

Legal Liability for Electronic Media Content: A Comparative Study of Kuwaiti and Egyptian Legislation

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Abstract

This research examines legal liability for electronic media content under Kuwaiti and Egyptian legislation, identifying the persons subject to criminal liability, the basis for attributing such liability, and the associated violations and sanctions. It further clarifies the legal regulation of electronic media websites and delineates the scope of liability of the responsible manager, editor-in-chief, writer, and other persons involved in content management, alongside the regulation of the right of reply and correction. The research highlights the similarities and differences between the compared legislations, particularly with regard to the standards of effective control over content and the management of unlawful content, thereby contributing to the development of the legal framework governing liability for electronic media content...

Keywords: Electronic Media Liability; Digital Media Regulation; Comparative Law; Right of Reply and Correction; Criminal Accountability; Kuwaiti and Egyptian Legislation..

Introduction

The rapid development of electronic media has transformed online media websites into major platforms for disseminating news, information, and opinions (Al-Raggad et al., 2024). This development has contributed to promoting freedom of expression and accelerating the circulation of content. At the same time, however, it has generated legal challenges concerning liability for unlawful content and the resulting harm to individuals, society, or public order (Obeidat et al., 2023; Kameel et al., 2025). Consequently, modern legislation has been required to establish legal rules identifying the persons responsible for published content, determining the basis of their civil

and criminal liability, and specifying the sanctions and other legal consequences arising from violations of such rules.

In this context, both the Kuwaiti and Egyptian legislators have sought to regulate electronic media through specific legislation defining online media websites, regulating the persons responsible for their management and supervision, and establishing legal liability arising from the publication of unlawful content or failure to comply with the legal obligations associated with publication.

The significance of this study lies in its examination of legal liability for electronic media content in light of the increasing use of digital platforms and online media websites. This expansion raises important legal issues concerning the identification of persons responsible for published content and the basis of their civil and criminal liability. The study is also significant because it provides a comparative analysis of Kuwaiti and Egyptian law, highlighting areas of convergence and divergence between the two legal systems. Such comparison may contribute to developing legislation governing electronic media and achieving an appropriate balance between freedom of expression and the protection of rights.

Accordingly, the study aims to: (1) examine the legal regulation of online media websites under Kuwaiti and Egyptian law; (2) identify the persons responsible for electronic media content and determine the basis of their civil and criminal liability under the legislation under comparison; (3) identify the principal violations and sanctions arising from legal liability for electronic media content, including obligations relating to the right of reply and correction; and (4) assess the adequacy of the Kuwaiti and Egyptian regulatory frameworks and propose appropriate legislative solutions for their development.

The research problem arises from the rapid development of electronic media and the multiplicity of parties involved in producing, publishing, and managing content, which has created difficulties in determining the persons to whom civil and criminal liability for unlawful media content should attach, as well as the scope and limits of each person's liability. These difficulties are further complicated by differences in the legislative approaches adopted by Kuwaiti and Egyptian law.

In light of this problem, the study addresses three principal questions: (1) How do Kuwaiti and Egyptian law regulate online media websites? (2) Who are the persons upon whom civil and criminal liability for electronic media content falls, and what is the legal basis of such liability under the legislation under comparison? (3) What are the principal legal violations and sanctions arising from the publication of electronic media content or failure to comply with the obligations associated with such publication?

Research Methodology

This study employs a descriptive, analytical, and comparative methodology, reviewing and analyzing legal texts governing liability for electronic media content under Kuwaiti and Egyptian law, and clarifying civil and criminal liability rules for persons responsible for electronic media content. The study is divided into three sections: Section One, the legal definition of electronic media websites; Section Two, persons liable for unlawful digital media content; and Section Three, violations and sanctions arising from legal liability for digital media content.

Legal and Analytical Framework

3.1 Legal Definition of Electronic Media Websites

3.1.1. Definition of Electronic Media Websites in Kuwaiti Law

The Kuwaiti Electronic Media Regulation Law No. (8) of 2016 adopted the term "electronic newspaper," defining it in Article (1) as: "A website or electronic media platform through which electronic content is provided, including news, topics, articles, and multimedia with a journalistic or media character, whether such content is published on a regular or irregular basis."

