



Procedures of the Constitutional Court in Algeria Regarding Compliance Control and Constitutional Review': An Analysis in Light of Organic Law No. 22-19

¹Ayadi souad*

¹Faculty of Law and Political Science, University Mohamed El Bachir El Ibrahimi of Bordj Bou Arreridj, Algeria. souad.ayadi@univ-bba.dz

ABSTRACT: This research paper explores the procedures followed by the Constitutional Court when exercising its authority over compliance control and constitutional review. This is in light of Organic Law No. 22-19, which outlines the notification and referral procedures to the Constitutional Court. The paper will cover all stages of this review, beginning with initiating control through the notification mechanism and handling the notification letter. We will then examine the procedures for studying the notification file, including investigations and deliberations. Finally, we will discuss the key consequences arising from the Constitutional Court's rulings on constitutional review and compliance control.

Keywords: Constitutional Court, compliance control, constitutional review, notification, deliberations.

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Introduction

Through the constitutional amendment of 2020, the Algerian constitutional founder adopted the review of the constitutionality of laws by the Constitutional Court instead of the Constitutional Council, thereby establishing the Constitutional Court as an independent constitutional institution. The Court is responsible for ensuring respect for the supremacy of the Constitution by examining laws to determine their constitutionality, thereby removing any unconstitutional provisions. Its primary functions include compliance control and constitutional review.

Compliance control and constitutional review are exercised by the Constitutional Court through a series of precisely defined procedures, stages and methods outlined in Organic Law No. 22-19. This law details the procedures and mechanisms for notification and referral to the Constitutional Court, as well as the regulations governing the court's operations. This research paper therefore focuses on one specific aspect of the Constitutional Court's work: the procedures it follows for compliance control and constitutional review. It does not address unconstitutionality claims.

The first stage is notification, which reveals that the Constitutional Court in Algeria cannot initiate constitutional review or compliance control automatically or independently, indicating that its supervisory authority is restricted by the notification mechanism. This is the primary means through which the Constitutional Court performs its constitutional and compliance review duties. The court can only extend its oversight of laws if notified by the entities specified in the constitution.

The next stage is the investigation phase, which requires the appointment of a rapporteur to study the notification letter and prepare a draft decision. The members of the Constitutional Court then review this draft to examine its content and scrutinise its details, before deliberating on it within specific time limits to issue a decision regarding the notification. This decision will either affirm or deny compliance with the constitution, particularly with regard to compliance control over organic laws and the internal regulations of the two chambers of parliament. Alternatively, the court may rule on the constitutionality or unconstitutionality of texts relating to constitutional review in relation to treaties, ordinary laws, decrees and regulations.

The procedures followed by the Constitutional Court regarding compliance control and constitutional review are characterised by their written nature: there are no oral pleadings and parties cannot attend in person or be represented by lawyers. Court sessions are closed and all procedures are confidential until the final decision is issued.

All these procedures aim to ensure the quality and promotion of legislative work in Algeria, protect the legal system, uphold the supremacy of the Constitution, ensure the hierarchy of constitutional rules and confirm that legal texts are free from any unconstitutional flaws. The following issue arises from the above:

What procedural controls does the Constitutional Court adopt when deciding on notifications regarding compliance control and constitutional review?

This study addresses this issue by taking an analytical approach and examining various texts included in the 2020 constitutional amendment, Organic Law No. 22-19, and the Constitutional Court's internal regulations.

The study is divided into three sections. The first section addresses the concept of notification, clarifying the entities that notify the Constitutional Court and the procedures for handling the notification letter. The second section discusses the procedures for studying the notification file, including investigations and deliberations. The third section examines the legal consequences arising from the Constitutional Court's exercise of compliance control and constitutional review.

Section One: Notification to the Constitutional Court

Notification is the procedure carried out by entities authorised by the constitution to request the stance of the Constitutional Court on the constitutionality of a treaty, legislative text, regulatory text or decree. This is done by sending a notification letter to the President of the Constitutional Court, seeking a decision on whether the text complies with the constitution, or on the constitutionality of the text in question, whether that be in whole or in part¹. Therefore, notification must be made by the entities specified exhaustively in the constitutional provisions for the court to qualify to exercise oversight of legal texts.

