

Ethical Codes in Media Laws Across the History of Journalism in Afghanistan

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Abstract

This study aims to identify the status of professional journalism ethics by conducting a comparative study of four Afghan media laws from 1924 to 2009 within the framework of UNESCO's international principles, using a qualitative content analysis method. The research examines Afghan journalism under the influence of the discourse of religion, political power, and professionalism, with a focus on global journalism principles, in order to highlight the gaps in the reflection of ethical codes between the national and international levels. The findings show that the element of "religion" holds a prominent position as a deterrent factor in all the laws. Based on the results, international ethical codes were minimally observed in the third law, but professionalism after 2001 and with the formation of the Mass Media Law in 2009, with the provision of a definition of a professional journalist and the reflection of many ethical codes advocated by UNESCO, gained attention. Nonetheless, the restrictive presence of religion and the state, as well as the relatively absent elements of peace-orientation, professional integrity, and objectivity in this law, were also observed.

KEYWORDS

press regulations; press charter; media decree; media law; prohibited publication.

Introduction

Journalism ethics is one of the main pillars that maintains the credibility of the mass media (Garnida, 2021; Motamednejad & Mansefi, 1989; Putra et al., 2023). For this reason, is crucial in maintaining media independence, accuracy, and credibility (Prasetyo, 2024).

Most cases of media ethics involve events or decisions in which two or more general ethical values are in conflict, and the media actor must, in a specific decision and based on a logical and rational pattern, give priority to one of those values (Khaniki, 2009). Ethics is a fundamental pillar and domain of professional activities, but its importance becomes even greater in the field of journalism, since a journalist does not belong to themselves and has the responsibility of informing society (Boroujerdi & Shokri, 2017).

Adherence to professional ethical principles exempts journalists from the criticism that they refrain from considering public interests and distort or misrepresent facts (Kasuma, 1996). Respect for professional ethics means accepting that the media do not consider only their own interests and that social interests take precedence over the interests of a particular media outlet (DeFleur & Dennis, 2004). This also means that "even when writing a short news item, a journalist must take many issues into account, from the demands of the people to government policies, and in this process, they may easily make mistakes or be exploited" (Kovach & Rosenstiel, 2006). However, the moral value governing this profession requires journalists to remain loyal to the public trust placed in them (Namak Doost Tehrani, 1997). All of these codes are encompassed within a set of principles called the Professional Ethics Charter.

In fact, this charter is a covenant that is usually developed by experienced, knowledgeable, responsible, and thoughtful journalists and communication scholars within a country or region (Mesbah, 2025).

It is noteworthy that "the rules of professional media ethics are approved by the occupational group and are usually enforced through formal or informal social oversight

by the group. The rules are derived from specific norms of a profession among broad normative and cultural ideals, and the content of these rules may range from relatively trivial manners (from an external observer's perspective) to general human ethical values applied under the conditions of a particular media profession" (R. E. White, 2006).

Despite the existence of the Global Charter of Professional Ethics for Journalists (IFJ, 2019), countries have their own specific journalistic ethics charters. According to Oso et al. (2024) although ethics is a global phenomenon, the observance of ethical codes is determined by the prevailing political and moral conditions.

With this in mind, the study of the position of journalistic ethical codes within the law of a specific country, which in this research is Afghanistan, remains absent in the existing literature. Examining the extent to which countries around the world, particularly developing nations, legally support journalistic ethical codes in their media laws constitutes a research gap that has drawn my attention.

More specifically, no significant in-depth scientific research has been conducted on journalistic ethics in Afghanistan. Some articles have focused on the history of journalism in the country (Pamirzad, 2024), the language of the press (Rafat & Tajbakhsh, 2024), as well as on how media make the policy (Sekandari & Afkhami, 2024), but none of these studies have examined the issue of journalistic ethics within the laws. This research gap concerning Afghanistan prompted me to investigate the position of professional journalistic ethical codes within Afghanistan's media laws. There is no officially approved ethics charter in the country's legal newspapers. From the establishment of the Shams al-Nahar publication and the beginning of journalism in this country (Ahang, 1970; Haand, 2022) until the fall of the Republican system in 2021 by the Taliban, several media laws were enacted by the ruling governments in Afghanistan. including the Press regulation that emerged in 1924 as known Nizamnama-e Matboaat, the Press Principles of Afghanistan in 1950, the Press Law that established in 1965 and the Mass Media Law that ratified at 2009.

