ITJ | The International Tax Journal

The Election of the President of the Republic Under the 2020 Constitutional Amendments and Organic Law No. 21-01 on Elections

Fateh Boutbig [1]

[1] PhD Candidate in Legal Sciences (Public Law), Faculty of Law, Saïd Hamdine University of Algiers 1, Algeria.
Email: boutbign@gmail.com

Abstract---The presidential election in Algeria represents a fundamental pillar of the political system and a decisive mechanism for the peaceful transfer of power. However, the evolution of Algeria's constitutional framework, particularly following the 2020 Constitutional Amendments and the promulgation of Organic Law No. 21-01 on the Electoral System, has introduced profound transformations in the organisation, regulation, and conduct of presidential elections. This study begins from the premise that understanding these reforms requires a comprehensive legal analysis of the principles, mechanisms, and conditions that govern the candidacy and electoral campaign process. The research examines the extent to which the new provisions have redefined the eligibility criteria, transparency guarantees, and institutional oversight intended to ensure fairness and legitimacy in the electoral process. It also analyses the relationship between the constitutional principles and the implementing legislative instruments, as reflected in the Official Journal of the People's Democratic Republic of Algeria, to assess the degree of harmony between theory and practice. Furthermore, the study discusses the legal and political implications of these reforms on democratic consolidation, focusing on how the revised system balances the demands of political stability with the aspirations for genuine representation and public participation. Ultimately, this research seeks to provide an analytical framework for understanding the evolution of Algeria's presidential election system in the post-2020 era, highlighting its constitutional foundations, legal developments, and continuing challenges in achieving electoral integrity and democratic governance.

Keywords---Algeria, 2020 Constitutional Amendments, Organic Law No. 21-01, Presidential Elections, Electoral Campaign, Electoral System, Conditions of Candidacy, Constitutional Principles, Official Journal, People's Democratic Republic of Algeria.

How to Cite:
Boutbig, F. (2025). The election of the president of the republic under the 2020 Constitutional Amendments and Organic Law No. 21-01 on elections. *The International Tax Journal*, *52*(5), 2948–2971. Retrieved from https://internationaltaxjournal.online/index.php/itj/article/view/297

The International tax journal ISSN: 0097-7314 E-ISSN: 3066-2370 © 2025
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Submitted: 16 July 2025 | Revised: 24 August 2025 | Accepted: 01 October 2025

Introduction

If the Constitution is the supreme and highest legal document in the country, organising the relationship between the ruler and the ruled, and defining the interdependent relations between the authorities and the people, then the electoral process constitutes the mechanism that connects the people with the public authorities of the State through the conduct of electoral operations. Among these, presidential elections stand as one of the essential components of this process. Thus, the election of the President of the Republic represents one of the fundamental pillars of any political system, serving as a measure of the degree of political transformation, the transfer of political authority, and the consolidation of the principle of its peaceful alternation[1]. This is reflected in the participation of citizens in the free and conscious selection of their representatives within the framework of the electoral process.

This process occupies a prominent position in Algeria, owing to the status of the President of the Republic and the broad powers vested in him under the provisions of the 2020 Constitution. This is reflected in Articles 91, 92, and 93, in addition to other stringent constitutional provisions that further empower the President. Although Algeria has experienced periods during which the office of the President of the Republic was assumed without recourse to elections, namely during the years 1965, 1992, and 1994, this does not mean that elections did not exist in the stages preceding 1992 or following 1965. Indeed, that period witnessed electoral processes, even if they were restricted, but soon the country returned to elections as a democratic means of conferring political authority. This was clearly illustrated in the 1995 elections, in which Mr. Liamine Zeroual was elected President of the Republic through pluralistic elections, as well as the 1999 elections that brought Mr. Abdelaziz Bouteflika to the presidency. He was subsequently re-elected for four consecutive terms, following the adoption of the principle of free and pluralistic candidacy enshrined in the 1996 constitutional amendments and Organic Law No. 97-07 of 6 March 1997 on Elections. Furthermore, the 2008 constitutional amendments revealed, along with the 1996 constitutional amendments and Organic Law No. 97-07, a framework of conditions and procedures that gave the electoral process a distinctive nature, even though it remained marked by certain deficiencies. These shortcomings, despite the adoption of constitutional and organic amendments intended to ensure the transparency of the electoral process and regulate the eligibility conditions for the presidency, were insufficient to guarantee elections that were genuinely free, fair, and transparent. With the emergence of a new series of laws following the wave of the Arab Spring and the national popular movement, the 2020 constitutional amendments and Organic Law No. 21-01 on Elections introduced and reinforced greater democracy, transparency, and integrity within the electoral process, primarily through the institutionalisation of the Independent National Electoral Authority, as reflected in Article 200 of the same constitutional amendments.

Section One: Conditions for the Election of the President of the Republic, and the Procedures and Deadlines for Candidacy

Subsection One: Conditions for the Election of the President of the Republic

It is divided to two branches.

1. **Branch One: Constitutional Conditions**
2. **Branch Two: Legal Requirements**

Branch One: Constitutional Conditions.

This branch includes eleven (11) points that address the constitutional conditions, meaning those stipulated by the Constitution concerning the election of the President of the Republic. These include

[1] Dr. Medhat Ahmed Mohamed, *Democracy in the Election of the President of the Republic*, National Centre for Legal Publications, 1st ed., 2012, p. 9.

conditions related to nationality, as the candidate for the Presidency of the Republic must hold original Algerian nationality. This is one of the fundamental conditions in the Algerian Constitution. It is also required that the candidate be a Muslim who adheres to the Islamic faith. In addition, the candidate must be forty (40) years old on the day of the election, this being the age requirement. Among the conditions as well are those related to civil and political rights, which the candidate for the Presidency of the Republic must fully enjoy. This subsection also examines other conditions, such as the requirement that the candidate's spouse must hold Algerian nationality, the condition of participation in the November 1st Revolution if the candidate was born before July 1942, the requirement that neither the candidate nor his parents were involved in any act against the November 1st, 1954 Revolution, and the obligation to declare his movable and immovable assets both within and outside the national territory. These conditions are set out in eleven (11) points, as follows:

1. **The candidate must possess original Algerian nationality only, and must prove the original Algerian nationality of both parents,**
2. **They must not have acquired any foreign nationality,**
3. **They must profess the Islamic faith,**
4. **They must be forty (40) years old on the day of submitting his candidacy,**
5. **They must possess full civil and political rights,**
6. **They must prove that his spouse holds Algerian nationality,**
7. **They must prove permanent residence in Algeria, and nowhere else, for at least ten (10) consecutive years prior to the submission of his candidacy,**
8. **They must prove participation in the November 1954 Revolution if born before July 1942,**
9. **They must prove that he has completed national service, or provide a legal justification for exemption,**
10. **They must prove that neither he nor his parents were involved in any act against the November 1954 Revolution,**
11. **They must submit a public declaration of his movable and immovable assets, both within and outside the country.**

1. Possession of Original Algerian Nationality Only.

The constitutional legislator requires that the candidate must not hold any foreign nationality in addition to their original Algerian nationality, the purpose of this condition being to prevent dual nationals from running for the presidency. This condition had already been provided for in Article 136, paragraph 3, of Organic Law No. 12-01 on Elections, as well as in Organic Law No. 21-01.

