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	Title of research article  <h1>From Administrative Ideal to Legal Obligation: The Transformation of Quality in Public Service within Algerian and Comparative Legal Frameworks</h1>	
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<p>Abstract The evolution of public administration in recent decades has revealed a paradigmatic shift from bureaucratic control to managerial performance, leading to the emergence of “quality” as a foundational concept in the governance of public services. This study aims to examine the transformation of quality from a managerial or administrative idea into a legally recognized principle, with specific reference to the Algerian legal framework and comparative Arab constitutional developments. Using an analytical and comparative legal methodology, the paper explores the doctrinal and jurisprudential debates surrounding the legal nature of quality in public service: whether it should be regarded as an emerging legal principle or as a corollary to existing principles such as efficiency, transparency, equality, and continuity. The analysis demonstrates that while several Arab constitutions and Algerian legislative instruments – notably those regulating local administration, higher education, and public service reform – have integrated the notion of quality, its juridical status remains incomplete. The study concludes that the principle of quality in public service is undergoing a process of “normativization,” shifting from a moral and administrative standard toward a constitutional and legal obligation that binds public authorities. For Algeria, enshrining quality as a constitutional value would reinforce citizens’ rights to equitable, efficient, and transparent services and strengthen the accountability of administrative bodies.</p>		
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Introduction:

Quality is a flexible concept with multiple meanings, the significance of which is determined by the context in which it is presented or by each individual's perspective. It may refer to excellence and superiority, reflect the characteristics or technical specifications of a product, or express outstanding services that exceed expectations. Alternatively, it may simply mean conformity to specifications or standards.

Although this concept is considered old, it experienced a notable revival after World War II, beginning in Japan and subsequently spreading to the United States and Western Europe before reaching other countries, including Algeria. Initially adopted in the private sector, where it achieved remarkable success, the concept of quality has transitioned to the public sector, particularly public services. Here, it is viewed as a remedy for imbalances affecting these services, as well as a means of reforming the relationship between citizens and the state by improving the quality of public services.

However, due to differences in the principles that govern activities in the private and public sectors — such as competition and public interest — questions arise about the feasibility of successfully integrating this concept into the Algerian public sector. Thus, the following issue emerges:

To what extent can quality, as a modern principle, be integrated within the public service system? What legal framework could establish and recognise it as a binding legal principle for administration?

Importance of the study:

This study addresses one of the most pressing issues in contemporary legal and administrative thought: the absence of explicit legal foundations for the principle of quality, despite its growing presence in administrative practices and public policies. The concept of quality has evolved from being a mere technical tool for performance improvement to a legal necessity that is directly linked to individuals' rights to access effective and equitable public services.

This study aims to transfer the concept of quality from the administrative to the legal domain by exploring constitutional foundations, legislative texts and general principles that could underpin its recognition as an independent legal principle governing public service operations. This would reinforce the values of efficiency, transparency and accountability within administrative work.

Study hypotheses:

1. The principle of quality is no longer just a technical administrative concept; it now encompasses legal ideas that can be grounded in principles of legality, effectiveness and public service. This justifies the trend towards recognising it as a distinct legal principle.
2. The absence of explicit legal texts acknowledging the principle of quality does not imply a lack of legal basis for it. Instead, it can be inferred from the spirit of administrative legislation and its objectives related to improving public services and protecting individual rights.
3. Recognising the principle of quality legally would transform quality into a binding legal obligation, allowing for accountability of public services regarding their performance and the quality of their services, and leading to a qualitative shift in the relationship between the administration and citizens.
4. Incorporating the principle of quality into the legal framework would improve public service governance and reinforce the principles of transparency, efficiency and accountability, which are vital for a modern rule of law state.

Methodology:

This study took a descriptive approach, describing and analysing various concepts related to the principle of quality. It highlighted the theoretical framework of the concept of quality and demonstrated the manifestations of its lack of explicit legal recognition. An analytical approach was also used to analyse relevant legal texts and derive meanings that could form the basis for recognising the principle of quality as a general legal principle.

To address this issue, the study is divided into two main sections. The first section discusses quality in public service as an emerging principle, while the second section examines the legal foundations necessary for applying quality as a modern principle in public service.

Section One: Quality in Public Service: A Principle in Formation or a Product of Adaptation?

The transition of the concept of quality from the private sector to public services has led to it being regarded as a remedy for imbalances in these services¹. This raises the following question: Is quality a modern legal principle, or merely a product of the evolution and adaptation of public services?

Researchers have differing views on this matter. Some consider quality to be a modern, fundamental principle that regulates the work of public services, placing it on a par with traditional principles such as continuity, equality and adaptation. Conversely, others argue that quality is a principle that has arisen from the evolution of public services. In their view, quality does not rise to the level of a legal principle, but rather constitutes a rule for good governance. This matter will be elaborated upon as follows:

First topic: Quality as a Modern Principle in Public Service

As a reflection of the policies and general direction of the state², public service is influenced by the emergence of modern concepts such as 'quality'. These concepts enrich and enhance the traditional principles that govern public service operations, forming an important part of the legal framework that governs them³.

