

RESEARCH ARTICLE		The Constitutional Foundations of Local Government Authorities in Algeria	
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<b>Abstract</b> This article explores the constitutional foundations and legal development of local authorities in Algeria within the broader context of decentralization. Since independence, Algeria has adopted a decentralized approach to governance, gradually formalized through successive constitutions from 1963 to the latest amendment in 2020. This constitutional evolution reflects the state's commitment to enhancing local governance, both structurally and legally. The article highlights how decentralization in Algeria is not merely administrative but has deep constitutional roots, offering legal protection and recognition to local authorities. It also traces how the concept of decentralization has been integrated into constitutional texts and legislative reforms, emphasizing its role in shaping the relationship between the central government and local institutions. The study concludes that Algeria's constitutional framework has increasingly supported the principles of autonomy, participation, and efficiency in local administration.			
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## Introduction

Decentralized organization, as a legal technique, is fundamentally based on the creation of legal entities endowed with financial autonomy and legal personality. These entities may take territorial forms, embodied by local public authorities, or functional forms, represented by public institutions. This organizational approach seeks to enhance

the efficiency of administrative action at the regional and local levels and aims to secure democratic participation at the political level.<sup>1</sup>

Algeria has shown a sustained interest in the system of local authorities, considering it a concrete application of the principle of regional administrative decentralization within its administrative structure. The local government system in Algeria has undergone several phases of development.

The foundational features of the local government system in Algeria first appeared in the 1963 Constitution, and have continued through subsequent constitutional texts, including the current Constitution, reflecting the same principles enshrined in the 1976 Constitution, and later reaffirmed in the 1989 Constitution.<sup>2</sup>

This continuity reveals a consistent and stable conviction within Algerian society regarding the importance of these principles.

As the highest legal authority in the state, the Constitution provides the strongest guarantee for the existence and functioning of local authorities. Lower-ranking laws must conform to constitutional provisions; otherwise, they may be challenged for unconstitutionality. Since the Constitution forms the legal foundation of local authorities, such entities cannot be abolished except through a constitutional amendment.<sup>3</sup>

### **Importance of the Study**

The importance of this study stems from the critical role that the system of local authorities plays in political, economic, social, cultural, and administrative domains. It constitutes a cornerstone in the realization of decentralization and the establishment of state institutions. Moreover, it significantly contributes to fostering democratic governance and good governance practices. For this reason, it is essential that the constitutional legislator intervenes to regulate this system by setting forth the fundamental principles that govern and guide it—emphasizing the role of constitutional organization in either strengthening or limiting the state's adoption of a decentralized local authority model.

### **Main Research Question**

This study seeks to answer the following central research question:

**What are the constitutional foundations governing local authorities in Algeria?**

### **Methodology**

This study adopts a descriptive-analytical approach, focusing on analyzing constitutional provisions related to local authorities in Algeria. Additionally, a comparative approach is employed when relevant, considering that the concept of decentralization has been constitutionally recognized in Algeria prior to the current Constitution.

### **General Structure of the Study**

This study is structured as follows:

**Chapter One:** The Constitutional Enshrinement of Local Authorities in Algeria

**Chapter Two:** The Foundations of Local Authorities in the Algerian Constitution

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<sup>1</sup> Abdel Salam Al-Fatnassi, "Local Authority and the Unity of the State through the Constitution of January 27, 2014," Proceedings of the National Symposium on Decentralization and Local Authority, First Edition, Tunis, May 23–24, 2015, p. 9.

<sup>2</sup> Constitution of the People's Democratic Republic of Algeria of September 8, 1963, Official Gazette No. 64, 1963; Constitution of November 19, 1976, Official Gazette No. 94, 1976; Constitution of February 23, 1989, Official Gazette No. 9, 1989.

<sup>3</sup> Mohamed Al-Yakoubi, "Decentralization and the Constitution in Morocco," Moroccan Journal of Local Administration and Development, Al-Maaref Al-Jadida Press, Rabat, Morocco, Issue 96, 2011, p. 14.

## Chapter One: The Constitutional Enshrinement of Local Authorities in Algeria

The constitutional recognition of local authorities reflects their distinguished position within a state governed by the rule of law. This model of administrative organization is intended to provide these units with significant autonomy, making them the foundation of local democracy and enhancing its institutional reality.

Constitutional enshrinement serves to protect decentralization and guarantee the autonomy of local authorities by ensuring their existence, granting them actual competences, and allocating sufficient resources for the fulfillment of their responsibilities.<sup>4</sup>

Algeria has a longstanding experience in organizing local authorities. This was first mentioned in the country's inaugural Constitution of 1963, followed by the issuance of the first municipal law in 1967 (Ordinance No. 67/24 of January 13, 1967), and then the Wilaya Law of 1969 (Ordinance No. 69/38 of May 23, 1969).<sup>5</sup>

Thus, the local government system in Algeria has undergone numerous developments since the first Constitution. These changes were closely linked to the broader transformations within the country's political system. Accordingly, this chapter aims to explore the constitutional foundations of local authorities, with particular attention to the distinction between the following two periods:

### Section One: Constitutional Recognition of Local Authorities During the Single-Party Era

During the single-party era, the local government system suffered from significant weaknesses due to the authorities' hesitation in organizing it, as well as a lack of understanding of its principles and limits. It was perceived as a potential threat to the stability and unity of the state, especially considering Algeria's recent independence.

Moreover, the single-party system and the state's socialist economic choices negatively influenced the drafting of constitutional and legal texts. The authorities utilized decentralization primarily as a tool to implement ideological policies, rather than recognizing local authorities as constitutional institutions with diverse roles in a modern independent state.

During this period, the constitutional drafters emphasized national unity and territorial integrity as strategic imperatives. Accordingly, the contours of local authorities were carefully delineated, and essential rules for their management were strictly defined.

The term "territory" appeared for the first time in Article 8 of the 1963 Constitution, which stated:

*"The National People's Army, faithful to the traditions of struggle for national liberation... guarantees the defense of the territory of the Republic."*

Similarly, Article 10 emphasized:

*"The fundamental objectives of the People's Democratic Republic of Algeria are to preserve national independence, territorial integrity, and national unity."*

The 1976 Constitution was more explicit in this regard, stating:

*"Algeria is a People's Democratic Republic. It is one and indivisible."*

The adoption of this principle was paramount in the hierarchy of constitutional values. The unity and indivisibility of the Republic became the cornerstone of the constitutional approach to decentralization in Algeria. This meant a categorical rejection of federalism or any other form of state division.