2. Not Having Acquired a Foreign Nationality.

The office of the President of the Republic is of utmost importance; therefore, it is natural that the person occupying this position must be of Algerian nationality. This requirement is set out in Article 87 of the 2020 Constitution, as was the case in the previous Algerian constitutions of 1963, 1976, 1989, 1996, 2008, 2016, and 2020. It is required that the President of the Republic be born to Algerian parents. However, the earlier constitutions did not specify whether the parents had to be Algerian by birth or by naturalisation; what mattered was that the president themselves be Algerian by birth. The 2020 Constitution, however, expressly stipulates that both parents must hold Algerian nationality. For comparison, Article 39 of the Tunisian Constitution of 1959 provided that the President of the Republic must be Tunisian by birth, and that both the father and grandfather must also be Tunisian, without interruption.[2]

In Islamic jurisprudence, scholars similarly stipulated that the Imam (leader) must be from the Quraysh tribe, and the only scholar who disagreed with this condition was Dirar ibn Amr, whose dissent is not regarded as authoritative. It was narrated that the Prophet Muhammad, peace be upon him, said: *"The*

[2] Osman, H. O. M. (1999). *Political systems and constitutional law*, University Publications House, Egypt, p. 369.

leaders are from Quraysh."[3] The condition relating to Algerian nationality therefore aims to exclude two main categories of individuals from eligibility for the presidency:[4]

- Those with dual nationality, meaning that an Algerian of original nationality cannot run for the presidency if they also hold the nationality of another state,
- Those with acquired Algerian nationality, as any person who has obtained Algerian nationality through naturalisation is not entitled to run for the presidency.Article 249 of the Organic Law on the Electoral System provides that a presidential candidate must submit their application to the President of the Independent National Authority for Elections, accompanied by a file that includes, among other documents, a sworn declaration stating that they hold no nationality other than Algerian.[5]

It is also worth noting that the Constitution does not require the Algerian citizen holding original nationality and seeking candidacy for the presidency to be male. This means that the Constitution grants Algerian women the same constitutional right as men to exercise this right to stand for election. Similar to the Algerian electoral system, the French and Egyptian electoral systems also establish constitutional and legal conditions that must be met by candidates for the presidency. These conditions concern, first, nationality, then age, and finally civil and political rights.

3. The Islamic Religion

This condition represents the second essential requirement for anyone seeking candidacy for the presidency, and it is a self-evident one, since the majority of Algerians, indeed the entire Algerian people, profess Islam. Various charters and constitutions have affirmed that Islam is the religion of the Algerian State, as stated in Article 02 of the 2020 Constitution, which classifies it under the general principles governing Algerian society. Likewise, Article 90, which concerns the constitutional oath, highlights the glorification and respect of Islam and the duty to defend it after recalling the sacred memory of the martyrs and the eternal values of the November Revolution. The constitutional requirement that the President adhere to Islam is intended to ensure that the Head of State does not incline toward another faith at the expense of Islam. This condition is meant to guarantee that the President manages the affairs of the nation and safeguards its interests in accordance with the values and moral foundation of the country. However, it is essential not to confuse religion with any restriction on freedom of worship or freedom of thought among Muslims. In this context, Al-Mawardi mentioned, as the first of the ten duties of the Caliph, the preservation of religion on its well-established foundations, stating:

"Preserving religion according to its well-established principles and the consensus of the early generations of the nation. If a heretic or a misguided person deviates from it, the Caliph must present clear evidence and correct him, enforcing what is right so that the religion remains protected.[6]*"* Likewise, the jurisprudential maxim asserts that *"a non-Muslim cannot have authority over a Muslim."* Indeed, Islam itself prohibits a non-Muslim from governing Muslims, as reflected in several Qur'anic verses and prophetic traditions.

Since Islam is the religion of the State, as explicitly stated in Article 2 of the Constitution, the constitutional requirement that a presidential candidate be a Muslim effectively bars Algerians of original nationality who do not profess Islam from running for office. Nevertheless, the Constitution leaves an open path for such individuals: if they embrace Islam, they may become eligible, as the condition does not require the candidate to have been Muslim by birth.[7]

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[3] Al-Juwayni, A. H. (1988). *Ghiyath al-Umam fi Iltiqam al-Zhulm* [The assistance of nations in confronting injustice], Dar Al-Kutub Al-Ilmiyah, 1st ed., Beirut, Lebanon, p. 44.

[4] Boukra, I. (2007). *The system of electing the President of the Republic in Algeria.* Diwan Al-Matbouat Al-Jami'iya, Algeria, p. 16.

[5] The Organic Law on the Electoral System.

[6] Al-Mawardi, *Al-Ahkam al-Sultaniyyah*, Al-Maktabah Al-Asriyyah, Beirut, Lebanon, 2001, p. 14.

[7] Idris Boukra, previously cited reference, p. 21.

4. Being Forty (40) Years Old on the Date of Submission of Candidacy.

The 2020 Constitution, in Article 87, requires that the candidate for the presidency must be forty years old on the day of the election. However, the 1963 Constitution set the minimum age at thirty-five (35) years. This may have been due to the nature of that transitional period or perhaps related to the age of President Ahmed Ben Bella at the time.

Forty years of age, as we know, represents the height of maturity and wisdom. At this stage, a person's mental and physical capacities are fully developed, and they become capable of thoughtful reflection and calm decision-making. It is the age when one naturally begins to contemplate life beyond worldly pursuits, considering destiny and the afterlife. As the scholar Sayyid Qutb noted, quoting Izz al-Din ibn Abd al-Salam: *"It is the age of strength and completeness, the time of balance and fulfilment, the age after the full bloom of life"*[8]

Islam, too, requires maturity (puberty) for accountability, as the Prophet peace be upon him said: *"The pen has been lifted from three: from the child until he reaches puberty..."*[9]

Some scholars further argued that leadership (Imamate) can only be established by divine decree and guidance, while others believed it could also arise through human agreement among qualified representatives (*Ahl al-'Aqd*)[10].