There is no comprehensive and definitive legal definition of quality⁴. However, exploring the possibility of applying quality to public services does not necessarily require redefining the concept or disregarding its core principles. Rather, it necessitates adapting them to the specific characteristics inherent in public service.

Some legal scholars believe that quality represents an emerging legal administrative principle aimed at safeguarding the public interest⁵. This principle has emerged alongside profound transformations in public service, particularly in the context of the 'public service crisis' and subsequent new choices regarding the role of the state. The most notable of these choices is the private sector's involvement in managing certain services⁶.

However, legal scholars have not reached a consensus on these emerging principles, which are not exhaustively defined or uniformly applied across all public services. They are applied only in specific sectors, depending on the nature of the service activity, its position in the market and the public interest objectives to be achieved through it. Supporters of this view claim that the principle of quality can be traced back to European Union agreements, which obliged member states to adopt it under the Lisbon Treaty, which came into effect in 2009⁷.

EU law has given quality a legal basis and elevated it to the status of a legal principle under federal law⁸, thereby obliging member states to integrate it into their domestic legal systems. Some countries have even gone further, raising the status of quality to that of a constitutional principle.

In this context, another group of researchers considers quality to be a 'new fourth principle' derived from the essence of the public service concept. The existence of public needs means that the competent public authority must intervene to establish public services aimed at fulfilling those needs. Consequently, public services must be delivered to a minimum standard to satisfy these needs. If public institutions fail to provide services of an

¹- L. Berthier, 'The Quality of Justice', Doctoral Thesis, Faculty of Law and Economic Sciences, University of Limoges, 2011, p. 18.

²- Ibrahim Abdel Aziz Shihha, Principles of Public Administration, Manshat Al-Ma'arif, Alexandria, 1998, p. 5.

³- Amar Ouabdi, Administrative Law, Part Two: Administrative Activity, 3rd ed., University Publications Office, Algeria, 2005, p. 73.

⁴- Shoukran Qasim Al-Daghmi, 'The Principle of Quality in Public Facilities: An Analytical Study', Studies in Sharia and Law Sciences, Vol. 46, No. 1, 2019, p. 781.

⁵- Afika Maoui, 'The Evolution of the Concept of Public Facility Amidst the Transformation of the State's Role', Journal of Research in Law and Political Sciences, Vol. 6, No. 1, 2020, p. 62.

⁶- Myriam Akroud, 'The Position of the Public Facility in French Administrative Law', Algerian and Comparative Public Law Journal, Vol. 6, No. 1, September 2020, p. 89.

This dynamism has enabled it to keep pace with the various economic, social, and political developments and transformations that have characterized the function of the modern state, leading some thinkers to see that the French concept of the public service offers a unique dimension, as it has always been viewed as a true myth that represents a support link in building collective identity. Jacques Chevallier, *Le service public*, Collection: que sais-je ? Editor: presses Universitaires de France, 2018, p. 3.

⁷- Adel Dheblih, Lectures on Administrative Law (Second Semester: Administrative Activity), p. 26. Available at: <https://elearning.univ-msila.dz/moodle/pluginfile.php>, accessed 5 January 2023, 04:16.

⁸- Shukran Qasim Al-Daghmi, op. cit., p. 779.

⁹- Bahia Makhlouf, 'Opening Network Sectors to Free Competition and the Necessity of Preserving the Idea of Public Facility', doctoral thesis, Faculty of Law, University of Mouloud Mammeri - Tizi Ouzou, 2019, p. 189.

adequate standard, they will not achieve their intended purpose. In fact, failing to meet these needs may be preferable to providing poor services, as this could significantly harm individuals' interests and the public good⁹.

This perspective is reinforced by the reality that the relationship between citizens and the state can fluctuate and become tense, prompting governments to address these situations and rebuild trust by improving the quality of public services¹⁰.

Conversely, some researchers view quality as an emerging principle due to its ability to address the limitations of traditional principles. For example, Lucie Cluzel argues that quality is an important potential principle capable of responding to modern developments and addressing emerging issues. However, this perspective has been criticised for the lack of binding force of the quality principle compared to other principles, such as transparency, which has been reinforced by constitutional mechanisms ensuring its effective implementation and imposing penalties for violations.

Consequently, proponents of this view regard quality merely as an administrative style or philosophy that guides the state's public policy within the framework of efforts to modernise and develop the services it provides¹¹.

Second topic: Quality as a Principle Arising from the Evolution and Adaptation of Public Service

Some legal scholars argue that the principle of quality is a natural outcome of changes to the legal framework of public services over time. This concept has transcended production management in the private sector to become a strategy for managing public services. In the era of globalisation, quality is no longer exclusive to private projects; its impact has extended to public service offerings, which must exhibit quality specifications appropriate to the nature of the service being provided.

Consequently, quality can be classified as a complementary modern principle because it is a product of the principle of public service adaptability¹². In this regard, quality represents a new obligation for public services. Based on this understanding, providing high-quality public services has become an urgent necessity, requiring public service offerings to be adapted to align with scientific advancements and the qualitative demands of the relevant sector.