<sup>4</sup> Mohamed Al-Yakoubi, op. cit., pp. 14, 16.

<sup>5</sup> Official Gazette No. 64, 1963; No. 6, 1967; No. 44, 1969.

Nevertheless, this did not prevent the constitutional legislator from recognizing, across successive constitutions, that the national territory is divided into administrative units, ultimately settling on the term "local authorities" in the most recent constitutional amendment of 2020.

### Subsection One: Local Authorities in the 1963 Constitution

The foundational features of the local authority system in Algeria began to take shape with the 1963 Constitution. Though this Constitution sought to build the state from the ground up, it did not clearly define its stance on regional decentralization, resulting in vague and underdeveloped provisions concerning local authorities.

This ambiguity was understandable, given the nascent status of the Algerian state post-independence. At that time, the central authority prioritized national unity and reconstruction, relegating local governance to a secondary concern.

As the first Constitution of independent Algeria, the 1963 Constitution had a short lifespan and was eventually suspended. It embraced socialism and a one-party system, rejecting political pluralism and liberal democracy. As such, it functioned more as an ideological program than a strictly legal document.<sup>6</sup>

The Constitution addressed local authorities only within its general principles, making decentralization a guiding but underdeveloped concept. Local authorities were mentioned in the preamble and Article 9, where the preamble declared that:

*"The National Liberation Front shall structure itself based on the principle of democratic centralism."*

### Article 9 and the Recognition of Local Communities

Under Article 9 of the 1963 Constitution, the constitutional founder acknowledged the existence of local communities. It states:

*"The Republic shall consist of administrative groups, the extent and competencies of which shall be determined by law. The municipality is considered the fundamental unit of territorial, economic, and social organization."*

This provision can be interpreted as a subtle reference to the concept of decentralization, although its wording does not strongly convey the full depth of the idea.<sup>7</sup>

The Constitution thus established the municipality as a core issue and a priority, as clearly emphasized in the second paragraph of the article. This underscores its critical importance as the foundational element in political development and the cornerstone of decentralization, entrusted with various responsibilities and elevated in status.<sup>8</sup>

The first legal framework for local communities in independent Algeria was established through Ordinance 67/24, issued on January 18, 1967, which regulated municipal governance.

Consequently, the 1963 Constitution, via the abovementioned article, only recognized the municipality as the foundational local unit, without referring to any other local entity. It also marked the first use of the term "territorial," and laid out key characteristics of the municipality as a basic territorial, administrative, and social entity.

<sup>6</sup> Saleh Belhadj, "The Algerian Political System from 1962 to 1978," Modern Book House, Cairo, Egypt, 2013, p. 102.

<sup>7</sup> Kheira Maktafi, "The Implementation of the Decentralization System in Algeria from 1967 to the Present: A Comparative Analytical Study," Master's Thesis, Faculty of Law and Administrative Sciences, University of Algiers, 2001/2002, p.12.

<sup>8</sup> -Omar Farhati, "The Role of Municipal People's Councils in Algeria," Conference Proceedings: The Role and Status of Local Communities in Maghreb States, Al-Ijtihad Al-Qada'i Journal, No. 6, University of Mohamed Khider, Biskra, Algeria, 2010, p. 9.

Although the 1963 Constitution laid the groundwork for local communities in Algeria, it limited the issue of decentralization to a single article.<sup>9</sup>

Moreover, this Constitution had a very short lifespan due to the political crisis Algeria was facing at the time. It is worth considering two factors:

First, this Constitution was only in effect for 23 days.

Second, it was applied entirely under President Ben Bella's adherence to Article 59, which granted the President full powers in the event of imminent danger. This was triggered by the Moroccan attack on Algeria's southwest and continued even after the crisis ended, up until Ben Bella's ousting on June 19, 1965.

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## Section Two: Local Communities in the 1976 Constitution

The 1976 Constitution reaffirmed Algeria's commitment to socialism and the one-party system, as reflected in Article 95:

*"The National Liberation Front is the sole party in the country, acting as the vanguard composed of the most conscious citizens..."*

However, the 1976 Constitution marked a significant development compared to that of 1963 by explicitly addressing the principles of decentralization, the role of the People's Council, and the concept of public participation in managing public affairs through numerous provisions.

It is thus considered the most comprehensive Algerian Constitution in terms of organizing local communities, dedicating more than six articles to the subject of decentralization.<sup>10</sup>

Unlike its predecessor, which made only a passing reference to municipalities, the 1976 Constitution addressed decentralization with depth and seriousness, establishing a constitutional foundation for local governance.

It tackled decentralization in three articles within Chapter I titled "The Republic" under Title I "Fundamental Principles for the Organization of Algerian Society" (Articles 7, 8, and 9). Additionally, under Chapter III titled "The State," three more articles (34, 35, and 36) were devoted to local communities.

Addressing decentralization within the first title, "Fundamental Principles," underscores the foundational role it plays in state-building. Naming the first chapter "The Republic" signals that the constitutional drafters regarded elected councils as central to the Republic's structure.

Articles 7 and 8 specifically addressed elected popular councils—whether national, provincial, or municipal—as expressions of the popular will and instruments for achieving democracy.

Article 7 states:

*"The People's Council is the foundational institution of the State, where popular will is expressed and democracy is*

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<sup>9</sup> Rachid Khelle fi, "Reflections on Decentralization through the Draft Amendment of the Wilaya Code," *Revue Idara*, No. 30, National School of Administration, Algiers, 20-21 December 2005, p. 237.

<sup>10</sup> -Mohamed Nacer Bougazala, "Local Communities in Constitutions," *Proceedings of the 3rd International Conference on Local Communities in Maghreb States under the New and Expected Legislation*, Faculty of Law and Political Science, University of El Oued, December 1-2, 2015, p. 32.

*realized. It is also the cornerstone of decentralization and the popular participation in managing public affairs at all levels."*

Article 8 provides further political grounding, stating:

*"The elected popular councils represent, through their human composition, the social forces of the revolution. The majority within these councils shall consist of workers and peasants."*

Article 9 focuses on the qualities required of elected representatives:

*"Representatives of the people must meet the standards of competence, integrity, and commitment, which are incompatible with wealth or financial interests."*

These articles were placed under the heading "Fundamental Principles," emphasizing the state's democratic nature based on elected councils, which are themselves founded on the principle of decentralization as a form of public participation.

Additionally, Chapter III of the same title ("The State") includes Articles 34, 35, and 36, which deal explicitly with local communities.

