

The Algerian Political System

People's Democratic Republic of Algeria is a constitutional semi-presidential republic, whereby the president, Abdelmadjid Tebboune, is head of state while the is the head of government.

1. Government Branches

1.1 Executive Branch

Executive power is exercised by the president and the government. The president is the **head of the council of ministers** and of **the high Security Council**. The prime minister serves as the head of the council of ministers and also head of government in joint with the president. The president is elected by **absolute majority** by **universal, direct and secret suffrage** for a 5-year term, renewable once. The prime minister is appointed by the president and he is the responsible for the appointment of Ministers.

1.2 Legislative Branch

The legislative power is exercised by a parliament, consisting of two councils/chambers, the **People's National Assembly** and the **Council of Nation**. The Parliament is sovereign to elaborate and vote on the law. The People's National Assembly is elected for a period of five (5) years by means of a **universal direct and secret suffrage** according to the modalities and conditions determined by the Electoral Law. Candidates must be at least twenty-eight years old, Algerian by birth or naturalized for at least five years. Independent candidates must have collected at least 400 voter signatures to be eligible. Both men and women are eligible to run.

The Parliament legislates in the fields which the Constitution allots to them through an **organic law** which is adopted by the **absolute majority** of the deputies and by three-quarters of the members of the Council of the Nation, including:

- rights and fundamental duties of the people, in particular the mode of public freedoms and obligations of the citizens;
- general rules relating to personal statutes and family law, and in particular to marriage, divorce, capacity and successions;
- the basic legislation concerning nationality;

- rules relating to the legal organization and the creation of jurisdictions;
- general rules of criminal law and the penal procedure; and in particular determination of the crimes and offences, institution of the corresponding sorrows of any nature, amnesty, extradition and the penitentiary mode;
- general rules of the civil procedure
- the mode of the civil, commercial obligations and of property;
- adoption of the national plan;
- the vote of the State budget;
- creation, the rate and collection of taxes;
- the customs system;
- the payment of emission of the currency and the mode of the banks, the credit and insurances;
- general rules relating to teaching and scientific research;
- general rules relating to the public health and the population;
- general rules relating to labor law, social security, and the exercise of the commercial law;

The members of the **Council of Nation** are elected by a **two-thirds majority**, in secret, by the municipal elected officials and the departmental assemblies. **One-third** of the senators are indicated by the President of the Republic from among the national personalities and competencies in science, cultural, professional, economic and social fields. The number of the senators is equal to half, at most, of the members (APN). Their mandate is fixed at six years and half of its members are subject to elections every three years.

1.3 Judicial Branch

The Algerian constitution provides that judicial power is independent. Procedure law organizes the judicial power.

1.3.1 Jurisdictions of the 1st Degree: the Courts

In fact, jurisdictions of common right are qualified for all the litigation relating to civil proceedings, commercial or social. They are the court of first resort in the following matters:

- all the movable and real actions whose amount does not exceed 2000DA (\$1 = 11 dinar).
- all the actions relating to rights whose amount does not exceed 300 DA.
- infringements of the transportation system
- disputes relating to the rural beams, habitation and of professional use, the commercial beams

1.3.2 The Jurisdictions of the 2nd Degree: the Courts of Appeals

There are 48 courts of appeals in the Algerian territory. They are courts of jurisdiction for all the calls formed against the judgments given in all matters by the courts in the first resort. In the same way, they know, in last spring, of the demands for payment of judges, when the conflict relates to two jurisdictions within the competence of the same court and the requests for challenge directed against the courts of their spring. The courts are qualified, in the first resort, for any litigation relating to the State (or one its districts).

1.3.3 Supreme Court

The Supreme Court has the highest jurisdiction. The appeals in cassation can be introduced to the Supreme Court only for the following:

- Incompetence or abuse of power
- Basic lack of legal merit
- Violation or omission of the substantial forms of the rules of procedure
- Defect, insufficiency or contradictions of reasons
- Violation or distortions to application of the law interns or foreign law relating to the personal statute
- Contradicting decisions of different courts and returned in last spring.

1.3.4 The Administrative Juridictions

The Administrative Courts are qualified jurisdictions of common right for administrative disputes.

The State Council

The creation of the State Council is very recent. Organic law of May 30 1998 instituted this jurisdiction. The state Council is regarded as a regulating body of the administrative jurisdiction activity. It concerns the judicial power and ensures unification of administrative jurisprudence through the country and takes care of the respect of the law. It has two kinds of competence of the jurisdictions: The state council is qualified for the recourse in first and the last arises for:

- actions in cancellation formed against the lawful or individual decisions returned by the central administrative authorities, of the national public institutions and the national professional organizations;
- actions in interpretation and appreciation of the legality of the acts which concern the administrative dispute.

2. Political Parties and Factions

For more than two decades after independence in 1962, the National Liberation Front (FLN), which launched the revolution of 1954, was Algeria's only legal political party. When they revised their constitution in 1989, Algerians ended FLN's monopoly. To operate lawfully, however, a party must be approved by the Ministry of Interior, which also has the power to dissolve parties. The Organic Law Governing Political Parties forbids parties from organizing based on race, religion, gender, language, or region. Algeria's parliamentary system is designed to allow political participation by many parties.

Sources:

1. Election Guide <http://www.electionguide.org/>
2. EY, <http://www.ey.com>
3. CIA World Factbook, <https://www.cia.gov/the-world-factbook/>
4. U.S. Bilateral Relations Fact Sheets <http://www.state.gov/r/pa/ei/bgn/>
5. <https://www.nyulawglobal.org/globalex/Algeria.html>