This section identifies the entities responsible for notification regarding compliance control and constitutional review. The second subsection will discuss the procedures for handling the notification letter.

Section 1: Entities responsible for notification regarding compliance control and constitutional review

Compliance control refers to oversight that aligns with the constitution in both spirit and text.

Compliance control refers to comprehensive oversight that aligns with the constitution in both spirit and text. It is a mandatory, prior and obligatory review extending to the entire text, which is automatic for the notifying entity. The aim is to examine whether the legislative text complies with the constitution², both substantively and formally. The constitutional founder has stipulated that both organic laws and the internal regulations of each parliamentary chamber are subject to compliance control with the constitution.

Conversely, constitutional review is considered less flexible³. It only examines the text from a substantive perspective, and is optional prior to the issuance of legal texts concerning treaties and ordinary laws, or after issuance if they pertain to regulations and decrees issued by the President of the Republic.

¹- Bou Chair, Said. *The Algerian Political System: An Analytical Study of the Nature of the Governance System in Light of the 1996 Constitution (Legislative Authority and Oversight)*. University Publications, Algiers, 2013, p. 249.

²- Rouab, Jamal. "The Jurisdiction of the Constitutional Court in Constitutional Oversight and Compliance Review." *Journal of the Constitutional Council*, no. 17, 2021, p. 174.

³- *Ibid.*, p. 170.

The entities responsible for notification regarding compliance control differ from those responsible for constitutional review. We will elaborate on these entities in detail.

Branch One: Entities Responsible for Notification Regarding Compliance Control

The President of the Republic is the only person who can notify the Constitutional Court of compliance control, particularly with regard to organic laws and the internal regulations of the parliamentary chambers⁴. This notification is mandatory and must be made before the law is issued. This is an exclusive right exercised by the President, who does not share this authority with any other entity as he is considered the guardian of the Constitution⁵.

Branch Two: Entities Responsible for Notification Regarding Constitutional Review

President of the Republic:

The President has the right to notify the Constitutional Court of a constitutional review when it concerns treaties, ordinary laws, decrees and regulations.

Presidents of the Chambers of Parliament:

The President of the Senate and the President of the National People's Assembly may notify the Constitutional Court of laws, treaties and regulations at their discretion. This right has existed since the 1996 Constitution. Since 1996, the Constitutional Council has issued six decisions and twenty-one opinions, including seventeen notifications from the President of the Republic⁶, three from the President of the National People's Assembly and one from the President of the Senate⁷.

Prime Minister or Head of Government, as applicable:

Under Article 193 of the 2020 constitutional amendment, the constitutional founder granted both the Prime Minister and the Head of Government the right to notify the Constitutional Court of treaties, ordinary laws and regulations⁸. This is because they are the second party in the executive authority responsible for implementing laws. This right serves as a mechanism to defend proposed laws against Parliament⁹.

Rights of Parliament Members:

This right is mentioned in Article 193, paragraph two, of the 2020 constitutional amendment. Forty representatives and twenty-five members of the National Assembly may request that the Constitutional Court examine the constitutionality of ordinary laws, regulations or treaties. This mechanism enables pressure to be exerted on the governing authorities, compelling them to enact legal texts that do not conflict with the constitution. Furthermore, this right strengthens the role of representatives and promotes democracy¹⁰.

⁴- Refer to Article 190 of the 2020 Constitutional Amendment.

⁵- Refer to Article 84, Paragraph 2 of the 2020 Constitutional Amendment.

⁶- The first notification regarding the law postponing the election of municipal councils. See the opinion of the Constitutional Council No. (02) dated December 5, 1989. The second notification relates to the law postponing the election of provincial councils, for which the Constitutional Council issued opinion No. (03) stating that this law is in compliance with the constitution.

⁷- The President of the Senate notified the Constitutional Council via a letter challenging the provisions of the law concerning compensation and retirement for members of Parliament, and he expressed his opinion on that matter.

⁸- Gharebi, Ahssen. "Oversight of the Constitutionality of Laws in Light of the 2020 Constitutional Amendment." *Journal of Rights and Political Sciences*, vol. 13, no. 4, 2020, p. 31.

⁹- Misrati, Salima. *The System of Oversight on the Constitutionality of Laws in Algeria in Light of the 1996 Constitution*. Dar Houma, Algiers, 2012, p. 80.