In this study, I aim to examine the position of journalistic ethical codes in Afghanistan by critically analyzing the content of the four aforementioned laws. This study holds significant importance both at the international level and within Afghanistan. At the international level, this study is important because it provides a comparative analysis from a developing country, such as Afghanistan, and demonstrates that despite the universality of the global charter of journalism, its implementation and application vary across countries. If changes occur in Afghanistan's policy and governance following the Taliban's rule, this study could contribute to strategies for establishing the country's future media system. In this regard, although the topic is relatively longstanding, the present research approaches it from a new perspective in a country that has not previously been studied in this area.

Objective

- To identify the most important ethical codes in Afghanistan's media laws;
- To identify the position and manner of application of journalistic ethics provisions in press laws.

Research Questions

- Which journalistic ethical codes are supported by Afghanistan's press laws?
- Which political and cultural factors have influenced journalistic ethical codes in Afghanistan's media laws? (Dowlat Abadi, n.d.)

Literature Review

The history of journalism in Afghanistan begins with the publication of the Shams al-Nahar newspaper (Shams al-Nahar, 1873).

The country's media sector, during the wars, political crises and uncertainty, did not show a consistent growth and development until today. Amir Sher Ali Khan, implemented some reforms, and during his time, the country's first newspaper, Shams al-Nahar, was launched (Ahang, 1970; Danesh, 2010). However, due to the political instability in Afghanistan at that time, it did not achieve significant progress (Haand, 2022).

Then, with the establishment of the newspaper Siraj al-Akhbar during the reign of Amir Habibullah Khan, and subsequently the expansion of journalistic activity during the time of Amanullah Khan, the media of this land entered a new phase. Afghanistan's independence during the Amanullah era, the adoption of the first constitution, and subsequently the drafting of the first Press Law under this king, as well as the emergence of private press, are considered among the most important features of the press in the Amanullah era (Mesbah, 2021).

King Amanullah's wife, Queen Soraya, established the first women's magazine, Irshad-e Naswan, which focused on domestic violence and other social and political issues relating to women. This magazine was a perfect means for the Queen to convey her perspective and that of the King on women's right (Frogh, 2012).

This publication was launched in 1921 and was published under the supervision of Queen Soraya, with Ruh Afza serving as its editor-in-chief (Ghasemi, 2025, as cited in Ahang, 1970, p. 98).

However, with the rise of Amanullah Khan, journalism gained attention. For the first time, a constitution named Nizam-Nama-i Asasi-i Dawlat-i Aliyah-i Afghanistan (the Fundamental Regulation of the Government of Afghanistan) (1923) was approved in (73 articles, recognizing the fundamental rights of citizens. In this law, 'freedom of the press' was recognized" Nizam-Nama-i Asasi-i Dawlat Aliyah-i Afghanistan (1923), Art. 11), and in its light, both governmental and private publications began their activities.

With the fall of Amanullah Khan's government, the "ignorant personal" regime (Farhang, 1992) of Habibullah Kalakani came to power, which lacked the knowledge and capability of the previous regime and acted as a bridge between the revolutionary "Amaniyah" regime and the reactionary and conservative "Nadiriya" regime (Ghobar, 2000).

After that, the king, Nader Shah, in 1931, with the approval of a law called the Fundamental Principles of the Government of Afghanistan, was unable to control the system within the framework of constitutionalism, rule of law, and respect for citizens' rights and freedoms (Danesh, 2010, p. 202). By entrusting the administration of courts to religious scholars and requiring women to wear the hijab (Farhang, 1992), he issued the warning: "The existing government will not allow anyone to speak in politics as in the era of Amanullah Khan" (Ghobar, 2000), an act that indicated clear opposition to freedom of expression and the prior control of articles, magazines, and governmental newspapers before publication (Ghobar, 2000).

After the assassination, his son Mohammad Zahir came to power. His first prime minister, Mohammad Hashem Khan (1933–1946), "completely eradicated the sapling of progress and civil and political freedoms" (Mousavi, 2009) and Many prominent Afghan journalists, perished in the damp cells of prisons" (Akbari, 2007).

During the premiership of Shah Mahmoud (1946–1953), a new press law called the Press principles was enacted. According to it, the foundation for the establishment of "private" and "party" publications was provided, so that "along with the development of the press, new political centers that

formed the core of parties and associations also emerged” (Esmatollahi, 2003).

This law addressed the dos and don'ts of journalistic work. The third prime minister, Mohammad Daoud (1953–1963), prevented the publication of private and party newspapers but left the field open for government publications. He “rolled up the rug of political freedoms, dissolved political parties, and imprisoned intellectuals under various pretexts” (Ahang, 1970). “Once again, the space for journalists and managers of private and party publications became restricted, and their spirits were embittered” (Akbari, 2007).

