as follows:

### **1- Editor-in-Chief**

The editor-in-chief is responsible for the newspaper and all its publications and must be registered with the Journalists' Syndicate<sup>2</sup>. French law requires the presence of an editor-in-chief and a deputy, especially if the editor-in-chief has parliamentary immunity, but there is no such provision in Egyptian law.

### **2- Deputy editor-in-chief**

The deputy editor assists the editor-in-chief in running the newspaper or takes over the editor-in-chief's responsibilities in the editor-in-chief's absence by delegation. Some newspapers may not have the position of Deputy Editor and its presence is not a basic requirement for journalistic work.

### **3- Responsible editor**

Each newspaper has a group of editors-in-chief, each in charge of a specific section. This editor is responsible for determining the topics to be written in his section and submitting them to the editor-in-chief for approval well in advance of publication. This editor is also responsible for the journalists working in his section.

### **4- Photojournalist**

A photojournalist is considered a supporting element in the newsroom, alongside editors, translators and illustrators. Most journalistic institutions have departments for photography, advertising, cartoons or translation. Typically, each newspaper has its own photography department, which is considered a support department, provided that it is not engaged in a non-journalistic profession, is registered with the syndicate and carries out its work within the editorial management of the newspaper. They represent an important aspect of the journalistic team<sup>3</sup>.

### **5- Journalist correspondent**

Large journalistic institutions employ several correspondents who are based outside the newspaper in different cities or in Arab and foreign countries. They provide the newspaper with interviews, news, information, reports and pictures of current events, as well as coordinating between the newspaper and various news agencies, on the condition that they do not engage in any non-journalistic profession<sup>4</sup>.

## **Section Two: Organization of Civil Liability for Journalists**

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<sup>1</sup>- Hussein Abdullah Qaid, *Press Freedom: A Comparative Study in Egyptian and French Law*, Dar Al-Nahda Al-Arabiya, Cairo, 1994, p. 330 and beyond.

<sup>2</sup>- Jaber Jad Nassar, *Press Freedom: A Comparative Study under Law No. 96 of 1997*, Dar Al-Nahda Al-Arabiya, Cairo, 1997, p. 77.

<sup>3</sup>- Asma Hussein Hafiz, *Press Legislation*, Al-Amin for Publishing and Distribution, Cairo, 2000, p. 93.

<sup>4</sup>- Khaled Mustafa Fahmy, the previous reference, p. 77.



The work of a journalist holds great importance as journalism is considered the fourth estate, playing a critical role in monitoring the actions of the state. Moreover, media serves as a safeguard for societies against the impacts of global media, which descend from the sky upon all parts of the world, including our Arab community. This influx will continue, intensifying like winter rains<sup>1</sup>. Therefore, it is essential to fortify society through effective media to preserve our cultural, intellectual, and human capacities, ensuring we do not become mere recipients of news from the West that undermines our values, leading to a transformation of our Arab identity and our belonging to this nation.

However, should we open the floodgates of media freedom without any restrictions, which could potentially harm us, or should we establish certain principles that govern the work of journalists, which they cannot exceed? Here, we assert that it is necessary to define principles guiding journalistic work, including the preservation of professional confidentiality and adherence to honesty and objectivity.

### **Subsection One: Respect for Professional Confidentiality**

Professional secrecy and ethics are of paramount importance and are governed by the moral standards and values of society. Violation of these rules is contrary to legal texts which reinforce this protection and penalise professionals who disclose confidential information. It is well known that every profession has its secrets that must be protected. This is laid down in Article 27 of Organic Law 23/14 on the Media, which states: "Professional secrecy is a right of the journalist within the framework of respect for the laws and regulations in force".

A journalist is prohibited from revealing professional secrets, and if he reveals the secrets of his clients, he may be punished for the crime of breach of professional secrecy, as defined by the Algerian legislator in the Penal Code, specifically in Article 301<sup>2</sup>.

### **Professional secrecy**

Professional secrecy is important in the practice of professions and for all professionals. Traders have secrets that they keep in their business, and industrialists are concerned with trade secrets, including patents, which must be kept confidential<sup>3</sup>. Professional secrecy is also important in contracts, such as technology transfer agreements, agency contracts and medical contracts, as well as in state secrets, which the law prohibits public officials or other public servants from disclosing.