¹⁰- Chihoub, Masoud. "Parliamentary Opposition in the Algerian Constitutional System: A Reading of the 2016 Constitutional Amendment." *Al-Wasit Journal*, Ministry of Relations with Parliament, no. 13, Algiers, 2016, p. 49.

Subsection Two: Procedures for Notification

The Constitutional Court can only be invoked for compliance control and constitutional review through a notification letter that specifies a set of conditions and procedures. Notification is subject to specific time limits to prevent laws from remaining vulnerable to challenge or annulment, particularly once they come into force.

Branch One: Procedures for Handling the Notification Letter

The notification letter accompanies the text to be reviewed for compliance control and constitutional review. It is sent by the four entities specified in Article 193 of the constitutional amendment to the President of the Constitutional Court for examination of legal texts.

The notification letter and the legal text must be registered with the General Secretariat of the Constitutional Court as the first stage of a fundamental preliminary procedure¹¹. It is recorded in the notifications register according to the date of receipt, and the receipt date serves as the reference for calculating deadlines¹². All notifying entities follow this procedure, whether the notification is mandatory or optional.

If the notification is issued by parliamentary members, the letter must contain the required number of signatures, as stipulated in Article 193, Paragraph 2 of the Constitution. This means that a notification letter from members of the National People's Assembly must be signed by forty deputies, and a notification letter from the Senate must be signed by twenty-five members. Additionally, the notification letter must be accompanied by a copy of the relevant treaty, agreement, law or regulation¹³, and a copy of the deputy's or senator's identification card to verify their status¹⁴. These are the formal conditions for acceptance of the notification letter.

Notably, the constitutional founder imposed a series of formal conditions and procedures on parliament members specifically when exercising the notification authority, unlike other entities. This diminishes the effectiveness of the notification mechanism and undermines its role.

Article 3 of Organic Law No. 22-19 outlines the procedures and methods for notification and referral to the Constitutional Court. It stipulates that the notification letter must be justified and accompanied by the reasons and arguments that prompted the notifying entities to assert unconstitutionality. It must also include the text subject to notification¹⁵. This provision ensures that all notifying entities are treated equally in the context of constitutional review by requiring justification for their notification letters.

This requirement exists to ensure that the notification letter is genuine and not just a way to obstruct legislation or abuse rights, particularly in cases of conflict with the authorities¹⁶. This will help to eliminate any violations or transgressions against the constitution from the legal system.

Upon receiving the notification letter, the Constitutional Court deposits it with the court registry and receives a confirmation of this in return¹⁷. The Court first decides on the procedural aspects before considering the substance of the matter. Accordingly, the notification letter must be in writing, as this is a fundamental and necessary condition for the Constitutional Court to perform its duties — it does not

¹¹- Hamdawi, Arabi. "Procedures Before the Algerian Constitutional Council and Their Impact on the Effectiveness of Oversight on the Constitutionality of Laws." Master's Thesis, Mohamed Boudiaf University, M'sila, 2014-2015, p. 41.

¹²- Refer to Article 9 of the regulations defining the rules of procedure for the Constitutional Court, Official Gazette No. 4, published on January 22, 2023, p. 6.

¹³- Article 7 of Organic Law No. 22-19.

¹⁴- Article 10 of the regulations defining the rules of procedure for the Constitutional Court.

¹⁵- Article 3 of Organic Law No. 22-19.

¹⁶- Misrati, Salima. Ibid. p. 37.

¹⁷- The last paragraph of Article 10 of the regulations defining the rules of procedure for the Constitutional Court.

engage in oral correspondence¹⁸.

Branch Two: Deadlines for Notification

The constitutional founder has granted the entities specified in Article 193 of the constitutional amendment the authority to notify the Constitutional Court. However, these entities do not have complete freedom in choosing when to make such notifications, as delays could hinder the implementation of the law. Consequently, they are bound by the specific deadlines set out in the constitution.

If the notification concerns organic laws, which are subject to compliance control, the President of the Republic must notify the Constitutional Court after the law has been approved by both chambers of parliament. Regarding the internal regulations of the parliamentary chambers, the final paragraph of Article 190 of the constitutional amendment stipulates that each chamber must prepare its internal regulations before presenting them to the Constitutional Court for compliance review.