Which the first prime minister, Mohammad Yousuf (neither a member of the royal family nor of the Pashtun ethnicity) (Mobarez, 2014), served, followed by five prime ministers who held the reins of the royal government. “In the first year of the Decade of Democracy, the Independent Press Department was upgraded to a ministry, and overall, journalists were given the opportunity to breathe” (Akbari, 2007).

In 1964 following the growth of the constitutionalist and freedom-seeking movement and public pressure, the monarchy enacted the 1964 Constitution, which, from the perspective of legal standards and democratic principles, was indeed the best law (Danesh, 2010, p. 203).

A prominent feature of this period was the entry of specialized and professional individuals into the management of Afghanistan's press and media (Akbari, 2007).

In 1973, Daoud Khan, through a bloodless military coup, abolished the constitution and declared the republic. In 1977, the “Constitution of the Republic of Afghanistan” was approved by the Loya Jirga (Danesh, 2010), and journalists, in terms of professional activity, took a step back compared to previous periods.

The governments of the Khalq democratic party, with communist beliefs and under the direct support of the former Soviet Union, lasted from 1978 to 1992” (Danesh, 2010, p. 204) with Four presidents.

In the first two years, all non-communist newspapers and publications were banned from publishing. However, due to public resistance, the government showed flexibility and reconsidered its approach to the opinions and ideas of the people (Esmatollahi, 2003).

Therefore, from the time of the communist coup until the new era, except for Najibullah's rule, the media environment reflected the monopolization of media, the prevalence of a climate of oppression, and the distancing of the media from its primary responsibilities.

With the rise to power of the Mujahideen (1992–1996), efforts were made to draft the Fundamental Principles of the Islamic State in ten chapters and 114 articles (Danesh, 2010, p. 205), which referred to freedom as a natural human right, the privacy of communications, and freedom of thought and expression within the framework of Islamic law (Esmatollahi, 2003).

During the “Taliban movement” 1996–2001 freedom of the press practically did not exist, and they “in 1997 intensified the destruction of televisions in households. People caught with television sets were imprisoned and flogged” (Koroglu, 2011). Only the publication Shariat, containing news, Taliban government announcements, interviews, reports, poetry, and social articles (Tanwir, 1999).

The Taliban's capture of Kabul accelerated the exodus of the country's urban professionals, including journalists. Most fled to Pakistan, Iran or Central Asia. (Committee to Protect Journalists, 1999).

After the September 11, 2001 incident and the military invasion by coalition forces and the fall of the Taliban regime, on December 5, 2001, the Bonn Agreement was signed a new constitution was approved (Danesh, 2010, p. 206), and,

“more than three thousand media outlets, , from 34 provinces of the country, were registered (Rah-e Madanyat, 2019).

The necessity of establishing a media law after the formation of the new government was addressed in Article 34 of the Constitution. The last media law was published in the Official Gazette No. 986 on July 6, 2009 (Danesh, 2010, p. 357).

The holding of the “International Seminar on Independent and Pluralistic Media in Afghanistan” in 2002 Motamednejad (2012) was an important effort toward journalistic ethics in Afghanistan. Following this, a joint committee consisting of journalists and media institutions in Afghanistan proposed a “Journalistic Ethics Charter” in Kabul; this charter was intended to be finalized after consultations with journalists by the end of 2013 (UNAMA, 2013), but it was not implemented until 2016. In 2016 Afghan journalists, in cooperation with the Afghanistan Journalists Center, drafted a new professional ethics code for journalists (Ethical Journalism Network, 2016; iMediaEthics, 2016). However, the lack of security, a weak economy, corruption, and political polarization remained great challenges (Bahar, 2024).

However, in August 2021, with the withdrawal of international forces and the escape of President Mohammad Ashraf Ghani, the government again came under Taliban control, resulting in changes in media and publishing affairs

Theoretical Framework

This study analyzes Afghan media laws in light of the International Principles of Professional Ethics in Journalism that the International Order of Journalists and its counterparts – a total of 400,000 working journalists, the majority of the organized profession in the world – produced at meetings in Prague and Paris from 1983 to 1988 (Christians, 2012; Christianz, 1996).

These principles, which are known as the UNESCO principles, are the people's right to true information, the journalist's dedication to objective reality, the journalist's social responsibility, the journalist's professional integrity, public access and participation, respect for privacy and human dignity, respect for public interest, respect for universal values and diversity of cultures, elimination of war and other great evils confronting humanity, and the promotion of a new world information and communication order (EthicNet, 1983).