As mentioned earlier, Surah Al-Ahqaf, verse 15, highlights the spiritual significance of this age: "...until when he reaches his maturity and reaches forty years, he says: My Lord, enable me to be grateful for Your favour which You have bestowed upon me and upon my parents and to do righteousness of which You approve and make righteous for me my offspring. Indeed, I have repented to You, and indeed, I am of the Muslims"[11].

Al-Tabari interpreted "maturity" (*ashuddahu*) as the completion of one's strength and reason, noting that scholars differed, some said it occurs at thirty-three, others at puberty, but that forty marks the perfection of intellect and understanding of one's duties toward Allah and one's parents[12]

It is also worth recalling that divine revelation began to descend upon the Prophet Muhammad peace be upon him when he was forty years old, a further indication of the profound wisdom associated with this age.Therefore, according to Article 87 of the 2020 Constitution, the candidate must be forty years old on the day of the election (the day of voting)[13].

The term *"day of election"* refers to the day of voting. This means that any candidate who has not yet reached the age of forty on the day of voting may still submit their candidacy, provided that they reach the full age of forty on the date of the first round of the election. At present, the election of the President of the Republic takes place in two rounds, in cases where no candidate secures an absolute majority to win in the first round.

5. Enjoyment of All Civil and Political Rights.

It is well known that a candidate for this position must enjoy full civil and political rights. Civil rights are a recognised moral capacity that grants an individual credibility and trustworthiness as a person, while political rights allow them to gain the confidence of citizens within their society. Enjoying these rights ensures that the President of the Republic behaves appropriately in their private life and is not affected by any condition that could undermine their legal capacity, as stipulated in Articles 42 and 43 of the Algerian Civil Code. Most electoral laws stipulate that if a President of the Republic were affected by any legal incapacity, this must be established by a judicial ruling, given the judiciary's independence and integrity. Moreover, the judiciary is the competent authority overseeing the electoral process. As for political rights, the President must be a member of the electorate, meaning they must appear on the

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[8] Sayyid Qutb, *In the Shade of the Qur'an*, Vol. 6, Dar Al-Shorouk, Egypt, 1996, p. 3262.
[9] Ta'ima, J. (2005). *The state and authority in Islam.* Madbouly Library, p. 21.
[10] Amara, M. (2009). *Islam and the philosophy of governance* (3rd ed.). Dar Al-Shorouk, Egypt, p. 250.
[11] The Holy Qur'an, Surah Al-Ahqaf, verse 15.
[12] Al-Tabari, *Jami` al-Bayan fi Ta'wil al-Qur'an*, Dar al-Kutub al-Ilmiyyah, Beirut, Lebanon, 1997, p. 284.
[13] Algerian Civil Code, Articles 42–43.

electoral roll and must not have been convicted or imprisoned for a criminal or non-criminal offence that would deprive them of the right to political participation.
It would not be acceptable for the President of the Republic, who serves as the nation's highest authority and ultimate judge, to be deprived of their civil or political rights as a result of a legal sentence for committing an offence, whether civil or political. The President, as the representative of the state, must therefore possess mental, personal, and behavioural integrity, for they embody justice and the rule of law and safeguard the state's supreme legal document, the Constitution[14].

6. Proof of the Original Algerian Nationality of the Candidate's Spouse

Given the importance of the office of the President of the Republic, the constitutional legislator required that the candidate prove the Algerian nationality of their spouse, as stipulated in Article 87, paragraph 5, of the 2020 Constitution. However, the legislator did not specify the nature of this nationality, which may be either original or acquired.
This was evident in the 1999 presidential elections, during which some candidates had spouses with acquired nationality, yet they were allowed to participate in the race. This differs from what was provided in the 1989 Electoral Law, which required the spouse's nationality to be original.
Here, too, the constitutional legislator sought to ensure that the spouse of the president's loyalty lies with Algeria. However, some constitutions in the Arab world, particularly the Egyptian Constitution, explicitly require that the President's spouse be Egyptian. This requirement stems from the spirit of the Constitution, as the spouse plays an essential role that cannot be fully performed unless she is Egyptian.
Moreover, some legislations, such as the Egyptian State Council Law, prohibit individuals married to foreigners from holding technical positions, let alone assuming the highest office in the state. The Algerian Electoral Law of 1989, under Article 108, required the candidate's spouse to have original nationality, yet this condition was not respected in previous presidential elections. In addition, several constitutions across the Arab world and beyond impose similar requirements, such as the 1990 Yemeni Constitution, which stipulates that the candidate's spouse must hold original nationality[15].
It is observed that the Constitution requires the presidential candidate to prove the Algerian nationality of their spouse. However, the wording of Article 87 of the 2020 Constitution does not clarify whether the intended nationality is original or acquired. From this, it is understood that the original nationality of the candidate's spouse is not a condition. Consequently, the text does not exclude acquired nationality, which means that the Constitution allows the candidate's spouse to hold acquired Algerian nationality. This interpretation was applied in the 1999 presidential elections, as previously mentioned, when the spouse of one of the candidates held only acquired nationality[16].

7. Proof of participation in the Revolution of 1 November 1954, provided that the candidate was born before July 1942.

As we know, the drafter of the Constitution was keen to include the condition of participation in the Revolution of November 1954 for candidates running for the presidency of the Republic, as stipulated in Article 87, paragraph 7.
The importance of this condition was particularly evident during the presidential elections of 1999. However, it is observed that the legal texts did not clarify, in practical terms, the method of proving participation in the glorious Revolution of 1 November. The Constitutional Council, during the 1999 presidential elections, intervened to request a document proving participation in the glorious Liberation War from one of the candidates in order to accept his candidacy file for those elections. A candidate who does not possess such an official document may not submit a candidacy file.
The previous constitutions of the Republic did not provide for this condition. On 11 March 1999, at six thirty in the evening, the President of the Constitutional Council announced the names of the accepted candidates for participation in the early presidential elections of 1999. The candidacy file of Mr.

[14] Mustafa Abu Zaid Fahmi, *The Concise Guide to Constitutional Law and Political Systems*, University Press, Alexandria, Egypt, 1999, p. 554
[15] The 1989 Electoral Law.
[16] Osman, H. M. (1999). *Political systems and constitutional law.* Alexandria, Egypt: University Publications House, p. 372.