Regarding constitutional review, the deadlines for presenting texts for notification vary from law to law. For international treaties, notification of the Constitutional Court must occur before ratification¹⁹, and this review encompasses official treaties provided they fall within the remit of the executive authority's normal activities²⁰.

For the constitutional review of ordinary laws, notification of the Constitutional Court must occur before issuance. According to Article 148 of the constitutional amendment, the President has thirty (30) days from receiving the text to enact ordinary laws, so the notification period remains open. If this timeframe expires, the law becomes immune to constitutional review.

Article 190, Paragraph 3 of the constitutional amendment specifies a one-month deadline from the date of publication for notifying the Constitutional Court of regulations. However, it does not specify which types of regulations are subject to constitutional review. It would be more appropriate for it to explicitly state that regulations issued by the President of the Republic are subject to review, particularly independent regulations stemming from the President's regulatory authority rather than executive regulations issued by the government²¹.

As for decrees issued by the President of the Republic under Article 142 of the constitutional amendment, they must first be presented to the Council of Ministers and receive the State Council's opinion before being published in the Official Gazette. The President must notify the Constitutional Court of their constitutionality and the Court must decide on this within ten days of notification²².

Section Two: Procedures for Examining the Notification File

A series of procedures and stages are followed to study the content of the notification letter, starting with the investigation phase. During this phase, one or more rapporteurs are appointed from among the court's members to study the file and gather all relevant information and documents. The rapporteur(s) may consult various texts to prepare their report in a timely manner. Once the report is complete, the deliberation phase begins, during which the draft decision is examined.

Subsection One: Investigation Phase

Upon receiving the notification letter, the Constitutional Court must inform the relevant public authorities of its content, so that it can subsequently be studied and scrutinised by the rapporteur.

¹⁸- Bou Diah, Amr. "Parliamentary Notification as a Pathway to the Constitutional Court in Algeria: A Theoretical and Practical Study - Part One." *Journal of the Constitutional Court*, no. 3, December 2023, p. 44.

¹⁹- Refer to Article 190, Paragraph 2 of the 2020 Constitutional Amendment.

²⁰- Belhassen, Kenza, and Abdel Majid Lakhdari. "The Scope of the Jurisdiction of the Constitutional Court in Exercising Compliance Oversight and Constitutional Oversight in Light of the 2020 Constitutional Amendment." *Numerous Academic Journal*, vol. 4, no. 1, 2023, p. 25.

²¹- Rouab, Jamal. *Ibid.* p. 173.

²²- Article 6 of Organic Law No. 22-19.

Branch One: Informing All Constitutional Authorities of the Notification Letter

Article 11 of the regulations governing the operation of the Constitutional Court stipulates that the President of the Republic must be personally informed of the notification letter in order to officially acknowledge its content, since he is the guardian of the constitution. As it is his responsibility to issue and publish laws in the Official Gazette, issuance of the contested text is postponed until the court has ruled on its constitutionality. A legislative text cannot become law unless it has been approved and published in the Official Gazette, thereby involving the President in the legislative process.

On the one hand, this enables the President to share his thoughts on the contested text, which could help to improve it.

Conversely, the same article ensures that the President of the Senate and the President of the National People's Assembly are informed of the notification, since they typically originate these laws within the legislative authority. This gives them the opportunity to defend them. Depending on the situation, the Prime Minister or Head of Government is also notified due to their constitutional role in presenting legislative proposals alongside parliament. The contested ruling may be a regulatory text issued by the executive authority²³, thereby granting them the right to defend it by providing comments.

The Constitutional Court may request relevant documents from these entities and hear from their representatives²⁴.

Branch Two: Appointment of One or More Rapporteurs

Upon receiving the notification letter and confirming that it meets the formal and substantive conditions, the President of the Constitutional Court appoints one or more rapporteurs from among the Court's members to study the subject of the notification and prepare a report on it²⁵. The rapporteur's task is challenging and extensive, as the scope of the investigation is broad.

In this regard, Article 45 of the previous regulations grants the rapporteur the right to consult any supplementary documents deemed necessary. These documents may include the draft law under study, legal opinions or parliamentary discussions related to it²⁶, and information to assist in preparing the report, as well as communications and interviews with official entities.