Article 34 offers the first constitutional definition of decentralization, stating:

*"The organization of the state is based on the principle of decentralization, which relies on institutional democracy and effective public participation in managing public affairs."*

Article 35 elaborates the decentralization policy, stating:

*"The decentralization policy is based on the distribution of powers and duties according to a logical division of responsibilities within the unity of the state. It aims to provide territorial groups with the human and financial resources and authority necessary to carry out development in their respective regions, as a complement to the national effort."*

The 1976 Constitution significantly expanded the powers of local councils, even granting them the right to propose legislation, as outlined in Article 150. It also recognized their roles in economic, financial, social, and political domains.

Article 36 explicitly defined the two categories of territorial communities—the *wilaya* (province) and the *commune* (municipality)—with no mention of other possible groups:

*"Territorial communities are the wilaya and the commune."*

Constitutional recognition of these entities offers the strongest guarantee of their autonomy, since any changes to their legal status would require constitutional—not legislative—amendment.

The 1976 Constitution thus solidified the *wilaya's* status as a territorial community alongside the *commune*, formalizing what had already existed in practice under the 1969 Wilaya Law.<sup>11</sup>

In an effort to control the expansion of such entities, the Constitution required that territorial organization and administrative division be regulated by law, as stated in the third paragraph of Article 36:

*"The territorial organization and administrative division of the country are subject to the law."*

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<sup>11</sup> Ordinance 69/38 dated May 23, 1969, Official Gazette No. 44 of 1969, accompanied by the Wilaya Charter approved on March 26, 1969.

The same requirement appears in Article 151, clause 11, which states:

*"The National People's Assembly legislates in areas assigned by the Constitution, including territorial organization and administrative division."*

### Recognition of Local Communities in Algerian Constitutions: A Legal and Constitutional Analysis

Under Article 9, the constitutional founder recognized local communities, as the article states:

*"The Republic is composed of administrative units whose boundaries and competencies shall be determined by law. The municipality constitutes the foundational unit of territorial, economic, and social organization."*

This provision may be seen as a subtle reference or a light nod toward the principle of decentralization, even though its wording does not strongly reflect the substance of such a concept.<sup>12</sup>

This constitution consecrated the status of the municipality, considering it among the foundational priorities according to the second paragraph of the aforementioned article, implying its utmost importance as the basic building block in the political structure and the cornerstone of decentralization. The municipality was thus entrusted with multiple roles, elevating its status and significance.<sup>13</sup>

The Municipal Law was enacted through Ordinance No. 67/24 dated January 18, 1967, as the first legal framework for the system of local communities in independent Algeria.

Accordingly, we observe that the 1963 Constitution, through the above-mentioned article, referred only to the municipality as the sole basis of local communities, without mentioning any other type of local unit. Furthermore, it was the first to introduce the term *"territorial"* and included the key attributes of the municipality as a basic territorial, administrative, and social unit.

Even though the 1963 Constitution laid the foundational principles for local communities in Algeria, it addressed the issue of decentralization only briefly and in a single article.<sup>14</sup>

It is also worth noting that the Constitution had a short lifespan due to the political crisis Algeria faced at the time:

Firstly, the Constitution was in force for only 23 days.

Secondly, it was fully applied only insofar as President Ben Bella invoked Article 59, which granted him all powers in times of imminent danger. This was in response to the Moroccan attack on Algeria's southwest, and the president continued to enforce this article even after the crisis had subsided—up until his removal on June 19, 1965.

### The 1976 Constitution and Local Communities

The 1976 Constitution reaffirmed the recognition of local communities, explicitly mentioning both the **municipality** and the **wilaya** in Article 12, which states:

*"The municipality and the wilaya are territorial administrative units of the State. The municipality is the basic unit. The law determines the conditions for the establishment and organization of these units."*

<sup>12</sup>[See: Kheira Mektef, The Application of the Decentralization System in Algeria from 1967 to the Present Day: A Comparative Analytical Study, Master's Thesis, Faculty of Law and Administrative Sciences, University of Algiers, Academic Year 2001/2002, p. 12.

<sup>13</sup> See: Omar Farhati, The Role of Municipal Popular Assemblies in Algeria, Proceedings of the Symposium on the Role and Status of Local Communities in Maghreb Countries, Journal of Judicial Ijtihad, No. 06, University of Mohamed Khider, Biskra, Algeria, 2010, p. 9.

<sup>14</sup>[See: Rachid Khellefi, Reflections on Decentralization through the Draft Amendment of the Wilaya Code, Idara Journal, No. 30, National School of Administration, Algiers, 20/21 December 2005, p. 237

This article highlighted several key principles:

It affirmed the dual structure of local communities (municipality and wilaya) and emphasized the primary status of the municipality.

It linked the creation and organization of these administrative entities to legislative authority, affirming the role of the law in structuring local governance.

It signaled a step toward a more institutionalized decentralization framework, albeit still under strong central oversight.

Through this constitutional provision, the legislator broadened the scope of local governance by formally introducing the **wilaya** alongside the municipality. However, in practice, the State retained tight control over local communities, as decentralization remained more theoretical than applied.

This Constitution introduced a **single-party system** under the **National Liberation Front (FLN)**, significantly influencing the practical autonomy of local authorities. The central government maintained hierarchical authority over local institutions, including appointment and oversight powers.

Despite the constitutional recognition, **the principle of decentralization** was still weakly implemented. The local assemblies (municipal and wilaya) functioned primarily as extensions of central authority rather than autonomous bodies with independent decision-making powers.

### **The 1989 Constitution: A Democratic Opening**

The 1989 Constitution marked a pivotal shift by moving away from the one-party system and introducing multiparty democracy. It preserved the recognition of local communities in Article 15, which reads:

*"Local communities are the municipality and the wilaya. They are legal persons and have financial independence. They are managed by elected assemblies."*

This article is significant for several reasons:

It recognized the **legal personality** and **financial autonomy** of local communities.

It emphasized the principle of **electoral legitimacy** by requiring the management of municipalities and wilayas through **elected assemblies**.

It advanced the concept of decentralization by acknowledging a certain degree of autonomy in local affairs.

Nonetheless, the implementation of these constitutional principles remained limited. Local assemblies often lacked real power, especially in the face of executive dominance and central administrative control. The legal framework did not fully empower local institutions to exercise the independence envisioned in the Constitution.