The Law further defined electronic media as: "An activity that includes the publication or broadcasting of materials, models, or media services with electronic content that is produced, developed, updated, circulated, broadcast, published, and accessed through the International Information Network (Internet) or any other telecommunications network."

It also defined an electronic media website or platform as: "A page, link, or electronic application issued under a specific name, having a title and a specific electronic domain, which is established, hosted, or accessed through the International Information Network (Internet) or any other telecommunications network."

Article (5) of the Kuwaiti Electronic Media Regulation Law confirmed that this Law applies to the following electronic media websites and platforms: electronic commercial media, advertising websites and platforms, and the electronic websites of print newspapers as well as visual and audio satellite channels.

3.1.2. Definition of Electronic Media Websites in Egyptian Law

Article (1) of the Egyptian Law on the Regulation of the Press, Media, and the Supreme Council for Media Regulation No. (180) of 2018 defined publications as: "Writings, drawings, musical pieces, images, or other means of representation, provided that they are transmitted by mechanical, chemical, electronic, or other means and thereby become capable of circulation." The same Article defined a newspaper as: "Any print or electronic edition

whose editing or broadcasting is undertaken by registered journalists, issued under a unified name and on a periodic basis at regular intervals..." (Altaani et al., 2024).

The same Article defined an electronic website as: "A page, link, or licensed electronic application through which journalistic, media, or advertising content is provided, whether textual, audio, visual, still, moving, or multimedia, issued under a specific name, having a title and a specific electronic domain, and established, hosted, or accessed through the International Information Network (Internet)." The same Article also defined visual, audio, or electronic media as: "Any radio, television, or electronic broadcasting that reaches the public or specific segments thereof." The Egyptian Law further defined a media platform as: "Terrestrial and satellite television channels, as well as wired, wireless, and electronic radio stations."

It can be inferred from the aforementioned texts that both the Kuwaiti and Egyptian legislators recognized electronic media websites as independent media entities and subjected them to a special legal framework based on licensing and regulatory oversight, thereby ensuring the practice of electronic media activity within an organized legal framework (Al-Faouri et al., 2024; Ehjelah et al., 2026a; Al-Raggad et al., 2025).

3.2 Persons Responsible for Unlawful Digital Media Content

3.2.1. The Primary Person Responsible for Unlawful Digital Media Content

The Kuwaiti legislator regulated the supervision of digital media content under the Electronic Media Regulation Law. Article (8) requires obtaining a license to operate an electronic media website or platform, and Article (9) mandates the appointment of a responsible person for the website as a condition for licensing. Article (1) defines the responsible person as: "A natural person appointed by the owner of the website or electronic media platform, who shall be accountable before administrative and judicial authorities for the content of the website or electronic media platform."

It is evident that the Kuwaiti legislator attributed legal responsibility for digital media content to the responsible manager, as the supervisor of content and the representative of the website before administrative and judicial authorities. The law requires that certain conditions be met in this person without requiring him or her to be a journalist or a member of a professional syndicate; it suffices for the person to hold a secondary school certificate (Murad et al., 2021). This reflects legislative flexibility in determining the person responsible for content without linking responsibility to a specific professional status (Al-Khasawneh & Al-Khasawneh, 2017).

With regard to liability, the Kuwaiti legislator held the responsible manager accountable for the published digital media content, in accordance with Article (17) of the Electronic Media Regulation Law and Article (1) of the same Law. These provisions established that the responsible manager is the person who shall be questioned before administrative and judicial authorities for the content of the electronic media website, based on his or her supervisory function and authority over the published content, thereby making him or her the primary person responsible for violations of the provisions of the Electronic Media Regulation Law (Ehjelah et al., 2026b; Taha et al., 2026).

As for the Egyptian legislator, the supervision of digital media content was regulated under the Law on the Regulation of the Press and Media. Article (40) requires the appointment of an editor-in-chief for the licensed electronic website, and Article (41) stipulates that the editor-in-chief shall undertake actual supervision over what is published on the website, alongside a number of editors, each of whom supervises a specific section, with the requirement that they be registered members of the Egyptian Journalists Syndicate (Ehjelah & Bani Amer, 2023; Madi & Kameel, 2019).