The close relationship between adaptability and quality is evident in the public authorities' efforts to adopt a policy of continuous improvement for public services¹³. Consequently, in light of these developments, the principle of adaptability has transformed from a privilege granted to management to a right enjoyed by beneficiaries. Some researchers have argued that this shift has given rise to a new concept: 'the quality and efficiency of public service'¹⁴.

Based on this, it can be said that the emergence of quality as a modern principle represents a logical outcome of the evolution of the legal framework for public services, embodying the state's desire to modernise them. Some researchers view these new principles as enhancements and updates of classical principles within the context of the 'comprehensive service' concept, which introduced new principles, particularly with regard to quality¹⁵.

Conversely, some scholars argue that quality is 'a tool' rather than a primary goal sought by public authorities in their overall strategy for reforming or modernising public administration. Quality serves as a tool for improvement, aiming to restore legitimacy to public activity in response to the evolving aspirations and desires of citizens¹⁶.

⁹- Maher Saleh Alawi Al-Jubouri, 'Service Quality or Quality of Public Facility: The Fourth (New) Principle Governing Public Facilities', *Journal of the Law College, Al-Nahrain University, Iraq*, no. 3, 2015, p. 372. Cited in Bahia Makhlouf, *op. cit.*, p. 188.

¹⁰- Nadia Dhourifi, 'Quality of Public Service', *Journal of the Researcher*, no. 4, 2016, p. 134.

¹¹- Virginie Donier, 'The Laws of Public Service: Between Tradition and Modernity', *French Review of Administrative Law*, 2006, no. 6, p. 1229.

¹²- Nadia Dhourifi, 'The Public Facility Between Ensuring Interest and Profitability Goals: The Case of Concession Contracts', Doctoral Thesis, Faculty of Law, Ben Aknoune University, Algeria, 2011-12, p. 229.

¹³- Bahia Makhlouf, *op. cit.*, p. 186.

¹⁴- Virginie Donier, *op. cit.*, p. 1234.

¹⁵- Bahia Makhlouf, *op. cit.*, pp. 187, 186.

¹⁶- Laurent Berthier, *op. cit.*, p. 23.

However, another segment of legal scholarship, represented by Stéphane Braconnier, is reluctant to recognise quality as a modern principle regulating public service¹⁷. This perspective distinguishes between 'Rolland's laws' and these modern principles, considering the latter to be merely legal rules. According to administrative concepts, they argue that quality is merely a standard or set of rules requiring continuous effort for development and ongoing performance improvement to meet client desires and expectations. Quality serves as a measure of the degree to which work is delivered on time and in a manner that aligns with clients' needs, desires, expectations and satisfaction through the provision of services and products¹⁸.

Pierre-Laurent Frier argues that modern principles, such as quality, are not principles in their own right, but rather rules for good governance. This area of scholarship justifies this view by noting that the French public service charter, issued on 18 March 1992, did not explicitly link these new rules to traditional principles, but instead established a distinction between the two¹⁹. Furthermore, the concept of quality is broad and vague because the quality of public service varies from one public institution to another²⁰.

For public service offerings to be considered of high quality, they must be provided at the required level and comply with standard criteria that differ according to the nature of the public institution. The concept of quality should not be confined to the services offered by public institutions alone, but should instead be the foundation of the institution itself²¹.

It can therefore be concluded that, for any modern principle to be accepted in the legal arena, it must be firmly entrenched in legal texts and frequently referenced in judicial interpretations. In other words, it must possess sufficient legal density²². Nevertheless, some countries have constitutionalised this principle.

Section Two: The Legal Framework for Integrating Quality into Public Services

The constitution is the foundational pillar of a state's legal system, serving as the supreme document that establishes general rules binding on all state authorities. In this context, Algeria's 2020 constitutional amendment explicitly incorporated the concept of quality, similar to some Arab constitutions that have enshrined this principle.

The adoption of quality by the Algerian legislator is not limited to the constitutional text, but is also clearly reflected in numerous ordinary and regulatory legal texts. This is particularly evident in legislation governing local, health and education services.

First topic: Enshrining Quality in Public Service: The Algerian Constitutional Amendment of 2020 and Some Arab Constitutions

Through this amendment, the Algerian constitutional authorities sought to effect a qualitative shift in public service management, enhancing service levels and meeting citizens' aspirations²³. The amendment reinforced traditional principles of public service operation and introduced modern ones. Article 27²⁴ of the constitution outlines traditional principles such as equality²⁵, continuity and adaptability, while incorporating modern principles such as quality, neutrality, fairness and transparency throughout.

Article 112 of Chapter Three, Section Two, which deals with the 'Organisation of Authorities and the Separation of Powers' and 'the Government', emphasises the powers of the Prime Minister or Head of Government, as applicable. In addition to the powers granted to him under other constitutional provisions, he

¹⁷- Virginie Donier, op. cit. p. 1220.

¹⁸- Khaed Hamza, 'Modern Principles of Governance for the Public Facility in Algeria Following the Constitutional Amendment of 2020', Journal of Legal Studies, Vol. 9, No. 3, 2023, p. 180.