### **The 1996 Constitution: Gradual Institutionalization of Decentralization**

The 1996 Constitution, adopted in the context of a political and security crisis, reaffirmed the recognition of local communities and maintained the same administrative division of the state (commune and wilaya). Article 15 states:

*"The territorial collectivities of the State are the commune and the wilaya. They shall have legal personality and financial autonomy. Their assemblies shall be elected."*

Furthermore, Article 16 provides:



*"The territorial collectivities of the State shall be prepared to become spaces for the exercise of citizenship. They shall be based on the principles of democratic governance. Their elected assemblies shall operate under conditions defined by law."*

These two articles lay the foundation for several important legal principles:

The affirmation of the financial autonomy and legal personality of local authorities.

The enhancement of their representative and democratic character through elected councils.

The designation of these local entities as **spaces for the exercise of citizenship**, thus attributing a socio-political role to them.

The linkage of local governance to the principle of **democracy**, implemented through elected assemblies within a defined legal framework.

Here's the English translation of the provided text:

...and enshrining the principle of separation of powers came as a result of the events that followed the legislative and local elections. Consequently, the aspiration for the 1989 Constitution to be one of openness and freedoms shifted to a need for constitutional amendment to erase the aftermath of the 1992 crisis.<sup>15</sup>

Since any constitutional amendment is the product of political, social, and economic circumstances, constitutional revisions become necessary when driven by popular will and legal provisions.<sup>16</sup>

Accordingly, the Algerian Constitution of 1996 was issued after being submitted to a popular referendum on November 28, 1996.<sup>17</sup>

**Regarding local authorities**, the 1996 Constitution retained the same article numbering, titles, and content as in the previous constitution. There was no novelty in the treatment of local communities in this constitution or in its subsequent amendments – including the partial amendments of 2002 and 2008, and the 2016 constitutional revision. The most recent amendment in 2020 introduced some new provisions but did not significantly differ from the previous ones in its treatment of local communities.

## I. Absence of Upgrading the Normative Status of Local Authorities in the 1996 Constitution

The 1996 Constitution merely reiterated the provisions of the 1989 Constitution, repeating them almost verbatim, offering no new vision for local authorities. This has led many legal scholars to consider the 1996 Constitution a mere amendment of its predecessor. It, therefore, failed to elevate the constitutional status of local communities.

The 1996 constitutional legislator did not devote an independent or complete chapter to local authorities; they were mentioned only in three articles (14, 15, and 16) out of 182 articles, found in Chapter Three titled "The State" under Title One, "General Principles Governing Algerian Society." Additionally, other relevant articles (7, 8, 9, 10) under Chapter Two, titled "The People," referred to the people's right to choose their representatives and exercise sovereignty through elected institutions.

<sup>15</sup> See: Naji Abdel Nour, previously cited reference, p. 211 and beyond.

<sup>16</sup> See: Ammar Abbas, Reflections on the Course of Constitutional Reforms in Algeria, Faculty of Law and Political Science, Mascara, Al-Khaldounia Publishing, Algeria, 2015, p. 137.

<sup>17</sup> Presidential Decree No. 96/438 dated December 7, 1996, concerning the promulgation of the constitutional amendment text, Official Gazette of the Algerian Republic, No. 76 of 1996.

Article 14 states: *"The State is founded on the principles of democratic organization and social justice. The elected assembly is the framework through which the people express their will and monitor the actions of public authorities."*

Article 15 identifies two levels of local authorities: *"The territorial communities of the State are the commune and the wilaya (municipality and province)."*

Article 16 adds: *"The elected assembly constitutes the foundation of decentralization and a space for citizens' participation in managing public affairs."*

These provisions show that the constitutional status of local authorities remained minimal. The Constitution lacked explicit reference to core components of regional organization, leaving most details to legislative regulation. Thus, it would have been more appropriate for the Algerian constitutional legislator to clarify their status directly within the Constitution.

Furthermore, the 1996 Constitution aimed to restore the dominance of the executive over the legislature, notably by returning the President's power to legislate by ordinance<sup>18</sup>

. This was seen by some as a violation of the separation of powers and a weakening of the legislative branch.

## II. Local Authorities and Constitutional Amendments to the 1996 Constitution

Upon reviewing the constitutional amendments to the 1996 Constitution (2002, 2008, 2016, and 2020), it is evident that local authorities were largely excluded, especially in the early partial amendments, which served political rather than decentralization purposes—except for limited additions in 2016 and 2020.

### 1. Preservation of Local Authorities' Status in the Amendments to the 1996 Constitution

**2002 Amendment:** Focused on recognizing Tamazight as a national language, introducing Article 3 bis.

**2008 Amendment:** Focused on restructuring the executive by replacing the Prime Minister with a First Minister, thereby strengthening the presidential nature of the regime. It also allowed the President to seek a third term by removing the two-term limit.

Neither amendment addressed local authorities, which continued to suffer from constitutional marginalization. The decentralization principles remained limited to Article 16.

Ten years after 1996, the **2016 constitutional amendment** took place amid major global and regional events, such as the Arab Spring, terrorism, financial crises, and oil price drops.

Internally, President Bouteflika launched a series of political and constitutional reforms. The amendment was passed by both houses of Parliament after consultation with the Constitutional Council on January 28, 2016, and promulgated by Law No. 16/01 on March 6, 2016.

Though initiated as part of a broader reform package, the 2016 amendment did not significantly strengthen the constitutional treatment of local authorities. It kept Articles 15, 16, and 17 (renumbered but largely unchanged). The commune and wilaya remained the only two recognized territorial levels, ignoring modern demands for regions or larger decentralized entities.

However, it did introduce a new provision in Article 15:

*"The State encourages participatory democracy at the level of local authorities."*

<sup>18</sup> Article 124 of the 1996 Constitution

This seemed more an attempt to clarify the intended meaning of decentralization rather than granting real regulatory powers to local authorities. The participatory democracy concept essentially constitutionalized Chapter III of Law 11/10 on municipalities, which concerns citizen participation in local governance—a governance tool rather than a shift in authority.<sup>19</sup>

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## 2. Local Authorities and the 2020 Constitutional Amendment

The **2020 constitutional revision** came after major political and socio-economic changes, especially following the 2019 Hirak (popular movement), which led to the resignation of the president and sweeping reforms. This amendment featured changes in executive formation and its relation to the legislature.