It is evident that the Egyptian legislator did not limit supervision to a single editor-in-chief but rather distributed supervisory functions among the editor-in-chief and the responsible editors (Al-Shinnawi, 2017). Furthermore, Article (56) requires the appointment of a responsible manager for the electronic media website who shall monitor the published content. Unlike the Kuwaiti law, the Egyptian law requires that the editor-in-chief be a journalist registered with the Journalists Syndicate (Aljazi et al., 2026).

Accordingly, the Egyptian legislator moved towards establishing criminal responsibility for digital media content. This is what Article (101) of the Egyptian Law on the Regulation of the Press and Media explicitly provided, as it expressly held the editor-in-chief or the responsible manager of the electronic media website legally responsible for crimes and violations committed in breach of the provisions of this Law (Alomar et al., 2025). This reflects the attribution of responsibility to him or her as the person directly responsible for managing and supervising content within the media platform (Mallass, 2018).

It can be concluded from the foregoing that both Kuwaiti and Egyptian laws agree on attributing the responsibility for supervising digital media content to specific persons. However, Kuwaiti law confined this responsibility to the responsible manager, while Egyptian law expanded it to include the editor-in-chief, the responsible editors, and the responsible manager, in line with the multiplicity of roles within digital media institutions (Alnagrash et al., 2025; Al Dhaheri et al., 2022).

For the sake of completeness, the following two questions arise:

First Question: Does the editor-in-chief or the responsible manager remain responsible for everything published or broadcast on the website, or does responsibility transfer to another person in certain circumstances?

Article (10) of the Kuwaiti Electronic Media Regulation Law addressed this by temporarily exempting the responsible manager upon his or her absence or loss of any of the required conditions, and placing responsibility on the licensee until the responsible manager returns or a replacement is appointed within six months. The Egyptian law, however, contains no provision regulating this situation (Murad et al., 2021).

Second Question: If criminal content is published or broadcast on an electronic media website, is the editor-in-chief or the responsible manager considered a principal perpetrator or an accomplice?

Neither Kuwaiti nor Egyptian law explicitly resolved this issue. However, it can be inferred from Article (9) of the Kuwaiti Electronic Media Regulation Law and Article (101) of the Egyptian Law on the Regulation of the Press and Media that both legislators tend to regard the editor-in-chief or the responsible manager as a principal perpetrator in media crimes (Ehjelah & Al-Qawasmeh, 2026; Kameel et al., 2026).

In conclusion, both laws establish the responsibility of electronic media website managers for content published or broadcast, whether issued directly by them or published with their knowledge or under their supervision, based on their supervisory authority (Shibli & Al-Jazi, 2019; Al-Raggad et al., 2026), despite the absence of an explicit provision establishing the status of principal perpetrator in media crimes. This necessitates the existence of such a provision to achieve justice and legal certainty, and to ensure stability by granting the court discretionary power to verify the establishment of criminal and civil liability, as the injured party has the right to obtain compensation (Jararweh & Obeidat, 2026; Obeidat, 2016).

3.2.2. The Responsibility of the Article Writer for Unlawful Digital Media Content

Since both the Kuwaiti Electronic Media Regulation Law and the Egyptian Law on the Regulation of the Press and Media lack a specific provision regulating the responsibility of the writer for published media content, this does not imply exemption from accountability. Rather, it necessitates recourse to the general rules in the Kuwaiti Penal Code and the Egyptian Penal Code, as they constitute the general law governing the attribution of criminal responsibility. Consequently, the accountability of the writer is not based on his or her professional status but rather on the nature of his or her contribution to the commission of the criminal act and the extent to which the elements of the crime are satisfied in his or her regard (Ehjelah et al., 2026c).

Accordingly, the Kuwaiti legislator, in the Penal Code No. (16) of 1960, relied on the theory of criminal participation in determining responsibility, without singling out the writer or journalist with independent provisions. Article (47) provides that the perpetrator is the person who commits alone or with others the act constituting the crime, or who performs one of the acts constituting it. It also considers as a perpetrator the person who performs acts of assistance during the commission of the crime or who incites a person who is not criminally responsible to commit it (Obeidat, 2016; Kasassbeh, 2012). Furthermore, Article (48) sets out the forms of participation in a crime, which include incitement, conspiracy, or prior assistance in the commission of the crime, provided that the crime is committed as a result thereof. Article (50) provides that the perpetrator shall be punished with the penalty prescribed for the crime he or she committed or contributed to committing (Alghathian et al., 2026a).