Today, these principles have become so firmly established that journalistic ethical values – such as fact-based communication, humanity and respect for others, transparency, and acknowledgment of errors – are considered cardinal principles that should guide everyone, including social media users and citizen journalists (A. White, 2017).

Methods

This study was conducted using the qualitative content analysis method of Afghanistan's media laws. All of the mentioned laws were downloaded from the website of the Ministry of Justice of the Islamic Republic of Afghanistan. For this purpose, the media laws were carefully examined, and the provisions that were explicitly or implicitly related to codes of journalistic ethics were manually extracted. The criteria for this process were principles that were clearly articulated in the laws based on ethical codes such as impartiality, accuracy, balance, fairness, professional integrity, and others, or that were implicitly and indirectly connected to the standards of professional journalistic ethics in semantic or contextual terms.

Coding method: The articles and clauses of the mentioned laws were identified as units of analysis, which are specific codes of journalistic ethics in Afghanistan's media laws, and were then manually coded. Some codes were indirectly related to the principles of journalistic ethics, and their connection was considered in semantic terms.

Table 1. The list of the four media laws of Afghanistan, according to year and approving authority.

No.	Law Name	Year Enacted	Government	Enforced By
1	Press Regulations	1924	Monarchy	King
2	Press Principles	1950	Mahmoud Khan	King
3	Press Law	1965	Constitutional Monarchy	Prime Minister
4	Mass Media Law	2009	Republic	Parliament

Categorization: The extracted codes were placed into analytical categories with an emphasis on the international principles of journalistic ethics, in order to provide a basis for comparison and analysis of the codes.

Interpretive reliability: To resolve discrepancies and ensure the interpretive reliability of the analysis, the coding process and the analytical categories were reviewed in online sessions by a second researcher with an academic background in communications from Afghanistan. This ensured that the analysis and interpretation of the articles of journalistic laws were not dependent on the personal preferences or experiences of the researcher.

Population and Sample Size

The statistical population of this study includes all laws that have been enacted and implemented regarding media operations in Afghanistan. The sample in this study refers to four important and influential media laws that has been written in the Table 1. In below.

Result and Discussion

Research Findings

The study shows that, overall, the four aforementioned laws have addressed journalistic ethical codes indirectly in various ways, with some elements showing similarities and many elements reflecting differences among them. Here, the laws are studied and analyzed in order.

The First Press Law of Afghanistan: 1924

The Press Regulations consisted of 18 articles and was first printed at the Matba'a Directorate and the High Council on December 31, 1924], with a circulation of 2,000 copies. This regulation specified conditions for the managing editor, the manner of placing advertisements (Article 7), provisions regarding crimes and punishments, and so on (Mesbah, 2020). Article 14 states:

Daily and periodic newspapers that fall under the provisions of Article 10 shall, after trial in the courts of justice, be subject to punishment if they:

- Publish expressions that distort or demean the true religion of Islam, Islamic sects, or national groups.
- Publish materials contrary to public customs or that are immoral.
- Publish materials containing slander and defamation:
 1. Against rulers or heads of governments that have friendly relations with the Afghan government.
 2. Against the royal family.
 3. Against government departments, courts, official bodies, and the military.
 4. Against political officers and foreign state officials or consulates resident in Afghanistan.
 5. Against public officials and citizens.

- Attempt to reveal or use documents in a manner that would disturb personal honor or diminish the credibility of an individual (Press Regulation, 1924, Article 14).

Kazem Ahang writes: "Regardless of whether free newspapers and publications could exist and be published in Afghanistan at that time, unfortunately, the Press Regulations of that era contained a series of provisions (especially penal articles) that could undoubtedly easily shackle a journalist" (Ahang, 1970, p. 221).

This regulation also specifies the procedure for publishing newspapers as follows: "The publication of daily and periodic newspapers is subject to official permission. A person who wishes to publish a daily or periodic newspaper must submit an application to the Ministry of Interior at the central Dar al-Saltaneh, and in the provinces to the Na'ib al-Hukuma or the High Governor.

The Na'ib al-Hukuma and High Governors forward the applications submitted to them to the Ministry of Interior. Based on the application and after necessary investigations, the Ministry of Interior issues a permit to the applicant" (Press Regulation, 1924, Article 4).

In paragraph three of Article 18 of this regulation, it is stated: "This regulation applies to unofficial newspapers; official newspapers are subject to separate provisions" (Press Regulation, 1924, Article 18).

By unofficial newspapers, it meant those published freely by individuals, while official newspapers referred to publications and journals issued by government authorities.