There are certain topics that the rapporteur may find difficult to investigate personally as they require specialised knowledge and technical expertise beyond his legal expertise. In such cases, they may consult any expert who can provide relevant insights for the investigation²⁷, subject to the mandatory approval of the President of the Constitutional Court²⁸.

While no specific deadline has been set for submitting the report, it is expected that the rapporteur will complete his work within less than one month. This is because, according to Article 194 of the constitutional amendment, the period specified for the Constitutional Court to rule on the constitutionality of the law is one month from the date of notification. According to Article 43 of the previous regulations, this deadline begins on the date of registration of the notification in the designated register.

Section Two: Sessions of the Constitutional Court

This subsection discusses how the Constitutional Court organises its sessions for studying reports and examines how deliberations are conducted.

²³- Qadah, Hanan. "Regulations for Raising the Defense of Unconstitutionality Before the Constitutional Court." *Journal of the Constitutional Court*, no. 2, June 2023, p. 228.

²⁴- Refer to Article 11 of the regulations defining the rules of procedure for the Constitutional Court.

²⁵- Article 44 of the regulations defining the rules of procedure for the Constitutional Court.

²⁶- Bahjat Younes, Maha. "Procedures for Issuing a Constitutional Judgment: A Comparative Study." *Journal of Legal Sciences*, vol. 23, no. 1, University of Baghdad, 2008, p. 89.

²⁷- Qadah, Hanan. *Ibid.* p. 234.

²⁸- Article 45 of the regulations defining the rules of procedure for the Constitutional Court.

Branch One: Meeting of the Members of the Constitutional Court

Once the rapporteur has examined the notification file and prepared a report on it, they submit a copy of the report, along with a draft decision, to the President of the Court, its members, and the Court's General Secretary. The Constitutional Court convenes at the invitation of its President. If the President is absent, the senior member presides²⁹; if the senior member is also absent³⁰, the President may delegate another member to preside.

The court deliberates in the presence of its members only and cannot rule on the constitutionality of the presented law unless the required quorum of at least nine members is met³¹.

As they are held in closed sessions by necessity, sessions of the Constitutional Court are characterised by confidentiality. Article 194 of the constitutional amendment confirms this, ensuring the independence of the court and protecting the freedom and neutrality of its members from any pressures that might influence them, particularly in sensitive cases³².

Notably, the Algerian constitutional founder adopted the absolute principle of confidentiality for all Constitutional Court procedures concerning compliance control and constitutional review at all stages of the appeal. The name of the rapporteur, the content of the session and the details of the report remain undisclosed.

Branch Two: Conduct of Deliberations

Submitting the report is a preliminary step to the deliberations, meaning its preparation must precede the court's discussions. This step is mandatory and foundational to the final decision³³, as the deliberations revolve around the report and the facts and issues it contains.

Deliberation involves consultation and discussion among the members of the Constitutional Court regarding the report presented by the rapporteur. The president of the session opens the deliberation and then allows the rapporteur to present the contents of the file. Members then express their opinions and arguments regarding the report to enrich the discussion. The deliberations do not conclude until an agreement is reached on the text of the decision issued by the court concerning compliance control and constitutional review.

The Constitutional Court decides on the compliance of organic laws by a majority of all its members. Decisions regarding the internal regulations of the parliamentary chambers and constitutional review, however, are made by a simple majority of members present. In the event of a tie, the president's vote is decisive. Thus, Article 197 of the constitutional amendment distinguishes between voting processes for compliance control of organic laws and for internal regulations and constitutional review, likely due to the legal significance of organic laws within the hierarchy of legal norms.³⁴

Once the deliberations have concluded, the current members and the session clerk sign the minutes of the sessions, which remain confidential and inaccessible to outsiders. The Constitutional Court must issue its decisions within thirty days of the notification date. In cases of emergency, the President of the Republic may reduce this period to ten days according to Article 194 of the constitutional amendment.

Once the President of the Court and the attending members have signed the Court's decisions, the General

²⁹- Refer to Article 46 of the regulations defining the rules of procedure for the Constitutional Court.

³⁰- Refer to Article 48 of the regulations defining the rules of procedure for the Constitutional Court.

³¹- Refer to Article 47 of the regulations defining the rules of procedure for the Constitutional Court.