By applying these provisions to the writer, his or her responsibility arises when it is established that he or she prepared, drafted, or published the media content that constitutes a crime, such as defamation, insult, or the publication of false news, among other crimes. The writer is considered a principal perpetrator if he or she is the author of the content, or an accomplice if his or her role was limited to incitement, conspiracy, or providing assistance with knowledge of the unlawful purpose. However, merely holding the status of a writer or editor is not sufficient in itself to establish responsibility, unless his or her criminal contribution is proven in accordance with the general rules, taking into account that if the publication was made without his or her knowledge or consent, he or she shall not be criminally liable (Ehjelah et al., 2026d; Albalawee et al., 2024).

With regard to the Egyptian legislator, it did not depart from this approach, as the responsibility of the writer is subject to the provisions of criminal participation set forth in the Penal Code No. (58) of 1937. Article (39) provides that the perpetrator is the person who commits the crime alone or with others, or who participates in its commission if it consists of several acts and deliberately performs one of the acts constituting it. Furthermore, Article (40) provides that an accomplice is any person who incites the commission of the crime, or conspires with another to commit it and the crime is committed as a result of such conspiracy, or who assists the perpetrator by any means in the preparatory, facilitating, or consummating acts of its commission (Obeidat et al., 2025).

On this basis, the writer is criminally liable when it is established that he or she created the criminal media content or participated in its production or publication with knowledge of its unlawful nature. His or her responsibility arises as a principal perpetrator if he or she is the author of the content, or as an accomplice if his or her role was limited to incitement, conspiracy, or assistance (Obeidat & Al-Husban, 2026). However, if his or her role was limited to editorial or technical tasks that do not involve contribution to the criminal activity, his or her responsibility does not arise unless one of the forms of criminal participation prescribed in the Penal Code is established, in addition to proving his or her lack of knowledge or lack of consent to the publication process (Musa'ada, 2007).

It is evident that both Kuwaiti and Egyptian legislations agreed on not establishing a special legal regime for the responsibility of the writer for published media content, but rather subjected his or her accountability to the general rules of criminal participation, whereby the criterion for responsibility is the proof of the writer's commission of or participation in the criminal act, not merely his or her professional status within the media institution (Bani Issa, 2025; Alghathian et al., 2026b).

3.2.3. The Responsibility of the Comment Writer for Comments Published on Electronic Media Websites

Neither the Kuwaiti Electronic Media Regulation Law nor the Egyptian Law on the Regulation of the Press and Media contains specific provisions regulating legal responsibility for comments published by users on electronic media websites, which indicates that both legislators did not establish an independent regulatory framework for this issue (Ehjelah et al., 2026e).

3.3 Violations and Sanctions Arising from Legal Responsibility for Digital Media Content

3.3.1. Prominent Crimes Arising from the Publication of Electronic Media Content in Kuwaiti Law

The Kuwaiti legislator did not introduce new crimes or penalties specific to electronic media content in the Electronic Media Regulation Law. Rather, pursuant to Article (18), it referred to the legislation governing publications and visual and audio media, thereby linking the responsibility of those who manage and publish content to the nature of the unlawful content without establishing an independent punitive regime (Abdullah, 2018).

Article (11) of the Visual and Audio Media Law sets out the most prominent prohibitions, including offences against the Divine Being, the Prophets, or sacred symbols; incitement to change the system of government by unlawful means; criticism of the person of the Amir of the country; contempt of the Constitution; or undermining the independence and prestige of the judiciary.