Mahfoud Nahnah, from the Movement of Society for Peace (MSP), was rejected on the grounds that he did not fulfil the requirements stipulated in Article 87, paragraph 7, of the 2020 Constitution.

The researcher notes that the condition related to proving participation in the Revolution of 1 November 1954, for candidates born before July 1942, establishes a form of discrimination among citizens — between those who participated in the Revolution of November 1954 and those who did not. The question arises: why does the Constitution deprive an Algerian citizen born before July 1942 of his political right to run for the office of President of the Republic, merely because he did not participate in the Liberation Revolution, a participation proven only through an official document such as a membership card of the National Liberation Army or the National Liberation Front?

It should be noted that most of the people participated in the Liberation Revolution in one way or another, each in their own manner, and many did not possess an official document proving it, as they were performing a national duty. Their unofficial participation could even have been more effective than certain official contributions[17]. Furthermore, the researcher observes that this provision has sparked numerous criticisms among specialists. Some have considered that the condition set forth in Article 87 of the 2020 Constitution contradicts Article 35 of the same Constitution, which concerns rights and freedoms, and which states: "All citizens are equal before the law and shall not be discriminated against on the basis of birth, race, gender, or any other personal or social condition or circumstance". Since participation in the Revolution of November 1954 constitutes a personal circumstance specific to the citizen, it follows that the contradiction between the two constitutional articles is evident, even though the reference to 1954 remains a fundamental principle.

8. Proof of permanent residence in Algeria, and nowhere else, for a period of at least ten (10) years prior to the submission of candidacy.

Among the newly introduced conditions set forth by the 2020 Constitution is the requirement that the candidate must prove permanent residence in Algeria, and nowhere else, for a period of no less than ten (10) years before submitting the candidacy.

The question that arises is: *why ten years?* In response, a ten-year period of residence within the country allows the candidate to be fully aware of all circumstances and to understand the national situation. However, this period may still be insufficient to grasp the entirety of the country's conditions. Perhaps the purpose behind this requirement is to prevent individuals residing abroad from entering the presidential race.

9. Proof of completion of national service, or a legal justification for exemption.

According to the provisions of this condition, a candidate for the presidential elections must submit a certificate proving that they have completed national service or are legally exempt from it. The Algerian legislator did not specify that if the exemption is granted on medical grounds, the condition is considered unmet. Consequently, we observe here a contradiction in the legislator's reasoning — for instance, if a person is exempted from national service obligations, is it because he is the son of a martyr, due to family responsibilities (as a family provider), or for medical reasons?

This inconsistency was evident during the presidential elections of 1999, when a candidate who had been exempted from national service obligations for medical reasons was nevertheless allowed to run, as his candidacy file was accepted by the Constitutional Council.

Furthermore, in discussing this condition, it is worth noting that there exists a category of citizens who are considered legally exempt from performing national service, even though they were never enlisted. This status derives from the provisions of the National Service Law.

However, another category of citizens is deprived of this document because their names were never registered on national service lists or because they did not receive a conscription notice. This may be due to irregularities in their birth certificates (such as the absence of a complete date of birth, showing

[17] National School of Administration, (1999), *Journal of Administration*, No. 2, p. 164.

only the year) or administrative errors at recruitment centres. Yet, the legislator did not clarify whether these cases retain the right to run for elections or not[18].

According to Law No. 14-06 of 9 August 2014, concerning national service, candidates are required to have completed national service within the structures of the People's National Army, unless exempted for disability or illness, provided such exemption is supported by a medical report issued by a public health institution, as stipulated in Article 17 of the National Service Law.

It is worth noting that this condition was previously included among the legal requirements in the former Organic Law and was later incorporated among the constitutional requirements in Article 87, paragraph 10, of the 2020 Constitution[19].

10. Proof that neither parent was involved in acts against the November Revolution, if the candidate was born after July 1942

The constitutional legislator, in Article 87, paragraph 10, of the 2020 Constitution, stipulates that any candidate for the presidency of the Republic must prove that neither of their parents was involved in acts against the Glorious November Revolution, if the candidate was born after July 1942. In other words, the candidate's parents must not have been enemies of the Algerian Revolution nor sided with the French in any way that would render them traitors to the nation.

This condition was not included in previous constitutions, possibly because candidates were, at that time, proposed by the National Liberation Front (FLN) and the National Council that had led the Revolution.

The researcher observes that this requirement — demanding that a candidate provide proof that neither parent was involved in acts against the Revolution of 1 November 1954 if born after July 1942 — effectively places responsibility on citizens for actions they did not commit. This contradicts the principle of equality before the law, enshrined in Article 29 of the same Constitution.

Moreover, the Constitution does not specify the means by which such proof should be provided, leaving open the question of how the Constitutional Council could verify the existence or absence of such involvement[20].

11. Submission of a public declaration of movable and immovable property, both within and outside the national territory

Given that the position of President of the Republic is the highest office in the State, the constitutional legislator required that any candidate for this office must declare his property. Article 87, paragraph 11, provides that the candidate shall submit a public declaration of his movable and immovable property, both inside and outside the country. This requirement does not conflict with the provisions of Article 02, which stipulates that Islam guarantees the right of ownership within the framework of public interest.

Ordinance No. 97-04 of 11 January 1997 concerning the declaration of property specifies that such declaration must be made personally by the declarant, signed by him, and drafted in which he undertakes, on his honour, the accuracy of the information contained therein, together with an inventory of the immovable and movable property he possesses, including that owned jointly with his minor children, whether in Algeria or abroad. The declaration shall be filed with the Property Declaration Committee, which shall issue the declarant a duly signed copy serving as proof of deposit. The declaration must also be renewed within the month following the end of the declarant's duties, except in cases of death or force majeure. However, the legislator did not define what constitutes "force majeure"[21].

Despite the political importance of this condition, it does not bind the candidate's spouse, children, or any other family members to declare their property. The obligation applies exclusively to the candidate

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[18] Article 86 of Ordinance No. 103/74, dated 15 November 1974, concerning the National Service Law.

[19] Law No. 14-06, concerning the National Service, in its articles 3, 4, and 17.

[20] Boukra, I. (1999). *La gestion publique en Algérie.* École Nationale d'Administration.