¹⁹- Donier, Virginie, op. cit., p. 1220.

²⁰- Bahia Makhlouf, op. cit., p. 189.

²¹- Shokran Qasim Al-Daghmi, op. cit., p. 782.

²²- The same reference, p. 189.

²³- Abd al-Kadiri Mahfoud, 'The New Rules of Administrative Law under the Constitutional Amendment of 2020', Journal of Legal and Political Research, Vol. 6, No. 2, December 2021, p. 491.

²⁴- Article 27 of the 2020 Constitutional Amendment states: 'Public facilities guarantee equal access to services for all beneficiaries, without discrimination. They are based on the principles of continuity, continuous adaptation and fair coverage of the national territory, and where appropriate guarantee a minimum level of service.'

²⁵- Rolland's Laws, or Laws of Public Service, in Administrative Law and Administrative Action, by Bertrand Seiller, 4th edition, Flammarion, 2011, p. 63.

is responsible for directing, coordinating, and monitoring the work of the government, as well as ensuring the proper functioning of public administration and services. This explicit affirmation reflects the constitutional founder's commitment to ensuring quality in public services to guarantee the proper functioning of public interests.

Clearly, one of the Prime Minister's responsibilities is to ensure the proper functioning of public services by exercising his regulatory authority, thereby improving the quality of administrative work and the services provided by public institutions²⁶. This text highlights the importance of adopting quality as a guarantee for the effective operation of public services.

Notably, the 2016 constitutional amendment indicated that the Prime Minister oversees the effective management of public administration in general, without specifically mentioning 'public services'. This highlights the importance of improving public services in the public sector, particularly in public institutions.

Additionally, the Prime Minister is responsible for protecting and managing executive authority by effectively administering the administrative apparatus, which requires providing the necessary resources to ensure its effectiveness. From another perspective, the constitutional founder demonstrates his commitment to quality by affirming that the administration serves the citizen and must justify its decisions while ensuring timely service delivery.

Furthermore, the Algerian legislator has explicitly adopted the concept of quality in education within Chapter Two, titled 'Fundamental Rights, Public Freedoms and Duties', specifically in Section One concerning 'Fundamental Rights and Public Freedoms'. Article 65 of the 2020 constitutional amendment states that the right to education is guaranteed, and that the state is committed to continuously improving its quality. This demonstrates that the Algerian legislator has taken steps to reinforce the objective of quality for public institutions, while acknowledging that quality requirements remain specific to each sector.

In this context, the concept of quality has become one of the fundamental principles enshrined in several constitutions, including the Moroccan Constitution of 2011 and the Egyptian Constitution of 2014 (amended in 2019).

The Moroccan Constitution of 2011²⁷ incorporates the principle of quality in Chapter Twelve, titled 'Good Governance'. Article 154 stipulates that public services should be organised on the basis of equality among citizens with regard to access, fairness in national coverage and continuity of service delivery. Public services must adhere to quality, transparency, accountability and responsibility standards, and their management must be in line with the democratic principles and values enshrined in the constitution. Therefore, it can be concluded that the Moroccan constitutional legislator addressed the principles governing public services, introducing modern concepts such as quality and transparency²⁸. A national conference on reforms and improving public services resulted in recommendations to enhance the efficiency of public institutions, promote transparency between the administration and citizens, and solidify governance principles in public management. Additionally, the conference emphasised the need to simplify administrative procedures and improve infrastructure, highlighting the importance of quality, technology, and communication tools in service delivery²⁹.

Similarly, Article 156 stipulates that public services must collect feedback, suggestions and complaints from their users and ensure these matters are properly followed up. Article 157 establishes a general framework for regulating access to these services and their implementation mechanisms by setting up a public service charter that defines the rules of good governance for managing public administrations and local authorities. Articles 159 onwards provide for the establishment of constitutional bodies and institutions that are responsible for ensuring the application of good governance principles and rules. Examples include the Ombudsman, an independent national institution that defends citizens' rights in their dealings with the administration³⁰.

²⁶- Sihem Rabhi, 'Improving Public Service at the Local Administration Level in Algeria', Doctoral Thesis, Faculty of Law, University of Batna 1, 2018/19, p. 88.

²⁷- Constitution of the Kingdom of Morocco, available at: https://www.constituteproject.org/constitution/Morocco_2011.pdf?lang=ar, accessed 15/10/2022, 21:14.

²⁸- Shukran Qasim Al-Daghmi, op. cit., p. 783.

²⁹- Nasr Al-Zour, Abd al-Wahab Rajab, 'The Principle of Adaptability of the Public Facility to Changes', Doctoral Thesis, Faculty of Law, University of Djillali Liabes, Sidi Bel Abbès, 2020/21, p. 168.

³⁰- Constitution of the Kingdom of Morocco, op. cit., p. 36.

The Egyptian Constitution places significant emphasis on quality in vital sectors, as reflected in the constitutional amendment of 2019³¹. In the health sector, Article 18 affirms every citizen's right to healthcare according to quality standards. The state also emphasises the necessity of maintaining public health service facilities that provide services to citizens and work to enhance their efficiency and equitable geographical distribution.