As for journalistic secrecy, it is crucial for journalists to carry out their activities in writing and receiving information and news. The profession of journalism is noble and requires various people, including journalists, correspondents, illustrators, programme presenters, writers, managers and editors. It is therefore essential to protect the secrets of this profession, including the confidentiality of the sources of information from which they obtain their news or data, as they are not allowed to disclose these sources<sup>4</sup>. This is because sources will remain silent if they know that

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<sup>1</sup>- Fouad Hamdan, Media Responsibility, Specialized Group on Legal Responsibility of Professionals, vol. 3, Media, Banking, and Accounting Professional Responsibility, Al-Halabi Legal Publications, Beirut, Lebanon, 2nd ed., 2004, p. 28.

<sup>2</sup>- Article 301 of the Algerian Penal Code states: "Doctors, surgeons, pharmacists, midwives, and all persons entrusted by virtue of their profession or position, whether permanent or temporary, with secrets disclosed to them, and who reveal them in cases where the law does not require such disclosure, shall be punished by imprisonment for six months and a fine of 500 to 5000 DZD."

<sup>3</sup>- Salman Ali Hamadi Al-Halbousi, Civil Responsibility Arising from Disclosure of Professional Secrets: A Legal Study, Al-Halabi Legal Publications, Beirut, 1st ed., 2012, p. 35.

<sup>4</sup>- Lois Denis, "The Protection of Journalistic Sources," in Les Cahiers du Journalisme, Spring 2004, p. 330.



their names will be revealed to others by journalists. However, there are exceptions where disclosure is allowed in specific cases defined by law, such as when a judge requests the disclosure of information sources; in such cases, the journalist must reveal these sources in front of the judge, which often happens in cases of crime disclosure.

### **Commitment to truth and objectivity**

A journalist, as a professional, is considered an expert in his or her field, using his or her art and knowledge to inform the public with true news and information. Readers do not usually check the accuracy of this information or the sources from which journalists obtain their data. Instead, citizens receive news on the assumption that it is accurate and base their judgements on it. Journalists must therefore embody truthfulness and objectivity in reporting accurate news, remaining neutral in their analysis and avoiding bias towards one side or another. They must not distort information in order to favour one party or the other, or convey unsubstantiated news. Article 35 of Organic Law 23/14 on the Media states: “A journalist, in the exercise of his journalistic activity, must strictly observe the rules of ethics and professional conduct established in article 34.”

### **The journalist’s responsibility and civil liability**

The press must be independent, and journalists must not move from the field of journalism to that of employment; they must be journalists who are not afraid of criticism when they stand up for the truth, and not those who seek to please authority. The media system is ultimately part of the globalisation system, which is driven by great powers, some of which are known, while others remain hidden. It is clear that these powers, whose interests extend across the globe, know exactly what they want and how to achieve it, and they manipulate the media through capital<sup>1</sup>.

## **Chapter Two: The Elements of Civil Liability for Journalists**

The civil liability of journalists is no different from liability in general; it materialises through the presence of its elements: fault, cause and a causal relationship between them. Damage is of great importance because liability revolves around it - its existence or absence, its mitigation or aggravation. This is particularly evident in the case of civil liability, since it involves an obligation to compensate, which is the ultimate goal of civil liability. Compensation is increased or decreased according to the severity of the damage in order to remedy it. Whether the liability is contractual or tort, it requires the presence of its three elements, which we will discuss in this chapter.

### **Section One: Journalistic Fault**

Various legislations have focused on the concept of fault and addressed it within the provisions of civil liability. This focus reflects the importance of the element of fault as one of the fundamental components of civil liability.

The concept of fault has been the subject of considerable debate in legal doctrine, leading some to argue that scholars have not disagreed as much on issues of civil liability as they have on the idea of fault, making it difficult to subscribe to any particular view.

Fault is the primary element of civil liability, whether contractual or tort. Liability that is not based on this element is only an exception, resulting solely from the existence of damage<sup>2</sup>.

The Algerian legislator has paid attention to the concept of fault, as evidenced by Article 124 of the Algerian Civil Code, which states: “Any act, whatever its nature, committed by a guilty person that causes damage to another person obliges the person who caused the damage to compensate for it”.

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<sup>1</sup>- Ibrahim Ali Hamadi Al-Halbousi, the previous reference, pp. 59-60.

<sup>2</sup>- Khaled Mustafa Fahmy, the previous reference, p. 168.





In order to fully understand journalistic malpractice, we need to examine its forms in the first section and identify the criteria for its realisation and proof in the second.

### **Section One: Forms of journalistic error**

The civil liability of a journalist is determined by the existence of an error, whether serious, minor or trivial, and it may also be an unintentional error that does not involve the intention to harm others<sup>1</sup>.