Regarding local authorities, this revision followed the same path as previous ones, without assigning a dedicated chapter for them. Still, it explicitly introduced the principles of decentralization and deconcentration in Article 18 and introduced new provisions, while retaining previous ones:

### a. No Independent Chapter for Local Authorities

Despite high expectations that the 2020 revision—heralding a "New Algeria"—would allocate a full chapter to local authorities, it maintained their treatment under Chapter Three titled "The State" within Title One, "General Principles Governing Algerian Society." This has been consistent across all previous constitutions (1963, 1976, 1989, and 1996), showing that Algerian constitutional drafters still see local authorities as mere state organs rather than autonomous public entities, thus diminishing their constitutional stature.

### b. New Provisions on Local Authorities

The 2020 revision brought some important innovations, including recognizing the commune as a key actor in local development. Since independence, Algeria has pursued a mixed model of centralization and decentralization. Following the 1965 "corrective revolution," the legal framework for local authorities began with the 1967 commune law and the 1968 wilaya law, preceding national elections held only in 1977 after the 1976 Constitution.

The 2011 draft law on communes described them as institutions embodying local democracy and public participation, essential to regional planning and development.

The 2011 Commune Law reinforced the role of local authorities in development, stating in Article 3:

*"The commune contributes, together with the state, to the administration and planning of the territory, and to economic, social, and cultural development, security, and improvement of citizens' living conditions."*

Today, the 2020 constitutional amendment confirmed the commune's role in development and reaffirmed decentralization by adding a third paragraph to Article 17:

*"In order to achieve economic and social balance for underdeveloped communes and better meet the needs of their populations, the law may provide for special measures for less developed communes."*

The amendment reaffirmed the commune as the foundational local authority unit in Article 17(2):

*"The commune is the base-level territorial community."*

**It is the Closest to Citizens and Most Aware of Their Aspirations, Needs, and Concerns**

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<sup>19</sup> See: Cherfi Ben Youssef, Regulatory Authority of Local Communities in Algeria, Journal of Legal and Political Studies, Issue 4, Tipaza University, January 2018, p. 277.

Local communities are the closest institutions to the citizen and the most informed about their aspirations, needs, and concerns. They embody the legislator's choice to involve citizens in managing their own affairs through the election of representative councils. The adoption of elections as the mechanism for assuming positions at the municipal level carries both legal and organizational significance. This choice has been irrevocable since the promulgation of the first legislative text concerning municipalities (Ordinance No. 67/24). This orientation was reaffirmed in the most recent municipal law, which includes several provisions enshrining the effective participation of citizens in the administration of local affairs.

Article 17, cited above, holds particular importance in the context of local development, which, according to its text, must be balanced across all regions of the national territory. This is to ensure the equitable distribution of services through the adoption of specific legislative measures tailored to municipalities with limited development.

However, some view Article 17 as a deviation from the principle of uniformity and homogeneity in the territorial organization of municipalities. These special measures could serve as a pretext for centralized intervention, particularly given that most municipalities suffer from severe underdevelopment.<sup>20</sup>

## **Section Two: The Pillars of Local Communities in the Algerian Constitution**

Several states that incorporate local government systems within their constitutions emphasize a set of fundamental principles and foundations upon which local communities are based. These involve rules of jurisdiction and organizational structure. Constitutional recognition alone is not sufficient; local communities also require additional guarantees to activate, support, and enable them to effectively exercise their powers and fulfill their responsibilities—thus establishing genuine decentralization.

The inclusion of general principles governing local communities in the constitution is particularly significant due to the stability of constitutional rules, which protect these communities from sudden or arbitrary legal amendments that could limit their authority or strip them of certain competencies. Constitutional provisions are binding legal norms that cannot be ignored or distorted in a way that nullifies their intent or undermines their requirements. They are, by their nature, supreme and cannot be overridden.<sup>21</sup>

This section will examine the constitutional principles and foundations of local communities as guarantees and parameters for delineating the contours of decentralization in Algeria

### **Subsection One: The Principle of State Unity**

The principle of state unity, including institutional and territorial cohesion, constitutes a fundamental concern in structuring the state and organizing its institutions. The monopoly of external sovereignty, the protection of territorial integrity, and the extension of authority over the geographical and human domain are essential elements of statehood. Accordingly, any development in the administrative organization of the state must not disregard this foundational principle, which is integral to the very definition of the state.

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<sup>20</sup> Ramadan Tissimbal, A Legal Reading of the Relationship Between the State and Local Communities in Light of Article 18 of the 2020 Constitution, Ma'arif, Algeria, Vol. 16, No. 2, December 2021, p. 26.

<sup>21</sup> Ali Mohammed Dabbas, The Constitutional Organization of Administrative Decentralization and Its Impact on the Jordanian Decentralization Law: A Comparative Study, Journal of the Kuwait International Law School, Issue 3, Volume 7, Serial No. 27, September 2017, pp. 359–360.

When implementing administrative and territorial reforms, states generally strive to avoid measures that could compromise or threaten their unity.<sup>22</sup>

Thus, administrative decentralization does not imply the existence of local entities competing with the political unity of the state. It instead refers to territorial subdivisions that establish units with defined competencies, subject to the degree of oversight exercised by central authorities. According to *Fédel*, even though decentralization involves recognition of local populations' right to manage their own affairs, it does not imply full autonomy. Decentralization remains an exception to the centralist norm.<sup>23</sup>

The principle of state unity applies to all constitutive elements of the state: territory, population, and sovereignty, the latter being the political organization that governs the exercise of power.<sup>24</sup>

The Algerian constitutional founder, like those of other states, emphasized the principle of unity across all components of the state. This is reflected in various constitutional texts, past and present.

Territory is a fundamental element of statehood, central to the exercise of authority. For the Algerian constitutional drafter, national territorial unity represents a strategic and inviolable dimension. Article 1 of the Algerian Constitution states:

*"Algeria is a democratic and popular republic. It is one and indivisible."*

As for sovereignty, it implies a singular source of authority for all legislation and legal norms. This principle serves as a barrier against federalization or the creation of parallel governmental structures. Article 112 of the Constitution states:

*"Legislative power is exercised by the Parliament..."*

And Article 140 affirms:

*"Parliament legislates in the domains designated to it by the Constitution, including... the territorial division of the country."*

Lastly, regarding population unity, the preamble to the Constitution declares:

*"The Algerian people are free and determined to remain free... Their history extends back thousands of years as a continuous chain... The Algerian people have always struggled for sovereignty and independence... Algeria is a land of Islam, an integral part of the Maghreb, an Arab country, and a Mediterranean and African nation."*

### Subsection Two: The Principle of Equality

The central authority in Algeria views all local communities as equal, with no preferential treatment for one over another. The Algerian Constitution enshrines this logic. Article 17 of the Constitution stipulates:

*"The local authorities of the State are the municipality and the wilaya."*

This provision reflects the constitutional acknowledgment and integration of local communities as extensions of the central state, rather than independent entities. There is no constitutional indication of hierarchical superiority among local units. Thus, the constitutional foundation for the principle of state unity ensures the primacy of national interests and minimizes the likelihood of inequality between local communities, particularly in their relationship with the central government.