In the context of education, the same constitutional commitment to quality is evident at every stage. For instance, Article 19 establishes education as a fundamental right for all citizens, obliging the state to consider its objectives in curricula and teaching methods and to provide education according to global quality standards. Article 20 further strengthens the state's commitment to promoting and developing technical and vocational education and training, expanding its various forms in line with these standards.

Article 21 emphasises the state's obligation to ensure the provision of higher education in line with these standards, as well as to develop it. This guarantees the quality of education in private and community universities.

Furthermore, Article 22 of the Egyptian constitution clarifies some of the tools that contribute to the improvement of the educational process. Teachers, faculty members and their assistants are considered a fundamental pillar of education. The state is responsible for developing their scientific competencies and professional skills, while safeguarding their material and moral rights. This ensures the quality of education and achievement of its objectives.

Overall, these constitutional provisions clearly establish the principle of quality³² as a fundamental pillar of public services in the health and education sectors. They emphasise the adherence of the education, health and higher education sectors to global quality standards, thereby establishing it as a constitutional principle that must be implemented.

Second topic: The legislative and regulatory enshrinement of quality in public services

The concept of quality originated in the private sector and has become central to the management of public services, necessitating its adoption within the legal framework. In Algeria, this has gradually materialised through a series of ordinary legislative texts and regulatory decrees reflecting the intention of the legislator to improve public services.

The commitment of the Algerian legislator to quality is evident in various laws governing vital sectors such as local administration and higher education.

Local administration, being the primary point of contact for citizens engaging with the public authority, plays a pivotal role in embodying the principle of quality. The Algerian legislator has sought to reinforce this role by issuing legal texts aimed at streamlining administrative procedures and improving service transparency. In this context, administrations are required to request only the documents stipulated in applicable regulations, clearly specifying the documents required for each service and announcing this information through suitable means. They are also responsible for organising tasks and distributing responsibilities effectively, particularly in the area of document delivery. In the event of service refusal, a justified and explained response must be provided to the citizen, alongside continuous efforts to develop procedures in line with modern organisational and managerial technologies³³.

Law No. 11-10³⁴, dated 22 July 2011 and concerning municipalities, has reinforced this trend by stating that municipalities represent the regional base for decentralisation and provide a space in which citizens can engage with their community. It acts as an active partner with the state in managing regional planning, economic, social and cultural development, and in preserving and improving the living environment for citizens. Similarly, Law No. 12-07³⁵ of 21 February 2012 concerning provinces emphasises that provinces are regional entities of the

³¹- Constitution of Egypt (2014), amended in 2019, available at: <https://manshurat.org/node/14675>, accessed 16/10/2022, 15:38.

³²- Shokran Qasim Al-Daghmi, op. cit., p. 783.

³³- Nakhla Tawhiri and Rabah Abdullah Serir, 'Modernising Public Service Methods in Local Administration: A Study of the Civil Status Department in the Municipality of Tiaret', *Journal of Legal and Political Thought*, Vol. 5, No. 2, 2021, p. 78.

³⁴- Law No. 11-10 concerning the Municipality, Official Gazette No. 37, 3 July 2011.

³⁵- Law No. 12-07 concerning the wilaya, dated 21 February 2012, Official Gazette No. 12, dated 29 February 2012.

state with legal personality and independent financial liability. They serve as domains for implementing public policies and contribute to development, environmental protection and improving citizens' living conditions.

The legislator's commitment to quality is also evident in the creation of new administrative divisions and the increase in the number of provinces to over 58, including delegated provinces. This restructuring aims to bring administration closer to citizens, enhance participatory democracy and meet local needs more effectively. Consequently, the administrative map of the country becomes more efficient in terms of public services, helping to manage the burdens of demographic, urban and economic growth. This will inevitably enhance the quality of services provided by public institutions affiliated with these administrative units, particularly by alleviating the difficulties citizens face when travelling to older provincial offices, reducing queues, creating new job opportunities and maintaining the state's public finances³⁶.

Furthermore, Law No. 06-01³⁷ concerning the prevention and combating of corruption includes a framework for preventive measures in the public sector, outlining a series of obligations for institutions, administrations and public bodies. These obligations include adopting transparent procedures for obtaining information, simplifying administrative procedures, responding to citizens' petitions and complaints, justifying unfavourable decisions, clarifying appeal procedures and emphasising transparency, and enhancing citizen participation in decision-making.

Like many countries, Algeria has sought to adopt and implement quality measures in the higher education sector³⁸, recognising the significant need for quality management in this area³⁹. Higher education is particularly sensitive due to its strategic importance in development, as it produces the skilled professionals needed for the sector's future⁴⁰.

The introduction of this concept into Algerian universities was formalised by Prime Minister's Instruction No. 01 on 27 May 2008. This was followed by an international conference on quality assurance in June 2008, marking the start of efforts to study the feasibility of applying quality management to this vital sector. These efforts culminated in the establishment of the National Committee for Quality Assurance in Higher Education and Scientific Research on 31 May 2010⁴¹.