Intentional error is defined as a breach of a legal duty with the intention of causing harm to others<sup>2</sup>. An unintentional error, on the other hand, is a breach of a prior legal duty of which the offender is aware, but without the intent to cause harm<sup>3</sup>.

A journalistic error is realised simply by presenting text and images to the public for viewing and purchase. However, if they are merely stored in a warehouse or library and not distributed, there is no publication and the journalist is not liable. In addition, the journalist's liability is established if he gives the information to another newspaper because the information was intended for that other newspaper and not for him. Furthermore, the newspaper that has obtained permission must act within the limits of that permission in terms of time and place; if it wishes to republish, it must obtain new permission.

The error committed by the journalist is usually a positive act and rarely a negative act. A positive act occurs when the journalist writes something in a newspaper that may damage the reputation of others, or violates the privacy of individuals by revealing and publishing their personal details that they do not wish to be revealed. Conversely, in the case of a negative act, such as the journalist's refusal to publish a response or correction after publishing false news, this refusal constitutes a negative act.

### **Section Two: The Criteria for Establishing and Proving Journalistic Error**

It is well known that a journalistic error can be established, inter alia, by invasion of privacy or infringement of the right to reputation by libel and slander, as well as by the defamation of honour and dignity and the publication of images of individuals. However, the question arises as to whether a journalistic error is committed merely by publishing a report, or whether the injured party must prove the journalist's error by applying general principles?

Despite the difficulty of defining the meaning of journalistic error and the criteria for its determination, we must recognise its importance because of its direct impact on the lives of citizens. It is important to consider the journalist's freedom to publish news while respecting the individual's right to privacy. For example, if a journalist publishes an article containing defamatory statements about a public figure, or invades the privacy of others by disclosing personal information or publishing images of individuals without their consent, this constitutes an error for which the journalist must be held accountable.

The term "error" generally refers to any wrongful act, which some contemporary laws describe as an unlawful act or an impermissible act. Some define wrongful acts as breaches of the duty imposed by law on individuals to refrain from causing harm to others. Wrongs can be either contractual or tort. If there is a contract between the journalist and the party he or she is dealing with, there is a contractual duty and liability. Conversely, if the duty is not contractual, the error is considered tortious and the duty is one of due care.

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<sup>1</sup>- Suleiman Ayoub, *The Concept of Error in Contractual Liability in Islamic Law and Lebanese and French Laws*, Lebanese University Publications, Beirut, 1996, p. 242.

<sup>2</sup>- Khaled Mustafa Fahmy, *the previous reference*, p. 179.

<sup>3</sup>- Ibrahim Ali Hamadi Al-Halbousi, *the previous reference*, p. 137.



However, in determining whether the journalist's liability is based on the exercise of due care or on the achievement of a particular objective, we should not hesitate to regard their obligation as objective if it is contractual, and as due care if there is a general obligation imposed on individuals, including journalists, not to cause harm to others.

## **Section Two: Damage**

Damage plays an important role in determining the elements of civil liability of journalists. The civil liability of a journalist may arise without the need to prove the element of fault in cases where the presumption of liability is based on an implied fault on the part of the journalist. The element of fault must be established by the occurrence of damage and the existence of a causal link between the damage suffered by the plaintiff and the fault.

Damage refers to the infringement of a pecuniary or moral interest of the injured party. It is a fundamental component of civil liability and represents the harm caused to the injured party by the fault of another. Liability cannot arise in the absence of damage, as it depends on the existence of damage; there is no liability if the plaintiff has not suffered any damage.

The right to civil liability is an individual right and not a right of the community; it arises only when its conditions are met, including the need for interest. There can be no claim without interest, and there can be no interest without damage to the plaintiff. It is sufficient for the damage to have been caused by the violation of a right of the injured party or by the impairment of a legitimate interest of the injured party. For example, invasion of privacy, defamation or slander constitute damage and an infringement of the interests of the injured party, allowing him to bring an action and claim compensation for the damage suffered.

Since a claim for compensation is an individual claim, if a journalist publishes false information that violates a person's privacy, there is no liability and no one can claim compensation except the person whose privacy has been violated. There are specific cases of liability for professionals, such as doctors, where harm may indicate the existence of fault, for example, when a doctor is responsible for the safety of the instruments used and the procedures for blood transfusions.

It follows that harm is a fundamental and important element in the responsibility of journalists in particular and civil liability in general. Some scholars argue that a person harmed by an invasion of privacy has the right to sue the defendant without having to prove fault; rather, they establish liability based on the element of harm, considering that the harm is realised simply by publication.