Furthermore, Articles (19, 20, and 21) of the Publications and Publishing Law regulate crimes related to media content. Article (19) criminalizes offences against religious sanctities and prescribes a penalty of imprisonment for a period not exceeding one year and a fine ranging from (5,000) to (20,000) dinars, or one of these two penalties. Article (20) is specifically dedicated to protecting the status of the Amir of the country, prescribing a fine ranging from (5,000) to (20,000) dinars. Article (21) covers offences against the Constitution or the judiciary, violation of public morals, incitement to violate the law, disclosure of state secrets, harm to foreign relations, or infringement of individuals' reputation and privacy, and prescribes a fine ranging from (3,000) to (10,000) dinars. Article (27) permits the imposition of supplementary penalties, such as revocation of the license, suspension of the newspaper for a period not exceeding one year, confiscation or destruction of publications, or closure of the printing house. It also specifies the persons to whom responsibility extends according to the nature of the violation, establishing responsibility on the editor-in-chief and the article writer or author when the legal conditions are met (Albnian et al., 2026). This reflects that the distribution of responsibility in Kuwaiti legislation is based on each person's role in producing, supervising, or publishing content, rather than merely on his or her professional status (Alfaouri, et al., 2026).

Accordingly, it is evident that Kuwaiti legislation established a system of responsibility for electronic media content based on an integrated legislative unity, whereby the Electronic Media Regulation Law determined the scope of prohibition, while the Publications and Publishing Law and the Visual and Audio Media Law set out the crimes, the responsible persons, and the prescribed penalties (Ehjelah, 2023).

3.3.2. Prominent Crimes Arising from the Publication of Electronic Media Content in Egyptian Law

The Egyptian legislator adopted a direct regulatory approach to unlawful media content in the Law on the Regulation of the Press and Media, linking responsibility to the editor-in-chief and the responsible manager according to their respective jurisdictions (Rabie et al., 2019).

Article (20) prohibits infringement of the private life of citizens and restricts coverage of the conduct of public officials to matters related to their functions and serving the public interest. Furthermore, Article (21) prohibits the publication or broadcast of matters relating to cases under consideration before investigation or trial authorities if such publication or broadcast is likely to influence the administration of justice or the rights of litigants (Aljazi & Alzubidi, 2024).

Article (101) links the violation of these two prohibitions to a direct penalty, providing for the punishment of the editor-in-chief or the responsible manager with a fine of not less than fifty thousand pounds and not exceeding one hundred thousand pounds.

It is noted that the Egyptian legislator confined this responsibility to the persons entrusted with supervising content, while the responsibility of the writer or editor remains subject to the general rules when the conditions are met. Thus, it established a direct system that identifies the prohibitions, the sanctions, and the persons responsible for them, thereby achieving a balance between the freedom of media work and ensuring respect for privacy and the proper administration of justice (Khamaysa et al., 2025).

3.3.3. Responsibility and Sanctions Arising from the Failure to Publish a Correction or Reply

The Kuwaiti legislator, pursuant to Article (17) of the Electronic Media Regulation Law, obligates the responsible manager to publish any reply, correction, or denial received from the Ministry, government authorities, or any

natural or legal person whose name was mentioned or referred to in the published material. This shall be done without charge, in the same place of publication, and in the same manner, language, and size. The responsible manager is also obligated to ensure accuracy and credibility, and bears responsibility for any violations contained in the published content (Khwaira, 2026).

Violation of this obligation gives rise to the responsibility of the responsible manager, as the failure to publish a reply or correction constitutes a breach of a legal obligation that permits his or her accountability when the conditions are met (Tarawneh et al., 2025). However, the Kuwaiti legislator did not regulate the cases of lawful refusal, as the law lacks provisions specifying the circumstances under which the publication of a reply or correction may be refused or the conditions governing such refusal. Thus, the obligation to publish is absolute without regulating its exceptions.

As for the Egyptian legislator, it explicitly regulated this matter in Article (22) of the Law on the Regulation of the Press and Media, requiring the editor-in-chief or the responsible manager to publish or broadcast the correction upon the request of the concerned parties within three days of receiving the request or in the first available issue or broadcast, whichever comes first, with the same degree of prominence as the news or material subject to correction. This right is granted to any person who has been harmed by the publication of inaccurate information (Al-Mishmishi, 2024).