Quality has been firmly established in the higher education sector through a series of successive legal texts, including Law No. 08-06⁴² dated February 23, 2008, the National Conference on Higher Education held on May 19-20, 2008⁴³, Executive Decree No. 10-35⁴⁴ dated January 21, 2010⁴⁵, and Decision No. 167 dated May 31, 2010. This continued with Executive Decree No. 13-78⁴⁶ dated January 30, 2013, Executive Decree No. 14-

³⁶- Ahmed Ghaoui, 'Administrative Division as an Entrance to Empower Governance in Algeria', Researcher Journal for Academic Studies, no. 12, 2018, p. 623.

³⁷- Law No. 06-01, dated 20 February 2006, concerning the prevention and combating of corruption. Amended and supplemented in the Official Gazette of the Algerian Republic, No. 14, dated 8 March 2006.

³⁸- In terms of the quality of higher education services, there are two concepts. The first relates to compliance with the standards set by the higher education institution, which may reflect either minimum quality or excellence standards. The second concept relates to the alignment of the institution's objectives. For further explanation, see: Aicha Salma Kihili, Mona Masghouni and Lamia Omani, 'The necessity of applying a quality assurance system in higher education institutions in Algeria: A Model for Establishing a Quality Assurance Cell in Higher Education in Algeria: University of Shahid Hamma Lakhdar, Ouargla', Journal of the Original for Economic and Administrative Research, no. 2, December 2017, p. 31.

³⁹- There are several compelling reasons for higher education institutions to adopt a quality system, including: globalisation; the General Agreement on Trade in Services; the cross-border education market; the international market for quality assurance services; the growing social demand for higher education; the privatisation of higher education; and limited financial resources. For further information, see: Aicha Salma Kihili, Mona Masghouni and Lamia Omani, op. cit., pp. 37-38.

⁴⁰- Mohammed Amin Assoul, 'The Role of Information and Communication Technology in Achieving Quality in Higher Education: A Case Study of Some University Institutions', doctoral thesis, Faculty of Economic Sciences and Business Administration, University of Mohamed Khider, Biskra, 2015-16, p. 64.

⁴¹- Khaled Atoui, 'Quality Assurance Mechanisms in Higher Education and Scientific Research in Algeria', Journal of Legal and Political Sciences, Vol. 9, No. 3, December 2018, p. 361.

⁴²- Law No. 08-06, dated 23 February 2008, amending and supplementing Law No. 99-05, dated 4 April 1999, concerning the guiding law for higher education. Official Gazette of the Algerian Republic, No. 10, dated 27 February 2008.

⁴³- Khaled Atoui, op. cit., p. 361.

⁴⁴- Executive Decree No. 10-35, dated 21 January 2010 and defining the tasks of the National Council for Evaluating Scientific Research and Technological Development. Published in the Official Gazette of the Algerian Republic, No. 6, dated 24 January 2010.

⁴⁵- Decision No. 167, 31 May 2010, establishing a National Committee to Implement a Quality System in Higher Education and Scientific Research. Official Bulletin of Higher Education and Scientific Research, First Semester, 2006.

⁴⁶- Executive Decree No. 13-78, dated 30 January 2013, concerning the organisation of the central administration in the Ministry of Higher Education and Scientific Research. Published in the Official Gazette of the Algerian Republic, No. 8, dated 6 February 2013.

22⁴⁷ dated January 23, 2014⁴⁸, Decision No. 2004 dated December 29, 2014, Decision No. 761 dated July 17, 2016⁴⁹, among other texts that framed the process of enhancing the quality of higher education and scientific research.

In terms of regulatory texts, the Algerian legislator has explicitly referenced quality in multiple executive decrees. For example, Executive Decree No. 03-435⁵⁰, dated 13 November 2003, specifies in Article 3 of the attached specifications that transport services must meet mobility needs 'under the best conditions in terms of cost, service quality and safety'. Articles 9 and 10 emphasise the state's authority to monitor service quality and institutions' obligation to ensure it.

Similarly, Executive Decree No. 05-174⁵¹, dated 9 May 2005, incorporates quality standards in Article 15 (paragraph 2), which requires the licence holder to allocate all necessary resources to provide services that meet international standards and strictly adhere to the minimum quality standards set out in Annex 2 across all coverage areas. This decree also includes a comprehensive annex titled 'Service Quality', which sets out precise minimum standards for public services, including accessibility, speed and sound quality.

The provisions of Executive Decree No. 14-193, dated 3 July 2014, establish the legal basis for public service quality in Algerian legislation. This is evident in the powers granted to the Director General of Public Function and Administrative Reform, including studying and evaluating the functioning of public administration, proposing improvement and effectiveness measures, and initiating administrative modernisation through modern management techniques and information and communication technology⁵².

Executive Decree No. 88-131⁵³, dated July 7, 1988, marks an important turning point in improving the relationship between administration and citizens in Algeria, embodying the legislative will to rebuild trust. The content of this decree was aligned with the challenges imposed by the new transformations in public service during the 1980s, especially regarding the enhancement of the relationship between administration and citizens.