[21] Algeria. (1997, January 11). *Ordinance No. 97-04 of January 11, 1997, concerning the declaration of assets. Official Gazette of the People's Democratic Republic of Algeria,* No. 03.

himself, pursuant to Article 149 of Organic Law No. 21-01 on the organisation of elections, which stipulates that the candidate for the presidency of the Republic shall submit, with his candidacy application, a declaration of his movable and immovable property within and outside the national territory. The law does not, however, specify the means by which the accuracy or inaccuracy of such declaration may be verified[22].

Branch Two: Legal Conditions

In addition to the constitutional conditions stipulated in Article 87 of the 2020 Constitution, this section discusses and analyses the legal conditions, as set forth in Organic Law No. 21-01 relating to elections. These conditions pertain to the mental and physical soundness of the candidate, who must submit, within their candidacy file, a medical certificate attesting to this fact. Finally, the file must also include a list of the required endorsements, as stipulated by the Electoral Law. In light of this introduction, this branch is divided into two parts:

1. **Submission of a medical certificate.**
2. **Second: Submission of the list of endorsements.**

1. Submission of the Medical Certificate:

Article 149 of the Organic Law on the organisation of elections stipulates that the candidate for the Presidency of the Republic shall submit their candidacy to the National Authority for the Supervision of Elections, accompanied by a file containing several documents, including a medical certificate issued by sworn physicians. It can be observed that the purpose of submitting this medical certificate is to serve as proof of the candidate's physical and mental fitness to perform the duties of President of the Republic, should they win the election. Such a condition is found in many electoral laws across different countries and times. In Islamic constitutional jurisprudence, this requirement is known as the condition of *soundness of the senses and limbs*. However, the text does not specify the particular physical or mental illnesses or disabilities that may deprive a candidate of their right to run for office, insofar as such conditions may impede their ability to perform presidential duties.The legal text merely requires a medical certificate issued by sworn physicians and does not contain any further clarifications, which leaves room for multiple interpretations due to the numerous gaps it presents.[23]

Thus, the text does not define the specific nature of the required mental and physical soundness; it only requires the submission of a medical certificate issued by sworn physicians. This raises a critical question: what if a blind person, who otherwise possesses full physical capacity, applies for candidacy in the presidential elections?How would the Constitutional Council handle such a file in light of the evident ambiguity of the legal text? Would the file be accepted on the basis that the candidate meets all legal requirements, or would it be rejected on the grounds of blindness? And on what legal basis could the Constitutional Council justify such a rejection[24]?

2. Submission of the list of endorsements.

In addition to the other conditions, as stipulated in Article 253 of the Organic Law on Elections No. 21-01, the candidate for the office of President of the Republic must submit a list containing at least six hundred (600) signatures of elected members within local, provincial, or parliamentary councils, from among registered voters. These signatures must be collected across at least twenty-nine (29) wilayas (provinces).

Alternatively, the candidate may submit a list containing at least fifty thousand (50,000) individual signatures of registered voters, provided that they are collected across at least twenty-five (25) wilayas, and that the minimum number of required signatures in each wilaya shall not be fewer than one thousand two hundred (1,200). These signatures must be recorded on an officially certified form before

[22] Boukra, I**.** (n.d.). *Op. cit.*, p. 26.
[23] Al-Mawardi. (n.d.). *Op. cit.*, p. 6.
[24] Boukra, I. (n.d.). *Op. cit.*, p. 28.

a public officer, and such forms shall be submitted to the Constitutional Council at the same time as the candidate's application file, in accordance with Article 253 of the Electoral Law No. 21-01.[25]
It is further noted that the law requires that the signatures be issued by members of elected councils, whether municipal or provincial, while signatures from members of Parliament (the People's National Assembly and the Council of the Nation) are not accepted.
Moreover, since the law strictly prohibits any voter from granting their signature to more than one candidate, pursuant to Article 254, any violation of this provision exposes the offender to the penalties set forth in Article 285 of the same law. This condition may be considered by citizens living in sparsely populated areas as restrictive, if not impossible to fulfil, due to the difficulty of collecting the required signatures in such regions.
Additionally, the law does not only penalise the voter who grants their signature to more than one candidate by invalidating the signature, but also subjects them, under Article 208, to imprisonment ranging from six (6) months to one (1) year and a fine ranging from one thousand (1,000) to five thousand (5,000) Algerian dinars.[26]
In this regard, it can be said that this procedure does not serve smaller political parties, nor does it contribute to the entrenchment of a democratic culture in a modern state. Although the purpose of the signature requirement is to verify the popularity of the candidate, it remains unrealistic. A candidate who fails to collect the required signatures for objective rather than personal reasons does not necessarily lack popularity, as popularity can be earned through a promising political programme and a successful electoral campaign, not merely through the collection of signatures obtained by various means.

Subsection Two: Procedures and Deadlines for Candidacy
As is customary, following the completion of constitutional and legal requirements, the candidacy file is submitted according to specific procedures outlined in Organic Law 01/21.

1. **Candidacy Procedures:**

   - The declaration of candidacy is initiated by a statement of intent to run, as stipulated in Article 249 of Organic Election Law 01/21,[27] which states that this shall be considered a declaration of candidacy for the Presidency of the Republic.
   - The submission of the registration application by the candidate in person to the President of the Independent Authority, against a receipt of delivery.

2. **Mandatory deposit of the bail and its Reimbursement:**
   Every individual wishing to run in the presidential election is required to deposit a security bond with the Public Treasury, amounting to two hundred and fifty thousand dinars (250,000 DZD).
   - The security bond is reimbursed to a candidate who has obtained at least 50% of the legally required endorsements, distributed across at least twenty-five (25) provinces, within a period of fifteen (15) days from the announcement of the validated candidacies by the Constitutional Council. In the event of the candidate's death, the bond is returned to their rightful heirs, as stipulated in Article 250 of Organic Law No. 01/21 concerning elections.

   It is also important to note that the right to claim the security bond expires by statute of limitation, and the amount is transferred to the Public Treasury if it is not claimed by the candidate within one year from the date of the announcement of the final results. This exception remains applicable as provided for in the aforementioned article.[28]

[25] Organic Law No. 21-01 on the Electoral System, Articles 149 and 253 (2021).
[26] Organic Law No. *21-01 on the Electoral System, Articles 253 and 285 (2021).* Official Journal of the People's Democratic Republic of Algeria.
[27] Article 249 of Organic Election Law No. 01/21.
[28] Article 250 of Organic Law No. 01/21.

