

Algeria's Administrative Judiciary

The Algerian constitution provides for an independent judiciary. The Algerian dual-tiered judiciary is comprised of regular and administrative judiciaries.

1. Administrative Judiciary Structure before 2020 Constitution:

↑	Last Instance	State Council
	First Instance	Administrative Tribunals

1.1. The Administrative Tribunals:

The Administrative tribunals were created by Organic Law No.98-02 of May 30th, 1998, and they are qualified jurisdictions of common right for administrative disputes.

1.2. The State Council:

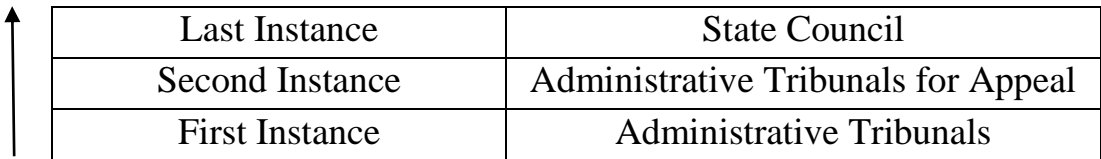
The creation of the State council is very recent. Organic Law No.98-01 of May 30th, 1998, institute this jurisdiction. The State council is regarded as a regulating body of the administrative jurisdiction activity. It concerns the judicial power and ensures unification of administrative jurisprudence through the country and takes care of the respect of the law.

The State council has the power to rule as the first and the last instance with regard to:

- a). Actions for cancellation against regulatory or individual decisions emanating from central administrative authorities, national public institutions and national professional organizations;
- b). Proceedings pertaining to legal interpretation and to proceedings which aim to assess the legality of the acts at the root of the dispute, which fall under the jurisdiction of the State council.

The State council is also the court of cassation with regard to the decisions rendered by administrative courts of the last instance.

2. Administrative Judiciary Structure after 2020 Constitution:



Last Instance	State Council
Second Instance	Administrative Tribunals for Appeal
First Instance	Administrative Tribunals

- **Administrative Courts for Appeal:**

1. Legal Framework

Law No. 22-07 (enacted on [specific date]): Provides the legal foundation for judicial divisions in Algeria.

Organic Law No. 22-10 (enacted on [specific date]): Regulates the structure and organization of the judicial system.

2. Purpose of Establishing Administrative Courts for Appeal:

- To strengthen the principle of two-stage litigation, ensuring litigants have the opportunity to challenge decisions in higher courts.
- To safeguard the right to a fair trial, ensure proper administration of justice, and protect the right to defense.
- To enhance judicial security and build public confidence by enabling litigants to seek redress through appeals and ensuring judgments from administrative courts are scrutinized for integrity.
- To uphold legal protection and oversight over public authorities, legitimizing their practices and ensuring compliance with the law.

3. Jurisdiction of Administrative Courts of Appeal:

The Administrative Courts of Appeal are empowered to:

- Rule on appeals against judgments and orders issued by administrative courts.
- Adjudicate conflicts of jurisdiction between two administrative courts within their purview.
- Address cases specifically delegated to them by special legal provisions.
- Prepare and submit annual reports on their activity and that of subordinate administrative courts to the Council of State, which incorporates these reports into its annual submission to the President of the Republic.

Translation of the most important terms:

- Supreme court / المحكمة العليا
Tribunal of conflicts/ محكمة التنازع
Legal ground / أساس قانوني
Abuse of power / تعسف في استعمال السلطة
Rules of procedure / قواعد الإجراءات
Affirm judgment / تأييد الحكم
Rescheduling / إعادة الجدولة
Trial date / تاريخ المحاكمة
Claim / تظلم
Ratione temporis / الاختصاص الزمني
Ratione materiae / الاختصاص الموضوعي
Ratione loci / الاختصاص المكاني
Ratione personae / الاختصاص الشخصي