Press Principles of Afghanistan: 1950

These Press Principles were the second regulation establishing the framework for journalistic activities in the history of Afghanistan, prepared and approved during the premiership of Shah Mahmoud Khan (Rahin, 2008). Among the representatives of the Seventh National Council, who had been elected by the people through "free, secret, and direct" votes, there were dozens of intellectuals who supported democracy. The adoption of the Press Law in Jadi/Dey 1329 (January 1950) was one of the achievements of this council. It was a law that guaranteed limited freedom of the press. Soon, a number of free newspapers began to be published one after another, by political parties and associations that had been established earlier, as well as by independent individuals (Shadan, 2011).

Under this law, publishing content contrary to religion was prohibited. It was written that the principles, following the first part of Article 23 of the Fundamental Principles of Afghanistan, stated:

"The press and domestic news that are not contrary to religion are free" (Chapter 2, Article 1).

In the Press Principles of 1950, issues related to monitoring newspapers, post-publication censorship, punishment of press employees, and the scope and limits of journalistic activities are clearly addressed; however, the duties, rights, identity, and status of journalists are not mentioned in the 46 articles of this law. Article 2 of Chapter 2 of the principle's states:

"The content and articles of newspapers, magazines, books, and periodicals cannot be censored prior to printing and publication. However, if a person, through the press, causes harm to an individual or the public, they shall be punished according to the provisions of these Principles" (Afghanistan Press Principle, 1950, Chapter 2, Paragraph 2).

This article addresses issues of insult or invasion of privacy, although it is not mentioned explicitly.

"To ensure the objectives of this law are upheld, the Press Directorate must monitor all publications in the country after publication" (Chapter 2, Note 1).

The Press Principles set forth responsibilities, restrictions, and strict boundaries for newspapers of that time. While they clarify the limitations on freedom of expression at that period,

they mention little about freedoms and opportunities for expansion. In Chapter 2 of the principles, the provisions that restrict journalism are clearly written. These include the protection of religion, security, military secrets, the confidential sessions of the National Council, and other detailed points. It is emphasized that:

"In extraordinary situations, such as times of unrest or rebellion, the government may censor publications prior to their release" (Chapter 2, Note 2).

- Publications against religion are prohibited. In case of violation, in addition to the confiscation of the specific copy, the managing editor and the author shall be punished according to the applicable provisions (Chapter 5, Article 13).
- Publications that undermine security, contradict the constitutional regime, or propagate against national unity are prohibited. If it is a newspaper, magazine, or periodical, in addition to confiscation of the specific copy, the managing editor and the author shall be fined up to four months' income and expelled from official offices for six months to five years, and during this period, permission to publish will not be granted. If the writings actually disrupt security, punishment shall be applied according to the applicable provisions. If such publications are in the form of a book, periodical, or speech, the above penalties shall be applied to the publisher, author, translator, and speaker (Chapter 5, Articles 14–15).
- Superstitious publications are prohibited. In case of violation, the publisher, author, speaker, and translator shall be fined up to 15 days' income (Chapter 5, Article 15).
- Publication of military secrets is prohibited; in case of violation, punishment shall be applied according to military law (Chapter 5, Article 23).
- Publication of confidential discussions of the National Council, Council of Ministers, and other state secrets is prohibited. In case of violation, the managing editor and author shall be fined up to six months' income or imprisoned from one month to ten years (Chapter 5, Article 24).

The Press Principles mention the enforcement of penalties for offenders by the Press Directorate:

"The authority for investigation and judgment of press offenses is at the central Press Directorate and in the provinces and high governments, with the inclusion of press representatives, who examine and decide according to the applicable regulations" (Chapter 14, Article 46).

Thus, the Press Principles of 1950, while not suspending journalistic activity, do not recognize freedom of expression, political or verbal movements, or criticism of the government. In this regulation, ethical codes such as fairness, impartiality, balance, justice, accuracy, objectivity, professional integrity, etc., are not mentioned. In contrast, codes such as state secrets, national security, prohibition of superstitions, and regulations against anti-Islamic values are clearly articulated.

Press Law (1965)

When King Zaher Shah took direct control of state power in 1964, exerted his influence through the new constitution (Pamirzad, 2024, p 69) that established in 1964. According to the 31st article of this law, freedom of thought and expression was inviolable (Ministry of Justice of Afghanistan, 1964). Consequently, in 1965 the new press was ratified, and the framework for media activities was defined.

In this law, the general rules and regulations related to media activities, media ownership, people's freedom of speech rights, and punitive provisions were included and explained.

Providing the opportunity for citizens of the country to

"Express their feelings through speech and writing, drawing, images, recording on tape, performance, movement, and other artistic phenomena," and *"protecting the fundamentals of Islam while observing the principle of freedom of expression and the press... and contributing to the healthy development of the press"* (Press Law, 1965 Chapter 1, Article 2) are listed as the objectives of this law.