Both material and moral damage are recognised, and compensable damage must meet certain conditions, as follows:

### **Subsection 1: The harm must be realised.**

This means that the damage must be certain to occur, whether immediately or eventually, and it is essential that its existence be confirmed. This requires verification that the plaintiff has actually suffered harm as a result of the newspaper publication.

Harm can occur and have future effects, in other words it can be realised future harm. Future damage is rare in the context of journalistic liability, but it becomes clear in cases of medical liability for the treatment of a patient or in cases of personal injury, as injuries may have future consequences that affect the victim's ability to earn a living. If the judge can estimate the amount of compensation, they will do so at that time. If they cannot, they will assess compensation for present damages and reserve the victim's right to claim compensation for future damages for a certain period of time<sup>1</sup>

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<sup>1</sup>- Ibrahim Ali Hamadi Al-Halbousi, the previous reference, p. 188.





In addition, the loss may be potential, which refers to a loss that has not yet occurred and for which there is no indication that it will occur, but is merely a possibility. Potential damage is not compensable because it may or may not occur. The possibility may be strong or weak, in which case it is considered illusory. Civil liability does not arise from potential damage, even if there is a chance that it will occur. A claim for compensation can be made when the harm actually occurs, but not before, as long as it remains potential. It is important to note that potential loss is very different from future loss, as future loss may occur later, whereas potential loss has not yet occurred and there is no certainty that it will.

#### **Branch Two: The damage must be direct**

For damage to be compensable, it must be direct and causally related to the alleged wrongful act that caused the damage, or it must be a natural consequence of the wrongful act. An erroneous publication by a journalist constitutes direct damage to the plaintiff, i.e. immediate and not future damage. It is understood that damages with future consequences can also be compensated. Damages can be sequential and interrelated. Can the journalist avoid this connection and be liable only for the direct damage caused by the publication, or should all damage be compensated? There is a distinction between contractual and tort liability. In the former case, compensation is provided for the direct damage that could be expected at the time the contract was entered into. For example, the termination of an employment contract constitutes direct damage to the employee if it is without cause and must be compensated. However, it is not permissible to extend compensation to include damages for the termination of a betrothal resulting from the termination of the employment contract.

#### **Section Three: The causal link between fault and damage**

The occurrence of an error and the existence of damage alone are not sufficient to establish civil liability in general; there must also be a causal relationship between the error and the damage, i.e. the error is the direct cause of the damage. In contractual liability, the damage is the natural consequence of the contractor's failure to fulfil his obligation, whereas in tort liability, the damage is the direct consequence of the wrongful act.

Both legal theory and case law pay considerable attention to this element of liability and its impact on compensation. Causation is an element independent of error and damage; liability cannot be established without it. An error may occur and damage may be caused to a person, but if the damage is not related to and does not result from the error, there is no civil liability. In other words, the fault must be related to the damage in the same way as a cause is related to its effect.

This is clearly illustrated by the liability of professionals. For example, if a doctor dresses a patient's wound but does not use sterile instruments, and the patient later dies of a heart attack, the doctor cannot be held liable because there is no causal link between the doctor's error and the patient's death. Causation is required regardless of the type of liability; it is required whether the liability is personal, based on the element of fault, or objective, based on the harm.

#### **CONCLUSION:**

This research has analysed the civil liability of journalists, addressing the importance of freedom of the press and the functions it serves by clarifying the concept of a journalist and the principles that govern this profession. We have recognised the journalist as a fundamental human element in journalistic work, as well as the conditions necessary for the practice of journalism in Algeria. The relationship between the journalist and the newspaper is usually established by a journalist's contract of employment, which binds both the journalist and the media institution, as well as the civil liability of the journalist in the event of a breach of his professional obligations.

The journalist occupies an important and influential position with a number of duties and rights. Most of the duties are negative in nature, requiring the journalist to refrain from actions that could

undermine the integrity of the judiciary, the sanctity of religions, values or ethics, or infringe on copyright or individual privacy. They are also prohibited from committing publishing offences and financial misconduct. Their rights include the right to insurance, the right to criticism and the right to resign from the newspaper before the end of their contract if there is a fundamental change in the direction of the newspaper and they feel morally uncomfortable continuing to work there.

Throughout this study, we have observed that there are many difficulties in regulating the liability of journalists, mainly due to the inadequacy of legal texts. This forces us to turn to general rules in civil law, criminal law and other private or public laws to achieve justice for the civil plaintiff. However, general rules are often insufficient to provide redress for the victim or injured party.

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