<sup>22</sup> Abdel-Salam El-Fetnassi, *Local Authority and State Unity in the Constitution of January 27, 2014*, Proceedings of the National Symposium on Decentralization and Local Authority, 1st Edition, Tunisia, May 23-24, 2015, p. 12.

<sup>23</sup> Rachid Malouki, *Regional Delimitation and the Process of Territorial Formation in Morocco: Contexts, Functions, and Dimensions*, Rashad Library, Settat, Morocco, 2017, p. 20.

<sup>24</sup> Nabih Mohammed, *Advanced Regionalism Between Decentralization and Deconcentration (Legal and Accounting Aspects)*, Morocco, 1st Edition, 2019, p. 155.

### Subsection Three: The Establishment of Local Democracy

Decentralization is fundamentally a political choice grounded in the recognition of distinct local interests that should be managed by local residents themselves. This enables citizens to participate in the governance of their communities. Therefore, decentralization and democracy are intrinsically linked, as decentralization implies that citizens exercise control over local interests through elected representatives or direct participation via mechanisms of participatory democracy.<sup>25</sup>

The Algerian Constitution, like many others, provides legal protection for the principle of citizen participation, enabling them to engage in local governance and decision-making. There is a clear constitutional foundation for both representative and participatory democracy in Algeria, detailed as follows:

#### 1. Constitutional Recognition of the Election of Local Council Members

Earlier Algerian constitutions differed in their approach to elections. The 1963 Constitution did not address elections, but the 1976 Constitution rectified this omission by establishing elections as the method for selecting local council members. Article 7 of that constitution stated:

*"The People's Council is the foundational institution of the state and the framework in which popular will is expressed and democracy is realized. It is also the fundamental base for decentralization and popular participation in the management of public affairs at all levels."*

Article 8 further emphasized:

*"Elected People's Councils, by virtue of their social composition, represent the revolutionary social forces."*

And Article 34 stated:

*"The organization of the state is based on decentralization, institutional democracy, and effective participation of the masses in public affairs."*

The 1989 Constitution, the first to recognize political pluralism, promoted political, media, and economic openness, and positioned local councils as vehicles for citizen participation and development. Article 16 provided:

*"The elected council is the foundation of decentralization and the locus for citizen participation in managing public affairs."*

Article 14 added:

*"The state is founded on the principles of democratic organization and social justice. The elected council is the forum in which the people express their will and monitor the actions of public authorities."*

This constitution also allowed all citizens to run for office, as Article 47 stated:

*"Every citizen meeting the legal requirements has the right to vote and to be elected."*

The 1996 Constitution followed this approach, adopting elections as a means of building local democracy and activating citizen participation.

This trajectory culminated in the 2020 constitutional amendment, which reaffirmed electoral representation beginning with Article 7, which recognizes the people as the sole source of all authority and sovereign power. Article 8 affirms that sovereignty is exercised through constitutional institutions chosen by the people, via referenda or elected representatives. Article 12 and others underline the people's freedom to choose their representatives, and that the state is based on democratic representation, separation of powers, and the guarantee of rights, freedoms, and social justice.<sup>26</sup>]

<sup>25</sup> Issam Ben Hassan, Observations on the Draft Law on Local Communities, Legal Research and Studies Journal, Association of Jurists in Sfax, Tunisia, Issue 13, 2017, p. 33.

<sup>26</sup> Paragraph 1, Article 16, 2020 Constitutional Amendment

The constitution also designates the elected council as the legal framework through which the people express their will and oversee public authorities.

[Paragraph 2, Article 16, 2020 Constitutional Amendment]

Moreover, it establishes the council as the basis for decentralization and the venue for citizen participation in managing public affairs.<sup>27</sup>

## 2. Constitutional Recognition of Participatory Democracy at the Local Level

Algerian constitutions have differed in their treatment of local democracy, depending on the political and constitutional context of their issuance. Algeria has seen four formal constitutions: two under single-party rule (1963 and 1976) and two under political pluralism (1989 and 1996).<sup>28</sup>

Before the 2016 constitutional amendment, participatory democracy was only addressed in a general and limited manner. However, with the adoption of the 2016 amendment, the principle was clearly and explicitly affirmed at the local level. This indicates the public authorities' commitment to deepening local democracy and enhancing local development.

### Participatory Democracy in Pre-2016 Constitutions

Before the era of political pluralism, under the 1963 and 1976 constitutions that upheld the principles of unified power and governance, participatory democracy amounted to a form of popular democracy characterized by the absence of freedom and meaningful participatory rights. Decision-making was centrally planned and assumed to be accepted by local citizens, based on loyalty to the ruling political leadership and the one-party system.<sup>29</sup>

The preamble of the 1963 Constitution stated the following:

**"The political rights recognized for every citizen of the Republic enable them to fully and effectively participate in the mission of building the country. These rights allow individuals to attain completeness and self-fulfillment harmoniously within the collective framework, in accordance with the interests of the nation and the choices of the people."**

This indicates a **participatory democracy with a popular dimension**, founded on mobilizing the masses and their capabilities in favor of the prevailing political system, in a context where there was no pluralist democracy. This is due to the legal foundation being based on the **single-party system and the principle of unity of authority**.<sup>30</sup>

The **National Charter of 1976** expressed the transition Algeria experienced from one phase to another, resulting from what the political authorities at the time called the **"revolutionary rectification"**, which aimed to build the state from the top-down. This had significant influence on the Charter's core principles, as it presented the **socialist state being built** as democratic in its goals and management, and as one that enables the **working people to participate in economic, social, cultural development, as well as in administration and state oversight**.

The Charter reinforced participatory democracy through the tenth paragraph of its preamble:

**"The Charter undoubtedly represents a new contribution to the complete liberation of the Algerian people, and simultaneously expresses their deep aspirations and formidable will."**

<sup>27</sup> Article 19, 2020 Constitutional Amendment]

<sup>28</sup> In addition to the substantive constitutions post-independence, including the Algiers Charter of 1964 and the National Charter of 1976.