This required the provision of high-quality public services that respect modern human rights directives and consider the individual to be at the heart of the state and public service⁵⁴.

The decree established the concept of 'regulating the proper functioning of administration'⁵⁵ and explicitly recognised quality as a new requirement and a means of improving the relationship between the administration and citizens, consistently linking it to the principle of adaptability. Article 6 stipulates that the administration must continuously adapt its tasks and structures to the needs of citizens to ensure good service provision.

Chapter Two, Section Four, titled 'Continuous Improvement of Public Service Quality', notably states in Article 21: 'The administration must strive to continuously improve the quality of its services and enhance its public image as an expression of public authority.' This article enshrines one of the key criteria of total quality management: continuous improvement alongside the principles of adaptability and development⁵⁶.

⁴⁷- Executive Decree No. 14-22, dated 23 January 2014 and amending Executive Decree No. 13-78, dated 30 January 2013, concerning the organisation of the central administration in the Ministry of Higher Education and Scientific Research. Published in the Official Gazette of the Algerian Republic, No. 5, dated 2 February 2014.

⁴⁸- Decision No. 2004, dated 29 December 2014, establishing a committee to create a quality assurance system in the field of higher education and scientific research. Official Bulletin of Higher Education and Scientific Research, Fourth Quarter 2014.

⁴⁹- Decision No. 761 of 17 July 2016 amending Decision No. 2004 of 29 December 2014 establishing a Committee to Create a Quality Assurance System in the Field of Higher Education and Scientific Research, Official Bulletin of Higher Education and Scientific Research, Third Quarter 2016.

⁵⁰- Executive Decree No. 03-435 of 13 November 2003 establishing the public institution for urban transport in Algiers and its suburbs (Official Gazette of the Algerian Republic, No. 71, 19 November 2003).

⁵¹- Executive Decree No. 05-174, dated 9 May 2005 and published in the Official Gazette of the Algerian Republic (No. 34, dated 11 May 2005), approves the licence for the establishment of a public network for wired and wireless communications, providing international and intercity telephone services and local public access.

⁵²- See Article 2 of Executive Decree No. 14-194, dated 3 July 2014 and published in the Official Gazette of the Algerian Republic (No. 41, dated 6 July 2014, p. 8), which defines the powers of the General Director of Public Function and Administrative Reform.

⁵³- Decree No. 88-131, dated 4 July 1988 and published in the Official Gazette of the Algerian Republic (No. 27, dated 6 July 1988), regulating the relationship between the administration and the citizen.

⁵⁴- Abd al-Wahab Kassal, 'Humanisation in Providing Services at Public Facilities', Algerian Journal of Legal and Political Sciences, Vol. 57, No. 5, 2020, p. 245.

⁵⁵- Salima Ghazlan, 'The Relationship Between Administration and the Citizen in Algerian Law', Doctoral Thesis, Faculty of Law, Ben Aknoun University, Algeria, 2009-10, p. 54.

⁵⁶- Nadia Dhurifi, Quality of Public Service, op. cit., p. 137.

Other articles address quality measurement criteria in administrative services, given the absence of precise technical standards found in commercial sectors⁵⁷. These criteria include obligations placed on the administration, such as simplifying procedures, preparing clear brochures and forms, developing organisational and management procedures, specifying file components, reducing the number of required documents, expediting the processing of requests, coordinating between administrations, ensuring the timely delivery of documents and justifying any refusals, and establishing suitable working hours⁵⁸.

Executive Decree No. 88-131 is important because it marked a historical turning point towards quality in administrative services. Representing one of the most significant legal texts in Algeria⁵⁹, it signifies a qualitative evolution by explicitly stating the necessity of quality in public service, marking a shift from quantitative to qualitative logic. Despite its progressive nature, the decree is considered a fragile and marginalised framework due to its limited recognition and lack of publicity⁶⁰, which diminished its effectiveness and left it largely ineffective in subsequent periods⁶¹. Nevertheless, it established a vision and obligations for both parties (the administration and citizens)⁶², representing a significant advancement in content⁶³ as part of the major administrative reforms of the 1980s.

Notably, aside from Decree No. 88-131, the Algerian legal system has not seen another comprehensive law aimed at improving public services. Instead, reliance has been placed on periodic administrative instructions and publications to attempt partial reforms. Examples include Instruction No. 1999, implemented following the President's directives to improve public service performance; Instruction No. 1139, emphasising the necessity of significantly enhancing the relationship between the administration and citizens within the framework of administrative modernisation; and Instruction No. 1469, mandating the continuous improvement of services provided to citizens for obtaining civil status documents⁶⁴.

Conclusion:

This research paper examined the concept of 'quality' in public services, revealing differing views on the subject. Some consider it to be a fundamental principle that governs public service operations, while others view it as a tool for good governance or merely as a natural outcome of public service evolution and adaptation. Nevertheless, there is a consensus on the growing legislative and regulatory trend of enshrining quality in law, as demonstrated by the Algerian constitutional amendment of 2020 and the constitutions of Morocco and Egypt, which explicitly recognise quality as a foundational pillar in vital sectors such as health and education.