3. **Submission of the candidacy declaration within forty (40) days:** The candidacy declaration shall be submitted within a maximum period of forty (40) days following the publication of the presidential decree summoning the electorate, which is what Article 251 of Organic Law No. 01/21 on elections provides.[29]

4. **Decision of the Independent Authority on the validity of candidacies:** The Independent Authority shall decide on the validity of the candidacies for the Presidency of the Republic by a reasoned decision with legal justification, within a maximum period of seven (7) days from the date of submission of the candidacy declaration.
   - The decision of the Independent Authority shall be notified to the candidate immediately upon issuance, and in the event of refusal, the candidate has the right to appeal this decision before the Constitutional Court within a maximum period of forty-eight (48) hours from the time of notification.
   - The Independent Authority shall transmit its decisions concerning candidacies, accompanied by the candidacy files, to the Constitutional Court within a maximum period of twenty-four (24) hours from the date of their issuance, as provided for in Article 252 of Organic Law No. 01-21 on the Electoral System.
   - The Constitutional Court shall, by decision, adopt the final list of candidates for the election of the President of the Republic, including the resolution of appeals, within a maximum period of seven (7) days from the date of transmission of the last decision of the Independent Authority, in accordance with the provisions of Article 95 of the Constitution.
     The decision of the Constitutional Court shall be published in the Official Journal of the People's Democratic Republic of Algeria, as provided for in the aforementioned article of Organic Law No. 01-21 on the Electoral.[30]

5. **Submission of the list of signatures:**
   In addition to the conditions set out in Article 87 of the Constitution, as well as the provisions of this Organic Law, the candidate must submit:
   - Either a list comprising six hundred (600) individual signatures of elected members in municipal, wilaya, or parliamentary councils at minimum, distributed over at least twenty-nine (29) wilayas, or a list comprising at least fifty thousand (50,000) individual signatures of voters registered on the electoral roll, which must be collected across at least twenty-nine (29) wilayas. The minimum number of required signatures in each of the specified wilayas shall not be less than one thousand two hundred (1,200) signatures.
   - These signatures shall be recorded in an individual form certified by a public officer and submitted to the Independent Authority at the same time as the candidacy file referred to in Article 249 of this Organic Law.
   - The modalities for implementing this Article shall be determined by a decision of the President of the Independent Authority, as provided for in Article 253 of Organic Law No. 01-21 on the Electoral System.

   These requirements are also considered as part of the legal conditions outlined above.[31]

6. **Withdrawal of a candidate is not accepted or recognized:** As is customary, and in principle, a candidate who has submitted their candidacy file in accordance with the constitutional and legal procedures and conditions may not withdraw from the candidacy race, as provided for in Article 255 of Organic Law No. 01-21 on the Electoral System. Withdrawal of a candidate shall not be accepted or recognized after the Constitutional Court has validated the candidacies, except in the case of a serious impediment legally established by the Constitutional Court, or in the event of the

[29] Akrticle 251 of Organic Law No. 01/21 on elections.
[30] Article 252 of Organic Law No. 01-21 on the Electoral System
[31] Article 253 of Organic Law No. 01-21 on the Electoral System

candidate's death. In such cases, a new period shall be granted for submitting a new candidacy, which shall not exceed one month prior to the election date. In the event of a candidate's death or occurrence of a serious impediment after the Constitutional Court has approved the list of candidates and published it in the Official Journal of the People's Democratic Republic of Algeria, the election date shall be postponed for a maximum period of fifteen (15) days.[32]

7. **Seventh – Two-round voting by absolute majority:** The Algerian constitutional founder, in all constitutional experiences through the constitutions of the emerging Algerian state, adopted the principle that elections shall be held by direct, universal, and secret ballot, as provided for in Article 85 of the 2020 constitutional amendments. Paragraph 2 further stipulates that victory in the elections is achieved by obtaining an absolute majority of the votes cast, meaning that the founder requires an absolute majority of the votes, as was the case in previous constitutional experiences. The exception was the 1963 Constitution, particularly Article 39, which did not specify whether the President of the Republic is elected by absolute or simple majority[33]. Some have argued that requiring an absolute majority may create difficulties in the electoral process, especially in presidential elections, where achieving an absolute majority is challenging if the candidates are politically significant figures. Considering all registered voters on the electoral lists and the variable participation rate—which may result from abstention, absence for reasons such as death or illness, etc.—the absolute majority may be difficult to achieve.

   The Organic Law clarified this ambiguity in Article 247 of Organic Law No. 01-21 on the Electoral System, providing that the President of the Republic shall be elected by a two-round vote, with a single name on the ballot, based on the absolute majority of the votes cast. As commonly practiced in general rules governing the electoral process, if no candidate obtains an absolute majority in the first round, a second round shall be held between the two candidates who received the highest number of votes, i.e., the first and second candidates.[34]

Section Two: The Electoral Campaign and Announcement of Results by the Independent Authority and the Constitutional Court.

Subsection One: The Electoral Campaign.

After addressing the concept of the electoral campaign and its definition, as well as the types of political propaganda encompassed within political marketing in general, this section deals with the advertising methods used by candidates to present their political programs, such as gatherings, electoral festivals, public meetings, and all other media channels.

This section also addresses the style and content of the electoral campaign, including methods of electoral political propaganda, symbols and slogans used in the campaign, in addition to the content of such propaganda and the political programs of the candidates. It explains how the electoral law regulates all these activities, whether related to religious occasions, voter appreciation methods, or public achievement campaigns.

Regarding the content of the electoral campaign, the section highlights the differences between campaigns that focus on the candidate's personality and those that focus on their political program, depending on public opinion toward the candidate. If the candidate is a well-known public figure, the emphasis is on the person; otherwise, the focus is on the candidate's political program, which may attract public support.

Based on this, this section is divided into two main branches.

- **First Branch: Definition of the Electoral Campaign and Advertising Methods.**
- **Second Branch: Style and Content of the Electoral Campaign.**

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[32] Article 255 of Organic Law No. 01-21 on the Electoral System

[33] Boukra, I. (2019). *The system of presidential elections in Algeria* (p. 72).

[34] Hisham, J. (n.d.). *The electoral system in the Maghreb countries: Presidential and legislative elections* (Doctoral dissertation in public law, p. 278).

Branch One: Definition of the Campaign and Advertising Methods

This branch addresses the concept of the electoral campaign, both linguistically and technically, as well as electoral propaganda as one of the types of political propaganda and its relation to political marketing.
The branch also examines the rules governing the electoral campaign, from the date of its commencement, the locations where it is conducted, and the means used, up to its conclusion, in accordance with the applicable legal provisions. It further reviews the advertising methods employed during the electoral campaign, including festivals, demonstrations, and meetings.