<sup>29</sup> Tahatli Allal, Saadawi Seddik, Constitutional Foundations of Participatory Democracy in the Basic Municipal Community, Academic Journal of Legal Research, Faculty of Law and Political Science, University of Djilali Bounaama, Khemis Miliana, Algeria, Vol. 10, No. 2, 2019, pp. 46-47.

<sup>30</sup> As stated in the preamble of the 1963 Constitution: **"The Party alone, being the powerful mobilizing force, derives its strength from the people..."**



It also stated:

**“The Charter is without doubt a new contribution to the complete liberation of the Algerian people and, at the same time, an expression of their deep aspirations and formidable will.”**

Chapter II of the Charter, titled **“The Party and the State”**, further added:

**“The Algerian State is a unified state; however, this does not prevent it from protecting itself against the dangers of centralization and the exacerbation of bureaucratic manifestations.”**

It also noted in the second part under the title **“The Socialist State”**:

**“...The State must not be structured in a way where centralization of power leads to a burdensome apparatus, resulting in bureaucracy that paralyzes activity and kills grassroots initiative. On the contrary, the structure of the state should aim to eliminate administrative obstacles, bring decision-making closer to the grassroots level, liberate all creative energies at every level, and empower the masses to solve their own problems. Therefore, the socialist state in Algeria has adopted decentralization as the foundation for its development and organization.”**

Elsewhere, the 1976 National Charter outlines that the Algerian State, through establishing **“participatory democracy”**, seeks to guarantee **true individual freedom** by liberating the citizen from afflictions such as **exploitation, unemployment, illness, and poverty**.

The Charter was amended in 1986 to reinforce **political participation**, stating that the **popular masses should participate in managing state affairs through elected councils**.

Additionally, **Article 1 of this Constitution** states:

**“Algeria is a democratic and popular republic.”**

However, this does not imply the existence of **participatory democracy** as recognized in current political and constitutional systems. Instead, it relates to a different model **dedicated to the party and ruling political leadership**, where citizens constitute the base of the **dominant single party**. Thus, the Constitution does not establish local participatory democracy but rather **absolute democracy in favor of central authority only**.<sup>31</sup>

Therefore, there is no form of **decentralized democracy** that grants individuals the opportunity to participate in public management and oversight at the local level based on the concepts of freedoms and human rights. As such, **socialist construction and development** served the **central authority** rather than local bodies, which were directly bound by a system of **dependency and subordination to central administration and policy**.<sup>32</sup>

### **Participatory Democracy and Local Representation in the Algerian Constitutional Framework**

The 1976 Constitution, in its preamble, referred to the foundational pillars of the Algerian state as being based on citizen participation in the management of public affairs. This concept of democracy was elaborated in Article 7, which stipulated:

**“The People's Assembly is the foundational institution of the state and the framework through which the popular will is expressed and democracy is realized. It is also the basic structure for decentralization and for the participation of the popular masses in managing public affairs at all levels.”**

To further reinforce workers' contribution to management, Article 23 of the same Constitution states:

<sup>31</sup> The 1976 Constitution explicitly states in its preamble: **“The National Liberation Front builds its organization and structures on the principle of democratic centralism.”**

<sup>32</sup> Reference: Tahthah Allal, Saudawi Sadiq, The Constitutional Foundations of Participatory Democracy in the Local Municipal Community, previous reference, p. 47



"The socialist methods of managing institutions constitute a means of promoting workers. Through their participation in management, they assume genuine responsibilities as elected individuals who are aware of their rights and obligations."

Similarly, Article 27 affirms:

"The state is democratic in its objectives and governance. Active popular participation in the management of administration and oversight of the state is a necessity imposed by the revolution."

Furthermore, Article 34 emphasizes that the organization of the state is founded on the principle of decentralization based on institutional democracy and the effective participation of the popular masses in the management of public affairs. Article 99 reinforces this by stating:

"Elected political institutions at all levels are based on the principle of collective deliberation, majority decision-making, and unity in execution..."

Within the framework of participatory democracy, the 1976 Constitution granted elected popular municipal and provincial assemblies the ability to request reconsideration of draft laws proposed by the government. This mechanism of initiating local proposals distinguishes the Constitution from previous Algerian constitutional texts<sup>33</sup>

Thus, the 1976 Constitution marked a significant step forward in enabling participatory governance. However, the lack of individual participation in raising concerns, and the dominance of a single political party as the intermediary between the administration and citizens during that era, hindered its actual implementation.<sup>34</sup>

The 1989 Constitution, being the first to introduce political pluralism, expanded the scope of participation, better enshrining the principle of participation compared to the 1976 Constitution. Its preamble states:

"The Algerian people have always fought for freedom and democracy and are determined to build, through this Constitution, constitutional institutions founded on the participation of every Algerian man and woman in the management of public affairs."

Its substantive provisions also entrenched the principle of participation. Article 14 provides:

"The state is based on the principles of democratic organization and social justice. The elected assembly is the framework through which the people express their will and oversee public authorities."

Article 16 adds:

"The elected assembly is the basis of decentralization and the space for citizen participation in managing public affairs."

This approach was maintained in the 1996 Constitution, which preserved the same participatory democratic principles laid out in the 1989 Constitution without adding new elements, particularly in Articles 14 and 16. Therefore, it did not bring any substantial changes regarding participatory democracy, despite other reforms it introduced.

The 2008 constitutional amendment<sup>35</sup> expanded political participation by promoting the involvement of women in political life. Article 31 bis of this amendment states:

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<sup>33</sup> . Article 150 of the 1976 Constitution, previously cited.

<sup>34</sup> Lajjal Ajal Mohamed Amine, Mahrez Mabrouka, "Institutionalization of the Principle of Participation in Algeria and its Applications in Municipal Law", Proceedings of the 3rd International Conference on Local Communities in Maghreb Countries under New and Anticipated Legislation, Faculty of Law and Political Science, University of El Oued, December 1-2, 2015, p. 20.

<sup>35</sup> [Law No. 08/19 dated November 15, 2008]

"The state shall work to promote the political rights of women by expanding their chances of representation in elected assemblies."

To implement this provision, Organic Law No. 12/03 was enacted, detailing the mechanisms to increase women's representation in elected bodies.

## 2. Participatory Democracy in the 2016 Constitutional Amendment

The 1996 Constitution underwent a significant amendment in 2016<sup>36</sup>, following the political reforms announced in 2011. This amendment was the first to explicitly and formally enshrine the principle of participatory democracy. Article 15, in its final paragraph, states:

"The state encourages participatory democracy at the local government level."