Legislatively and regulatorily, Algeria has sought to integrate quality into various sectors, including local government and higher education. This is supported by executive decrees that establish precise standards to achieve this goal. However, there is still a long way to go before quality is firmly established as a legal principle with sufficient legislative and judicial density to ensure a qualitative and comprehensive transformation in the performance of public services.

Results and recommendations:

Results:

1. Lack of scholarly consensus: there is no consensus among scholars regarding the nature of quality in public service. It remains unclear whether it should be considered an independent, modern legal principle, or merely a by-product of the adaptation and evolution of public service.

⁵⁷- The physical product enables consumers to assess several observable indicators, such as colour, texture, smell, hardness and weight (op. cit., p. 51).

⁵⁸- See Articles 21 to 30 of Decree No. 88-131 dated 4 July 1988, which regulates the relationship between the administration and the citizen (op. cit., pp. 1015-1016).

⁵⁹- Salima Ghazlan, op. cit., p. 50.

⁶⁰- The same reference, p. 50.

⁶¹- Nadia Dhurifi, Quality of Public Service, op. cit., p. 138.

⁶²- The same reference, p. 137.

⁶³- The same reference, p. 137.

⁶⁴- Saliha Milyani and Abdel Halim Maazouz, 'The Legal and Structural System of Improving Public Service', presentation at the Second National Conference on Quality, organised by the Faculty of Humanities and Social Sciences at the Mohammed Boudiaf University of M'Sila, 9 May 2017, p. 10.

2. Increased constitutional enshrinement: There is a growing constitutional emphasis on quality, as explicitly stated in several Arab constitutions, such as the Algerian constitutional amendment of 2020, the Moroccan Constitution of 2011 and the Egyptian Constitution of 2014 (amended in 2019). This reflects a stronger political commitment to reinforcing quality as a cornerstone of public service, particularly in vital sectors such as health and education.

3. Gradual adoption in legislative and regulatory frameworks: Quality is being progressively adopted within legislative and regulatory frameworks, particularly in local government and higher education. Legal texts emphasise the need to simplify procedures, improve transparency and make administration more citizen-focused.

4. Significance of Decree No. 88-131

Executive Decree No. 88-131, dated 4 July 1988, marks a significant milestone in Algerian legislation. It enshrines the adoption of quality in administrative services and advocates a shift from quantitative to qualitative measures. However, it has faced challenges such as limited recognition and publicity.

5. Need for further implementation

Despite being enshrined in the constitution and legislation, the application of quality in public services still requires more embodiment in legal texts and scholarly interpretations to achieve 'sufficient legal density' and reach the status of binding principles that are comprehensive and clear.

Recommendations:

1. Adopt a clear legal definition of the principle of quality. This should specify the standards and areas of application within public services, in order to eliminate existing conceptual ambiguities.
2. Elevate Decree No. 88-131: Strengthen the status of Executive Decree No. 88-131 by elevating it to a charter that organises and defines operating standards for public services.
3. Update legislation to align it with modern governance concepts and make the principle of quality a guiding factor for state policies in public service delivery.
4. Launch national quality management programmes for public services under clear legal and regulatory supervision to ensure the gradual implementation of quality standards in each sector.
5. Enhance judicial oversight of administrative actions, enabling administrative judges to use the principle of quality as a criterion for assessing the legality of administrative decisions, particularly in cases involving the disruption of proper public service operations.

Methodology

This research adopts a qualitative, analytical, and comparative approach grounded in doctrinal legal analysis. The study involved three key methodological stages:

1. Doctrinal Review: Examining classical and modern administrative law theories concerning the evolution of public service principles and their transformation under New Public Management paradigms.
2. Comparative Legal Analysis: Studying how quality has been incorporated into the legal and constitutional frameworks of Algeria and selected Arab countries, including Morocco, Tunisia, and Egypt, through legislative texts, executive decrees, and administrative jurisprudence.
3. Normative Interpretation: Assessing the legal potential for transforming the concept of quality into a binding principle, considering both constitutional enshrinement and jurisprudential recognition.

Sources include national legal texts (laws, decrees, and constitutional provisions), comparative legal documents, and scholarly commentaries. The methodology aligns with socio-legal research techniques to connect the legal principle of quality to broader administrative reform and governance frameworks.

Ethical Considerations

The research was conducted in accordance with the ethical standards of academic and legal scholarship. No empirical data involving human participants were collected. All legal and academic sources were cited appropriately to ensure academic integrity and intellectual honesty. The study complies with the ethical research policies of the University of M'sila and the University of Khenchela.

Author Contributions

Both authors contributed equally to the conception, development, and completion of this paper:

- Dr. Serrai Houria: Conceptual design, legal analysis of Algerian administrative law, and drafting of the theoretical framework.
- Sehili Khanssa: Comparative constitutional analysis, synthesis of Arab legal materials, and review of jurisprudential developments.

Both authors reviewed and approved the final manuscript for publication.

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Conflict of Interest

The authors declare no conflict of interest related to the authorship or publication of this article.

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