Article 2 of the law defines media terms such as "press, visual media, audio media, and information media" and distinguishes between different types of press according to the media activity conditions in Afghanistan. This distinction includes state-owned press, group (party) press, and private press. Additionally, this article legally and professionally defines specialized terms such as "newspaper," "magazine," "journal," "work," "periodical," "non-periodical," "yearbook," "announcement," "statement," "notice," "publisher," "proprietor," "printing press," "printer," "managing editor," "publication," "radio," "television," "cinema," "theater," "exhibition," "circus," and "festival."

Chapter Three of this law, under the General Provisions, is dedicated to the regulation of press media and discusses the right to establish them. Article 3 states: "Permission and authorization for the establishment of a General Printing House and publications shall only be given to Afghan citizens and the State in accordance with the provisions set forth in this law." (Press Law, 1965 Chapter 3, Article 3).

The publication of matter implying defamation of the principles of Islam or vituperation of the king of Afghanistan is not allowed" (Press Law, Afghanistan, 1965, Chapter 6, Article 32).

Chapter Four of the Act, entitled "Press Activities," refers in Article 8 to the requirements for a proprietor, including being at least 25 years of age, not being a member of the armed forces, obtaining prior authorization from the Ministry of Press and Information, and submitting a declaration, which are regarded as the principal criteria.

Article 17 of Chapter Four (Press Activities) provides a definition of the responsible editor and sets out the requirements applicable to the position. The fundamental requirements include Afghan citizenship; completed 25 years of age; having graduated from high school or a higher level of education, or trained in journalism or authority in the field of journalism; not being a member of Parliament, the Government, or the armed forces; and residing in the place where the publication is issued.

The professional ethical codes of journalism are addressed in Chapter Six. Articles 31 to 35 deal with this subject in detail. According to Article 31, the publication of material implying defamation of the principles of Islam or vituperation of the King of Afghanistan is not permitted. Under Article 32, however, incitement through the press to commit acts that constitute offences is itself considered an offence. Such acts include incitement to disobey the country's laws, incitement to disrupt public security and order, and incitement to seek depravity.

Article 33 further provides that any act which constitutes an offence will also constitute an offence when committed through the press. This includes the disclosure of State secrets, such as secret government or parliamentary proceedings, secret court proceedings, military secrets, and secrets pertaining to Afghanistan's international relations.

Under this Press Law, subsections (2), (3), and (4) of Article 33 identify some of the most important ethical restrictions applicable to journalism. These provisions recognize the publication of false or distorted news, the publication of obscene material, defamation, and attacks upon the sanctity of individuals' private lives as offences. More specifically, the law provides that the following acts are considered offences: "the publication of false or distorted news, in spite of knowledge that such news is false or distorted, provided that such news causes

Table 2. Existing and Neglected Ethical Codes in Afghanistan's Media Laws

Year	Law Name	Ethical Codes Emphasized	Neglected / Underemphasized Ethical Codes	Key Points
1924	Press Regulations of Afghanistan	Respect for Islam and other religions, prevention of immoral publications	Fairness, impartiality, accuracy, objectivity, professional integrity	Emphasis on government control, publication requires approval, focus on preventing criticism of officials and state institutions, professional freedom of journalists not addressed
1950	Press Principles of Afghanistan	Respect for religion, protection of security, prevention of superstitious publications, protection of state secrets	Honesty, impartiality, balance, respect for personal dignity, objectivity	Prohibition of anti-religion and anti-security publications, pre- and post-publication censorship, limited responsibility of media and editor-in-chief, no mention of freedom of expression or journalists' professional rights
1965	Press Law	Professional training and expertise of editor-in-chief, respect for religion and individuals, prevention of unethical and anti-army publications	Impartiality, balance, accuracy, professional integrity, freedom of critique and criticism in the frame of law and Islam.	Definition of media types and operating conditions, limited professional rights of journalists, censorship and restrictions still exist
2009	Mass Media Law	Honesty, impartiality, balance, respect for personal dignity and privacy, non-promotion of violence and war, protection of journalists	Accuracy, objectivity, peace-oriented approach, non-incitement to discrimination, confidentiality, truthfulness, professional integrity	Legal definition of "journalist," financial transparency, councils and commissions, government composition of commissions may challenge media independence

damage to the interest or dignity of the State or individuals; the publication of obscene articles or photographs which tend to debase public morals; the publication of comments and views the aim of which is to divert the courts from reaching a correct decision on cases under consideration; and the publication of comments and views the aim of which is to divert the public prosecutor, police, witnesses, or even public opinion from the correct path concerning a definite case" (*Press Law, 1965*, Article 33).