This was maintained in the 2020 constitutional amendment, which added:

"...particularly through civil society,"

with the article being renumbered as Article 16. This demonstrates the Algerian state's political will to establish democracy at the local level, in accordance with the sovereign will of the people as the source of all authority<sup>37</sup>

The amendment also expanded the scope of consultation through the establishment of new advisory bodies within the executive branch, such as the High Islamic Council, the National Economic, Social and Environmental Council, the National Human Rights Council, the High Youth Council, and the National Council for Scientific Research and Technologies.

## 3. Constitutional Recognition of Local Communities' Representation at the National Level

Following the serious crisis Algeria experienced in the early 1990s, the 1996 Constitution introduced, for the first time in Algerian constitutional history, bicameralism by creating the Council of the Nation as a second chamber alongside the National People's Assembly. Article 114 of the 2020 constitutional amendment provides:

"Legislative power is exercised by a Parliament composed of two chambers: the National People's Assembly and the Council of the Nation. Each chamber has the sovereignty to draft and vote on laws."

It is important to note that this constitutional shift was driven more by political considerations than historical, political, or democratic justifications observed in other countries that adopted bicameral systems.<sup>38</sup>

According to the presidential memorandum accompanying the 1996 constitutional revision, one of the key reasons for establishing the Council of the Nation was to ensure local communities' representation. Clause 28 of the memorandum states:

"The establishment of this second chamber, which is recognized in all democratic systems, aims to broaden national representation by ensuring the representation of local communities..."

This concept received both support and criticism. Proponents of bicameralism in Algeria emphasized the second chamber's role as a deliberative body that enhances the quality and formulation of legislation, while also ensuring representation of groups not present in the first chamber.

The composition of the Council of the Nation is a hybrid of elected and appointed members. Article 121 of the 2020 constitutional amendment states in its first and third paragraphs:

<sup>36</sup> Law No. 16/01 dated March 6, 2016

<sup>37</sup> Article 7 of the 2020 constitutional amendment

<sup>38</sup> Masoud Chihoub, The Bicameral System: Origins and Evolution, Al-Naib Journal, Issue 1, Algeria, 2003, p. 34.

"Two-thirds of the members of the Council of the Nation are elected by indirect and secret ballot, with two members elected from each wilaya, from among members of municipal and provincial popular assemblies. The President of the Republic appoints the remaining third from among national personalities and experts in scientific, professional, economic, and social fields."

Organic Law No. 21/01 of March 10, 2021, governing the electoral system, details the procedures for electing Council members, including candidacy conditions, voting methods, and seat distribution.

Furthermore, Article 144 of the 2020 constitutional amendment implicitly reinforces the Council of the Nation's role in representing local communities, stating:

"Draft laws relating to local organization, land planning, and regional division shall be submitted to the Bureau of the Council of the Nation."

To strengthen the Council's legislative role on these issues, Article 143 grants legislative initiative to members of the Council, alongside the Prime Minister or Head of Government and National People's Assembly deputies:

"The Prime Minister or Head of Government, as the case may be, deputies, and members of the Council of the Nation all have the right to initiate legislation."

Article 145 adds:

"Every draft or proposed law must be discussed by both the National People's Assembly and the Council of the Nation, successively, before it is adopted."

Its second paragraph further specifies:

"...The National People's Assembly shall deliberate on the text presented to it by the Prime Minister or Head of Government, as the case may be, or on the text adopted by the Council of the Nation regarding the issues referred to in Article 144 above."

This means that, in such matters, the National People's Assembly deliberates only on the version adopted by the Council of the Nation, not the original draft.

In conclusion, this represents a significant reinforcement of the Council of the Nation's authority to initiate legislation on matters relating to local communities as outlined in Article 144

As evident, the constitutional founder emphasized the representative function of the Council of the Nation by reducing the dominance of the presidential third in the legislative process. This was achieved by changing the majority required in the Council of the Nation for the approval of laws <sup>39</sup>

Thus, paragraph 4 of Article 145 of the same Constitution states:

"... The Council of the Nation approves the text voted by the People's National Assembly by a majority of its present members for ordinary laws, or by an absolute majority for organic laws."

Meanwhile, the constitutional founder allowed the power of the presidential third to manifest when the President of the Republic requests a second deliberation. Paragraph 2 of Article 149 provides:

"... The law shall not be approved except by a two-thirds (2/3) majority of the members of the People's National Assembly and the Council of the Nation,"

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<sup>39</sup> Articles 120 and 123 of the 1996 Constitution before the 2016 constitutional amendment, previous reference

whereas previously, the required majority for the adoption of a law was two-thirds (2/3) of the members of the People's National Assembly alone<sup>40</sup>

Through this, the constitutional founder opened the legislative process to locally elected representatives within the Council, thereby reinforcing its representative function.

Accordingly, the Algerian constitutional founder allowed local elected officials to participate in the management of public affairs even at the national level, thus integrating local interests into the national interest and enabling the transfer of their expertise and concerns to the national level within the Parliament. Parliament is considered one of the most important constitutional institutions responsible for designing and managing the country's public policy.<sup>41</sup>

## Conclusion

Local communities have been granted constitutional status in Algeria. The Constitution provides them with constitutional legitimacy and guarantees their existence. Constitutionally, they are regarded as constitutional institutions just like the other institutions explicitly mentioned in the Constitution.

All Algerian constitutions have contributed to the constitutional establishment of local communities and the consolidation of regional administrative decentralization, embodied by both the municipality and the wilaya (province), through various principles and foundations.

The institutionalization of local communities in Algeria began with the 1963 Constitution and continued through the Constitutions of 1976 and 1989, up to the current Constitution, which upholds the same principles found in its predecessors.

Although these constitutional foundations may be limited in terms of recognizing the existence of local communities and the principles they contain, they can still be considered the solid bulwark of the local community system in Algeria—one that cannot be altered or challenged except through another constitutional amendment

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<sup>40</sup> Article 127 of the 1996 Constitution before the 2016 amendment

<sup>41</sup> Slimane Messrati, The Evolution of the Constitutional Status of Local Communities in the Algerian System in Light of the Evolution of Democratic Concepts, Constitutional Law of Territorial Communities: Comparative Studies, Proceedings of the Tenth Maghreb Legal Days organized by the Maghreb Lawyers Network, Mohammed V University, Rabat, April 17–18, 2015, p. 26.

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