³²- Fatah, Nabali. "The Role of the Constitutional Council in Protecting Rights and Liberties: An Expansive Field with Limited Scope." Doctoral Thesis, Mouloud Mammeri University of Tizi Ouzou, July 2010, p. 298.

³³- Hamdawi, Arabi. "Procedures Before the Algerian Constitutional Council and Their Impact on the Effectiveness of Oversight on the Constitutionality of Laws." Master's Thesis, Mohamed Boudiaf University, M'sila, 2014-2015, p. 45.

³⁴- Refer to Paragraph 2 of Article 48 of the regulations defining the rules of procedure for the Constitutional Court.

Secretary of the Constitutional Court is responsible for drafting the session minutes, recording them and ensuring they are kept safe and archived³⁵. These decisions are then published by the General Secretary of the Government in the Official Gazette.

Section Three: Consequences of the Constitutional Court's Oversight of Constitutionality and Compliance.

While reviewing legal texts concerning compliance oversight and constitutionality, the Constitutional Court issues decisions rather than opinions. These decisions are binding on all public authorities in the state, including administrative and judicial authorities³⁶, regardless of their nature. They are final and not subject to any form of appeal. The effects of these decisions apply to everyone, thereby contributing to the preservation of the constitution and the rights and freedoms of individuals³⁷. They are immune to reconsideration and acquire the authority of *res judicata* as they are final judgements that are enforceable by law³⁸.

This section will elucidate the consequences arising from the Constitutional Court's exercise of compliance and constitutional oversight.

Subsection One: Rejection of the Notification on Formal Grounds

The Constitutional Court may reject a notification regarding the constitutionality of laws on formal grounds in two instances:

- The notification is made by entities not specified in the Constitution, which are listed exhaustively in Article 193. This includes notifications concerning organic laws and the internal regulations of the parliamentary chambers made by the President of the Senate, the President of the National People's Assembly, the Prime Minister or Head of Government, or forty (40) deputies or twenty-five (25) senators. 2. This authority is exclusively vested in the President of the Republic, as stipulated in Articles 190, Paragraphs 5 and 6 of the Constitution.
- The Constitutional Court may reject the notification on formal grounds if it is submitted outside the deadlines specified in the Constitution. In this case, the Court will not consider the constitutionality of the text in question and will issue a decision rejecting the notification on formal grounds due to its unconstitutionality. Consequently³⁹, the text will continue to take effect and remain in force. However, the court may be notified again regarding the same law if the formal and substantive requirements are met.

Subsection Two: Consequences of Compliance Review

When the Constitutional Court examines whether organic laws and the internal regulations of the parliamentary chambers comply with the constitution, it may issue a decision confirming compliance. In this case, the President of the Republic will enact the organic law and the relevant chamber will implement the internal regulation.

However, if the court decides that the text under review is not compliant with the constitution, the following consequences arise:

- If the text in question is an organic law and the Constitutional Court rules that one or more of its provisions are not compliant with the Constitution, but these provisions can be separated from the rest of the organic law, then the organic law may still be enacted without the non-compliant provisions⁴⁰, as these do not affect the law's content.

³⁵- Article 52 of the regulations defining the rules of procedure for the Constitutional Court.

³⁶- Rouab, Jamal. *Ibid.*, p. 183.

³⁷- Gharebi, Ahssen. *Ibid.*, p. 39.

³⁸- Rouab, Jamal. *Ibid.*, p. 183.

³⁹- Gharebi, Ahssen. "The Mechanism for Notifying the Constitutional Court in the Algerian Constitution." *Mediterranean Notebooks*, vol. 6, no. 1, June 2021, p. 31.

⁴⁰- Refer to Paragraph 2 of Article 7 of the regulations defining the rules of procedure for the Constitutional Court.

- Conversely, if the non-compliant provision(s) cannot be separated from the other provisions of the organic law — meaning that they would undermine the entire structure of the law — the text will be returned to Parliament for redrafting in order to align with the Constitution. In this case, the President of the Republic cannot publish it in the Official Gazette.
- If the text under review is an internal parliamentary regulation and contains one or more unconstitutional provisions that cannot be separated from the regulation's other provisions, the text will be returned to the relevant chamber for reconsideration.