Article 37 addresses penalties in connection with press offences. In the case of a periodical publication, if a printed work is deemed subject to disciplinary measures or punishment and the author is known, the author shall be charged as the accused, while the editor shall be charged as an accomplice (Chapter Seven, Article 37). At the same time, Article 41 stipulates that anyone who publishes any material without prior authorization or permission shall be sentenced to imprisonment for a period of one to six months, and the publication so issued shall be confiscated (Chapter Seven, Article 41).

Media Law of Afghanistan: 2009

The "Mass Media Law" was enacted in 2005 in nine chapters and 42 articles during the governance of Hamid Karzai and was ratified by the Supreme Council of Ministers. In Chapter One, Article One, this law states: "This law is enacted in accordance with Article 34 of the Constitution and in compliance with Article 19 of the Universal Declaration of Human Rights, for the purpose of securing the right to freedom of thought and expression and regulating the activities of mass media in the country."

For the first time, the professional rights of journalists were formally recognized in this law. As stated in Chapter One, Article Two, the law aims to support and guarantee the right to freedom of thought and expression; protect the rights of journalists and ensure the conditions for free media activity; promote and develop free, independent, and pluralistic mass

media; and uphold the principle of freedom of expression and mass media as established in the Universal Declaration of Human Rights, with due regard to the sacred religion of Islam (*Mass Media Law, 2009*).

For the first time, concepts and codes of journalistic ethics are explicitly mentioned in Article Two of this law: "The healthy development of mass media in such a way that they can serve as effective means of disseminating culture in the country and reflect the opinions of the people in accordance with journalistic standards, principles, and values, including 'honesty,' 'impartiality,' and 'balance'" is among the objectives of this law (*Mass Media Law, 2009*).

This article refers explicitly to the "rights of journalists," and while supporting the principle of freedom of expression, it also emphasizes the principles and values of journalism—honesty, impartiality, and balance.

According to Chapter One, Article Three: "Journalist: A professional and specialized person who creates and produces media content and materials through media outlets" (*Mass Media Law, 2009*).

According to this definition, individuals who are "professional" and "specialized," with experience working in media or formal education in this field, are considered "journalists." It should be noted that the term "journalist" in this law applies to all types of journalism and is not limited only to television or radio journalists.

Another prominent element of journalists' professional rights is the right of access to information. Articles Four and

Five emphasize the right to "request, obtain, and transfer information, data, and opinions in accordance with the law, without interference or restriction by government officials." It further states:

"No natural or legal person, including the government and governmental agencies, may prohibit, sanction, censor, or restrict the free activity of news or informational media, nor intervene in the affairs of mass media and informational

publications, except in accordance with the provisions of the law" (Chapter Two, Article Four).

Article Six states: "Journalists, in the exercise of their professional activities, including the publication of reports and critical opinions, are legally protected" (Chapter Two, Article Six). However, this clause alone cannot fully meet all the needs of journalists in protecting their rights. Journalists require additional legal protections that should be incorporated into the text of the law.

- When they are subjected to assault or insult by individuals or governmental and non-governmental institutions;
- When security agencies or the police intervene in cases of press offenses or violations in their work, acting in place of the Media Complaints and Violations Commission, and interrogate, detain, or imprison journalists.
- When, during their professional journalistic activities, their written, audio, or visual materials and documents are confiscated, inspected, or destroyed.
- When they file complaints in court seeking compensation for moral or material damages.
- When they are dismissed from their positions without cause or reason (Bakhtary, 2008: 9).

Moreover, this law does not address or carefully consider the procedures for hiring, dismissing, or transferring journalists, reporters, or correspondents, nor does it cover the issuance of professional credentials, standard monthly salaries, job security, or safety; it simply overlooks these matters.

One of the most important pillars of professional journalistic rights is the right to withhold sources or refrain from disclosing information sources to authorities, as well as the right to establish independent professional associations and media unions to defend collective interests. Fortunately, Articles 6 and 7 define these rights and grant them to journalists in Afghanistan.

The Media Law also emphasizes transparency regarding the financial and monetary resources of Afghan media. Article 9 stipulates that media outlets, journalism educational institutions, and similar entities must have a statute of activity.

The law also addresses the activities of political parties, pressure groups, and private institutions in establishing private media, printing houses, and similar entities.

Chapter Seven of the law is dedicated to the Supreme Media Council, to propose and approve long-term media policy; Appoin members of the commissions for private and personal media, to purpose of policy approval is to determine the publishing policies of media outlets with an emphasis on the professional ethical standards of journalism as specified in this law.