The Egyptian legislator reinforced this obligation with a criminal penalty, as Article (101) provides for the punishment of the editor-in-chief or the responsible manager with a fine of not less than fifty thousand pounds and not exceeding one hundred thousand pounds if he or she fails to publish the correction (Emar et al., 2023). The court is also obligated to order the publication of the conviction in a daily newspaper and on the electronic website within fifteen days from the date the judgment becomes final and binding. Furthermore, the publication of the correction before the commencement of trial constitutes a ground for the extinction of the criminal action, without prejudice to disciplinary responsibility (Kadwani, 2020).

In contrast, the Egyptian legislator did not make the obligation to publish absolute, as it permits refusal under Article (23) if the request for correction is submitted after thirty days from the date of publication or broadcast, or if the media platform has already corrected the error on its own initiative before the request was submitted. Refusal is also mandatory if the correction contains a crime or violates public order, public morals, or any provision of the law.

It is evident that the Egyptian legislator established a more comprehensive regulatory framework than its Kuwaiti counterpart, as it combined the establishment of the obligation to publish the correction, the specification of cases of lawful refusal, and the linking of unjustified refusal to criminal responsibility.

It is worth noting that the right of reply and correction in both Kuwaiti and Egyptian law corresponds, in terms of function, to what is known in modern European regulation as notification mechanisms and procedures for dealing with unlawful content. The European Digital Services Act requires hosting service providers and platforms to establish clear mechanisms that allow them to be notified of unlawful content and to take decisions regarding it, while ensuring transparency and the protection of fundamental rights. The significance of this comparison lies in the fact that Egyptian law focuses on correcting inaccurate news from the perspective of protecting the person harmed by the media material, while European regulation focuses on building a procedural system for managing unlawful content after notification, thereby achieving a balance between the right of the harmed person to protection and the right of the publisher or user to freedom of expression (Wilman, 2021).

Accordingly, it is evident that legal responsibility for electronic media content is not based merely on professional status, but rather on the nature of the violation and the role performed by each person in preparing, reviewing, publishing, or managing content. Consequently, responsibility is distributed among the writer, the editor-in-chief, and the responsible manager, whether the violation relates to the publication of unlawful content or to the breach of post-publication legal obligations, foremost among which is the publication of a correction or reply (Kasassbeh, 2022).

Conclusion

This research has reached a set of findings and recommendations, the most prominent of which are outlined below:

First: Findings

1. Both the Kuwaiti and Egyptian legislators recognized electronic media websites as independent media entities and subjected them to a special legal regulatory framework.
2. Both legislators agreed on attributing responsibility for media content to those entrusted with its supervision. However, the Kuwaiti legislator confined this responsibility to the responsible manager, whereas the Egyptian legislator distributed it among the editor-in-chief, the responsible manager, and the responsible editors.
3. Neither Kuwaiti nor Egyptian law explicitly regulates the legal basis for the responsibility of the responsible manager or the editor-in-chief. Furthermore, both lack a specific regulatory framework for the responsibility of the article writer and user comments, whereby the writer's responsibility is subject to the general rules of criminal law.

4. The two legislations differ in regulating crimes and sanctions; the Kuwaiti legislator relies on referral to the Publications and Publishing Law and the Visual and Audio Media Law, while the Egyptian legislator directly regulates prohibitions and sanctions within the Law on the Regulation of the Press and Media.

5. Both Kuwaiti and Egyptian legislations focus on criminalizing content and imposing sanctions on those responsible for it.

Second: Recommendations

1. It is recommended to maintain the legal regulatory framework for electronic media websites while periodically updating their definitions to keep pace with technological developments.

2. It is recommended to reorganize responsibility within media websites, particularly in Kuwaiti legislation, by distributing it according to jurisdiction, with explicit provisions establishing the legal basis for the responsibility of the responsible manager and the editor-in-chief, and clarifying the limits of the writer's responsibility.

3. It is recommended to establish a specific regulatory framework for the responsibility of media websites regarding user comments, based on the criterion of knowledge of unlawful content and the ability to remove it within a reasonable period.

4. It is recommended that the Kuwaiti legislator incorporate crimes and sanctions related to electronic media content, and regulate the cases of lawful refusal to publish a reply or correction, within the Electronic Media Regulation Law.

5. It is recommended to establish legal mechanisms for notification and prompt removal of unlawful content, thereby achieving a balance between the protection of rights and freedom of expression.

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