# People’s Democratic Republic of Algeria

(الجمهورية الجزائرية الديمقراطية الشعبية)

## Background and Legal System

<table>
<thead>
<tr>
<th><strong>Legal System</strong></th>
<th>Socialist, based on French &amp; Islamic law.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Political System</strong></td>
<td>Republic.</td>
</tr>
<tr>
<td><strong>Head of State</strong></td>
<td>President.</td>
</tr>
<tr>
<td><strong>Head of Government</strong></td>
<td>Prime Minister.</td>
</tr>
<tr>
<td><strong>Subnational Entities</strong></td>
<td>48 Provinces (Wilayat). Capitol City: Algiers.</td>
</tr>
<tr>
<td><strong>Sublocal Entities</strong></td>
<td>Departments (96), subdepartments (Daira), and Commune (cities).</td>
</tr>
<tr>
<td><strong>Transliteration System</strong></td>
<td>Standard Arabic Technical Transliteration System (SATTS) is a U.S. Military system of converting Arabic letters to the Latin alphabet.</td>
</tr>
<tr>
<td><strong>Languages</strong></td>
<td>Official Language: Arabic. Indigenous Language: Berber (Kabyle and Chaouia dialects). French ceased to be the official language in January 1991, however the official gazette continues to publish a French version.</td>
</tr>
</tbody>
</table>
### CONSTITUTION

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CITATION FORMAT</td>
<td><em>Constitution de la République Algérienne Démocratique et Populaire</em> [Constitution] ch. x, art. x, cl. x (Alg.).</td>
</tr>
<tr>
<td>Example</td>
<td><em>Constitution de la République Algérienne Démocratique et Populaire</em> [Constitution] ch II, art. 6, cl. 1 (Alg.).</td>
</tr>
</tbody>
</table>
STATUTES

**GOVERNMENT STRUCTURE**

The executive branch consists of the Algerian president and the prime minister, who serves as head of government. The legislative branch is organized as a bicameral parliament. The judicial power lies in an independent judiciary. Additionally, there are two advisory authorities: the High Islamic Council, composed of fifteen members who deal in religious matters, and the High Security Council, which reports on issues of national security.

The Algerian Parliament, comprised of two houses, writes and then votes on legislation.

The lower chamber is National People’s Assembly (*Assemblée Populaire Nationale* - “APN”). It has 389 members, elected every five years. The upper chamber is the Council of the Nation (*Le Conseil de la nation*), and consists of 144 members who serve 6 year terms. 2/3 of *Le Conseil* are elected by regional and local authorities, and the remaining 1/3 are appointed by the president.

The Parliament legislates in Constitutionally proscribed areas such as rights, duties, freedoms, obligations of citizens, family law, nationality, jurisdiction and legal organization, criminal law, civil procedure, property, budget, taxes, currency, education and research, public health and population, labor and commercial law, and the environment. Laws are adopted by absolute majority of the APN and by ¾ members of the Council of the Nation and then submitted to the Constitutional Council (*Le conseil constitutionnel*) for constitutional review before promulgation.

The Constitutional Council is made up of nine members (3 - appointed by the president; 2 - elected officials by the APN; 2 - elected officials by the Council of the Nation; 1 - elected official by the Supreme Court; 1 - elected official by Council of the State).
REPORTERS


(1960-1964 unavailable)

Continued by: Revue algérienne des sciences juridiques, économiques et politiques. Vol. 1 (1964) - Present

Alger, Institut de droit, des sciences politiques et administratives, 1964 - (commencing with 1986, contents in French or Arabic).


Succeeded by: Journal officiel de l’État algérien.


CITATION FORMAT

Codes: <Code> art. <article number> (<year of version only if version is no longer in force>) (Alg.). <"Common Name”.

Statutes: Law No. <law number> (<effective year>) (Alg.). <"Common Name”.

Decrees: Legislative/Executive decree No. <decree number> (<effective year>) (Alg.). <"Common Name”.

Washington University Manual of International Legal Citation
Examples

Statutes:  Law No. 88-14 (3 May, 1988) (Alg.).
Decrees:  Legislative decree No. 93-03 (1 Mar. 1993) (Alg.).


ADMINISTRATIVE REGULATIONS

Pursuant to Part Two, chap. I, art. 79-87 of the Algerian constitution, the President appoints a Prime Minister to head the government. The Prime Minister presides over a Council of Government, who are recommended by the Prime Minister and officially appointed by the President. The Prime Minister’s duties include distributing duties among the members of government, executing laws and rules, and signing executive decrees. There is no constitutional term limit for the Prime Minister.


La Revue IDARA.

CITATION FORMAT


Example

CODES

BERTI CODES
Private publishers publish codes in book or CD-Rom format:

BERTI Codes
1. Algerian Civil Law Code, book and CD-ROM.
3. Algerian Criminal Code, book and CD-ROM.
5. Algerian Customs Code, book and CD-ROM.

UNIVERSITY PUBICATIONS OFFICE

CASE LAW

JUDICIAL OVERVIEW
The Algerian Constitution provides for an independent judiciary. The Algerian dual-tiered judiciary is comprised of regular and administrative jurisdictions. The Supreme Court is the highest court and presides over lower courts and 48 tribunals (appellate courts). The State Council, when joined with the High Court of Appeal, functions as the Supreme Court. The State Council was created by Organic law of May 30, 1998 to regulate administrative jurisdiction by acting both as a judiciary and consultative body. Algeria also has a constitutionally mandated Court of Auditors that oversees compliance with state budget and financial management issues.

REPORTER
None. Case law is not a direct source of Algerian law. Until 1975, the courts looked to French jurisprudence for guidance.

Revue de la Cour Suprême.
There is no official legal citation in French Law. Private and public editors have their own systems and their own abbreviations.


“Bearing the results of the Election of half of the elected members of the Council of Nation.” Announcement n° 01-P-CC-01 of 6 Shawwal 1421 corresponding to 1 January 2001.

 SOURCES

CIA World – the World Factbook:

Algerian Law Guide:
http://www.llrx.com/features/algerian.htm

Standard Arabic Technical Transliteration System
http://www.websters-online-dictionary.org/Ar/Arabic.html

U.S. Library of Congress:
http://countrystudies.us/algeria/52.htm

National People’s Assembly:
http://www.apn-dz.org/apn/english/


General Secretariat of Government:

Cumulative Index of Industrial Property Laws and Treaties:
Algeria Constitution:
  http://www.oefre.unibe.ch/law/icl/ag00000_.html

Governments on the WWW:

Services du chef du gouvernement:
  http://www.cg.gov.dz/francais.htm

Ecole Nationale D'Administration:
  http://www.cerist.dz/ena/

Centre de recherche en economie appliqueé pour le développement:

European Institute for Research on Mediterranean and Euro-Arab Cooperation (MEDEA):

National Report on the State of the Judiciary in the Algerian Republic:

Researching French Law:
  http://www.llrx.com/features/french.htm#Case

The Algerian Constitutional Jurisprudence:
  http://www.conseilconstitutionnel-dz.org/English/indexAng.htm

The Water Right in Al-Andalus: Theory and Foundations
derecho_aguas_alandalus.htm

SPECIAL THANKS

Gretchen Ackerman – Staff Member. Oct. 2006
Thomas Clark – ICM Committee Member. Oct. 2006