The law also establishes the Media Violations Review

Commission (Chapter Seven, Article 32) and stipulates that the following content is prohibited from publication in Afghan media:

1. Content contrary to the provisions of the holy religion of Islam or insulting other religions and sects;
2. Content that violates the dignity of individuals or constitutes defamation;
3. Promotion of violence, war, or any matter that the Penal Code considers a crime;
4. Disclosure of the identity and images of victims of violence and assault in a manner that harms their social reputation (Chapter Seven, Article 33).

Based on the four articles above, the ethical codes of "respect for religious beliefs, non-violation of personal dignity, avoidance of defamation, prohibition of promoting violence and war, and protection of the identity of victims of violence and assault" are among the most important ethical codes

specified in this law. Additionally, Article Two of the law refers to the ethical codes of honesty, impartiality, and balance.

One of the weaknesses of the Afghan Media Law is the lack of clarity regarding prohibited content; the law refers instead to the Penal Code, leaving the matter vague: "Promotion of violence, war, or any matter that the Penal Code considers a crime." Media-related crimes, however, should be explicitly reflected in the Media Law (see Table 2).

Based on the research findings, political power and religious authority have acted as two common elements throughout the history of journalism in shaping content that functions as ethical frameworks or professional limitations in this country. In this context, the factor of religion plays the primary role as the greatest standard of journalistic ethics in the four aforementioned laws, and at no period is flexibility or compromise observed.

However, the restraining factor of political power fluctuates throughout history, so that in the first law, slander and defamation are punishable only against rulers, administrations, and government officials, while in the second law, it appears in elements such as state secrets, protection of security, and confidential sessions of the National Council; in the third law, In the third law, this component is reflected in the position of religion, the King, and the State; the State is referred to here in more specific terms, including state and military secrets and court proceedings.; and in the last law, military secrets and national security hold a prominent position.

The research highlights the misalignment or contradiction of the studied laws with the international principles of journalistic ethics. Elements such as independence, the public's right to access accurate information, and peace orientation are not properly reflected in any of the mentioned laws, though some codes are considered sporadically. In the first law, the element of "slander and defamation" acts as a limitation, but the scope of defamation targets only government officials. In contrast, in the second law, UNESCO's ethical codes are not mentioned, and the restrictions are confined solely to state secrets, national security, prohibition of superstitions, and Islamic values.

In all the studied media laws, the element called "prohibited content" is raised; topics that in any case conflict with religion, political power, national security, or fundamental principles of the state are considered illegal to publish and are subject to punishment.

The evolution in the status of UNESCO's ethical codes begins with the third law and, despite shortcomings, continues in the last law, so that the discursive space from a professional perspective positively changes with the formation of the third law. Although prohibited content is mentioned, alongside religion and military power, human dignity, privacy, and ethical content are also acknowledged. Power, in proportion to the other two laws, in the third law, shows deference to freedom of expression, and for the first time, professionalization, particularly the literacy and age of the managing editor, is addressed.

For the first time, concepts and codes of journalistic ethics, including "honesty," "impartiality," and "balance," and the definition of a professional journalist are presented in the 2009 law, and the right to withhold sources or refuse to provide information sources to authorities is emphasized.

Prohibited content remains in place, and alongside the strong position of religion, elements such as human dignity, insult and defamation, promotion of violence, harm to social reputation, and disclosure of the identity and image of victims of violence, as well as honesty, impartiality, and balance, are clearly visible.

Conclusion

The research findings indicate the strong and inconsistent position of religion as a limiting factor and the most important discourse in Afghan media through the study of four media laws. Although political power acts as a deterrent in all periods, in the first and second laws it is unavoidable and a standard for journalistic practice, whereas in the third law, it is reflected in the protection of state, court, and military secrets. Nevertheless, the religion-based mechanisms and the unrivaled power of the government in shaping these structures have caused the professional journalistic ethical charter not to be formed in accordance with UNESCO principles throughout history, and government oversight and control function as ethical and legal frameworks. Accordingly, the overarching pattern governing the history of journalism in this country—media institutions' ideological dependence on

religion and the state, and in terms of ethical codes, the clear contradiction of the first two laws with international journalism principles—is highlighted. However, this discursive space underwent a structural transformation following the fall of the Taliban government in 2001 and the establishment of a western-backed government, which, in turn, led to the emergence of free media, particularly through the media law. In line with this change, professional journalistic ethics and specialization were supported, although the element of religion in the underlying layers of society continued to dominate the course of journalism.

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