1. **Commencement of the Electoral Campaign.**
2. **Electoral Gatherings and Festivals.**
3. **Posters.**
4. **Public Announcements.**
5. **Oversight of Electoral Propaganda Methods.**

1. Commencement of the Electoral Campaign

Linguistically, the term "campaign" is derived from the verb *ḥamala, yaḥmilu, ḥamlan, wa ḥamlān*, meaning "to carry" or "to transport by hand or on the back."
Technically, the term "campaign," plural *campaigns*, refers to something carried out in one single effort, such as a push or an attack, and designates any operation with a specific duration and a promotional objective.[35]

Accordingly, the **"electoral campaign"** is a focused and intensive media and promotional activity carried out by the election candidate within a period determined by law, which constitutes the legal duration of the electoral campaign, with the aim of winning the votes of the electorate.
Thus, the electoral campaign (*campagne électorale*) is a political and media activity linked to a political event, namely the elections. It represents a type of political propaganda, defined as: "those efforts made with the aim of influencing people and directing their behaviour toward a specific objective, within a defined period of time".[36]

As for **electoral propaganda**, it is also a type of political propaganda; however, it is linked to a specific political event, namely the elections, and it ends with the conclusion of that event. Dr. Muhammad Kamal Al-Qadi defines electoral propaganda as:
"Those direct and indirect communication patterns exercised by a candidate or a party in a specific electoral context, aimed at achieving victory in the elections by obtaining the largest possible number of votes from the electorate".[37]

The electoral propaganda scene is based on essential elements, which form the axis of communication: the sender, who is the election candidate at the origin of the axis; the receiver, who is the voter at the end of the axis; and between the origin and the end stands the medium, i.e., the communication channel along with the methods and patterns used through these channels. Then comes the message, with its political content transmitted to the voter, followed by the feedback, which refers to the degree of influence on the receiver.

Thus, the electoral campaign can be technically defined as a type of political propaganda:
"The comprehensive promotional framework (complex plan) consisting of a connected and sequential series of electoral communication channels and methods, designed to attract the largest possible number of voters and counter the propaganda of competing candidates, with the aim of securing their votes".[38]

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[35] Al-Munjid. (2000). *Al-Munjid in contemporary Arabic language* (p. 332). Beirut: Dar Al-Sharq.
[36] Al-Qadi, K. (1995). *Electoral propaganda: A theoretical and applied study* (p. 10). Cairo: Dar Al-Nimr for Printing.
[37] Kamal Al-Qadi, op. cit., p. 12.
[38] Kamal Al-Qadi, op. cit., p. 31

Given that the electoral campaign combines two basic elements, namely: the media politics, in that the media is the medium or the means, while politics is the message conveyed. through this means, and therefore the election campaign overlaps in terms of terminology with many of the terms that share the same moral context, such as: political communication, propaganda politics, political marketing.[39]
The electoral campaign is also referred to as electoral propaganda, that is, political propaganda linked to the elections, or related to the elections as a political event.

Thus, the electoral campaign is closely connected to the concept of political marketing to the extent that some consider the subject of political marketing to be the study and analysis of electoral campaigns. They view political marketing as not differing from commercial marketing; similar to the latter, it involves sellers of a product and consumers. The candidates (vendors) present their "product" (representation) to the consumers, i.e., the voters, who grant their support and votes to the "vendors" (candidates). Electoral campaigns that adopt a marketing strategy during their operation are those that ensure electoral success.[40]

Electoral campaigns, therefore, represent the most significant manifestation of political marketing, as a branch of political communication. Accordingly, electoral campaigns constitute the largest and most important activity encompassed by political marketing to the extent that many specialists consider the study of political marketing to fall within the scope of studying electoral campaigns, particularly contemporary ones, which rely primarily on the intensity of capital and the skilful use of technological advancements in the field of communication and media.

Thus, if political marketing is the planned and organized promotion of a specific policy or political product, the subject of electoral campaigns is nothing other than the planned and organized promotion of a specific policy or political product within a defined period.[41]
We can conclude that electoral campaigns are a concentrated and intensive form of political marketing, planned and organized during a specified period preceding the election date. If political marketing is a continuous activity within the political society, accompanying all political operations known to the community, electoral campaigns constitute seasonal political marketing, occurring during the election season and, within the period allocated for the campaign,[42] being more focused, intensive, planned, and targeted.

Political marketing, as the contemporary form and method of political propaganda—whether general and continuous or linked to elections through electoral campaigns—has become the prominent and essential activity for anyone engaged in politics, including political organizations, parties, and political authorities.
The formation of electoral campaigns represents the most important manifestation of political marketing, as they constitute political marketing in that the process, in terms of its components, does not differ from commercial marketing. It can be observed that the components of political marketing, by which we mean the electoral campaign, are as follows:

1. The political product, i.e., the political commodity.
2. The political producer, i.e., the one who produces the political commodity.
3. The political consumer, i.e., the one seeking the political commodity or service.[43]

Accordingly, the **political product** in the process of political marketing or in an electoral campaign is represented by the candidate's political and electoral program, which is marketed during the campaign—that is, seeking a consumer for it.

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[39] Abu Amud, M. S. (2008). *Political marketing and election campaign management*. Alexandria: Ma'arif Foundation.
[40] Abu Amud, M. S., op. cit., p. 13.
[41] Abu Amud, M. S., op. cit., p. 24.
[42] Abu Amud, M. S., op. cit., p. 26.
[43] Abu Amud, M. S., op. cit., p. 56.

The **political producer**, in this context, is the election candidate, i.e., the one who produces the political commodity. The **political consumer**, as is well known, is the voter, who represents the targeted party in the marketing process aimed at winning the voter's support for the candidate, who is the political producer.

The scholar will not find a definition of the electoral campaign in Chapter One of Title Four of the Organic Law on the Electoral System, which concerns the electoral campaign. However, one can refer to the rules regulating the electoral campaign regarding its commencement and conclusion dates, the locations where it is conducted, the permissible means of conducting it, as well as the rules on penalties for those who violate its provisions.

All candidates who have completed the procedures for submitting their candidacies and whose files have been accepted by the Constitutional Council participate in the electoral campaign. Article 73 of the Organic Law on the Electoral System provides that the electoral campaign shall open twenty-three (23) days before the day of voting and conclude three (3) days before the election date.