Furthermore, any amendments to the internal regulations of the parliamentary chambers must be notified to the Constitutional Court, as stipulated in Article 8 of the regulations governing the operation of the Constitutional Court.

Subsection Three: Consequences of Constitutional Review

If the Constitutional Court rules that the law under review — whether an ordinary law, treaty, regulation or decree — is in compliance with the constitution, the following consequences will ensue:

- The President of the Republic will ratify the treaty or agreement deemed constitutional by the Constitutional Court.
- The ordinary law will be published in the Official Gazette by the President of the Republic.
- If the review pertains to decrees, the President will present them to both chambers of Parliament at the beginning of the session for approval or rejection.
- In the case of regulations, they will remain in force and their effects will continue.

However, if the text under review is found to be unconstitutional, the consequences of the Constitutional Court's decision will vary depending on the law being reviewed, as stipulated in Article 198 of the Constitution.

If the Constitutional Court rules that a treaty, agreement or convention is unconstitutional, it will not be ratified.

If the Court declares an ordinary law to be unconstitutional, it will not be enacted.

If a regulation or decree is found to be unconstitutional, it will lose its effect immediately and without retroactive application, with the aim of protecting acquired rights, from the date of the Constitutional Court's decision. This applies only to the present and future⁴¹.

Conclusion:

In this research paper, we examined the legal frameworks that govern the procedures of the Constitutional Court when reviewing notifications concerning compliance and constitutional matters. We began with the initial step of notifying the court, highlighting the formal and substantive conditions that must be met when submitting such notifications. This process culminates in the court issuing its decisions. We reached the following conclusions:

First, the Algerian legislator has taken a significant step by establishing the Constitutional Court as an independent body responsible for protecting the constitution, regulating institutions and overseeing public authorities. This helps to establish a state governed by the rule of law, as it annuls any laws, regulations or decrees that contravene the constitution.

The Constitutional Court conducts two types of review: compliance review and constitutional review. Compliance review is mandatory and occurs prior to the issuance of laws. It encompasses organic laws and the internal regulations of the parliamentary chambers and is more comprehensive and precise, examining the text in its entirety from both substantive and formal perspectives.

⁴¹- Gharebi, Ahssen. Ibid., p. 41.

In contrast, constitutional review is discretionary and less stringent, providing less comprehensive coverage of the text. It occurs prior to the ratification of ordinary laws and treaties, and subsequently for regulations.

The Constitutional Court in Algeria is firmly established and has clear, essential tasks assigned to it, having been created through constitutional provisions. However, it is noteworthy that the court cannot autonomously initiate its review; it remains inactive in cases of constitutional violations until notified by the entities specified exhaustively in the constitution.

Not all entities have equal notification rights: the notification scope available to the President of the Republic is broader than that available to other entities. The President holds mandatory and discretionary notification rights for compliance and constitutional review, whereas other entities only have discretionary rights for constitutional review.

The Constitutional Court is confined to the limits of the notified text and cannot examine any laws beyond the original legal text under review, even if they are connected to other provisions. This affects the court's effectiveness.

The rapporteur's responsibilities are challenging, as they must search for unconstitutional provisions in the contested law. However, neither the Constitutional Court's internal regulations nor Organic Law No. 22-19 specify how the rapporteur should be appointed, leaving this decision to the President of the Constitutional Court.

Based on the preceding discussions, we propose the following recommendations:

1. To enhance the protection of the constitution, the Constitutional Court in Algeria should be granted the right to autonomously intervene in matters of compliance and constitutional review.
2. In order to achieve an institutional balance between the legislative and executive branches, the Constitutional Court should be granted equal rights with notification entities to notify it, particularly with regard to mandatory notifications concerning organic laws, the internal regulations of each parliamentary chamber, and decrees.
3. Laws governing the operation of the Constitutional Court should explicitly address the examination of legal texts related to the notified text, including texts from the same contested law or connected to it.
4. Legal provisions should be established to define the criteria for appointing the rapporteur, ensuring independence from functional dependency in order to enhance the court's effectiveness.
5. The thirty-day deadline granted to the Constitutional Court for ruling on appeals regarding compliance and constitutional review should be reconsidered, as this period is insufficient for studying laws and identifying unconstitutional aspects, especially if a significant number of laws are received simultaneously.

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