The Algerian legislator extended the duration of the electoral campaign following deficiencies noted during the elections for local, legislative, and presidential councils on 12 June 1990, related to the short period allocated for the electoral campaign. Political parties had called for an extension of the campaign period. Consequently, the legislator considered the previous period of twenty-one (21) days insufficient and added two days to make it twenty-three (23) days, allowing candidates to present their political programs effectively and on a wide scale.[44] It should also be noted that lists of independent candidates benefit from the same arrangements, as provided in paragraph (03) of Article 77.

Candidates and their political programs are promoted through electoral gatherings and festivals, in addition to posters and public announcements. This approach is also observed in other systems, such as those of France and Egypt. In France, the commencement of the presidential electoral campaign is announced on the Monday two weeks before the first-round voting date, and the campaign concludes one day before the election at midnight. If the election proceeds to a second round, the electoral campaign resumes upon the official announcement in the government gazette of the names of the two candidates advancing to the second round and concludes one day before the scheduled election date at midnight.[45]

2. Electoral Gatherings and Festivals

Article 79 of the Organic Law on the Electoral System provides those electoral gatherings and festivals are subject to the same procedures applicable to public meetings and demonstrations as set forth in the provisions of the Law on Public Meetings and Demonstrations.[46]
Furthermore, the right to demonstrate and to assemble is among the rights grounded in a constitutional principle, as stipulated in Article 41 of the Constitution.

Law No. 89-28, dated 13 December 1989, concerning public meetings and demonstrations, as amended and supplemented by Law No. 19-91, dated 2 December 1991, distinguishes between public meetings and public demonstrations. A public meeting is defined as a temporary gathering of agreed-upon individuals, organized outside public roads in an enclosed space accessible to the general public, for the purpose of exchanging ideas or defending common interests. In contrast, public demonstrations are defined as marches, parades, or gatherings of people, and generally include all demonstrations taking place on public roads.[47]

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[44] Organic Law No. 21-01 on the Electoral System, Articles 73 and 77.
[45] Desrameaux, G.-D. (2013). *Electoral law* (p. 202). Strasbourg, France.
[46] Organic Law No. 01-21 on the Electoral System, Article 79.
[47] Boukra, I. (2004). *The presidential electoral system in Algeria* (p. 82). Algiers: Dar Al-Kitab.

It should be noted that the law subjects both public meetings and public demonstrations to prior notification procedures, which are as follows:[48]

A. In the Case of a Public Meeting: For a public meeting, the notification must include the following information as enumerated in Article 4 of the Law:

- The purpose of the meeting.
- The location of the meeting.
- The day and hour when it will be held.
- The duration of the meeting.
- The number of expected attendees.
- The relevant authority, if applicable.

The law requires that the notification be signed by three (3) persons residing in the province where the meeting will take place, provided they enjoy their civil and national rights. The notification must be submitted at least three (3) days before the date of the meeting,[49] to the following official authorities:

- The Wali (Governor) for municipalities where the provincial capital is located.
- The Wali for municipalities of the Algiers Province.
- The Wali, or his delegate, for other municipalities.

The province issues a receipt indicating the names, titles, and addresses of the organizers, their national identification numbers, the date and place of issuance, the purpose of the meeting, the expected number of participants, as well as the location, date, time, and duration of the meeting. Organizers must present this receipt to public authorities upon request. Organizers may also prohibit persons under the age of 16 from entering the meeting venue.

B. In the Case of Public Demonstrations:

The law requires that authorization for organizing public demonstrations include the following information:

1. Status of the Organizers, which must include:
   - Names, titles, and addresses of the principal organizers.
   - Signature of the request by three (3) persons enjoying civil and political rights.
   - Specification of the purpose of the demonstration.
   - Specification of the expected number of participants and their places of origin.
   - Names and headquarters of any associations involved.
   - Signature confirming the accuracy of this information by the president or legal representative of each association.
2. The route of the demonstration.
3. The day and hour of the demonstration, and its expected duration.
4. Material means allocated for the demonstration, and other measures prescribed to ensure its proper conduct from start to finish.[50]

The law requires that the authorization request be submitted to the Wali (Governor) at least eight (8) full days before the scheduled day of the demonstration. Upon submission, organizers receive a receipt. The Wali must provide a written decision of acceptance or refusal at least five (5) days before the scheduled start of the demonstration. Organizers must present the authorization to authorities upon request.

For reasons of security, public order, and cleanliness, the law grants the Wali the authority to request a change of location for a public meeting within 24 hours of the notification submission, proposing an

[48] Election Law, 89-91.
[49] Law No. 28/89 on Public Meetings and Demonstrations, Articles 3 and 4.
[50] Articles 17 and 18 of the same law.

alternative location to the organizers. The Wali, or a delegated official, may also prohibit the meeting if it is deemed to threaten public order.[51]
Regarding public demonstrations, the law grants the Wali the authority to request a change in the demonstration route, proposing an alternative route to the organizers for reasons of security, public order, and public safety.
This principle also ensures equal treatment of all candidates, who benefit from the same material means provided by the state and within the same timeframe throughout the electoral campaign period.[52]

3. Posters

Decree No. 97-72 of 15 March 1997, concerning the procedures for election advertising, stipulates the period for posting posters and the number of locations allocated for electoral displays.[53]

A. Poster Posting Period: According to Article 3 of the aforementioned implementing decree, the poster posting period begins with the start of the electoral campaign, i.e., twenty-one (21**)** full days before the polling day, and ends two (2) days prior to the polling day. The daily posting period runs from **7**:00 a.m. to 7:00 p.m**.**, under the supervision of and at the initiative of the candidates, as stated in Article 4 of the implementing decree. Article 11 of the decree stipulates that the language used on all posters and placards must be Arabic.[54]

B. Allocation of Locations: Under the supervision of the President of the Municipal People's Council and coordination by the Wali, municipal authorities, eight (8) days before the end of the electoral campaign, shall allocate public spaces for displaying candidates' lists within the electoral districts. This must be done in accordance with the principles of equality and fairness among all candidates, as provided by Article 6 of the implementing decree.[55]

The decree also adopts population density as a criterion for determining the number of locations allocated for election posters, increasing the number of locations in municipalities with higher population density.

4. The Public Crier

In accordance with Articles (09 and 10) of the Executive Decree concerning the procedures for announcing candidacies, and in view of the difference in nature between the countryside and the city, it is permissible to resort to the use of a Public Crier in rural areas. This may occur between the hours of nine (09:00) in the morning and four (04:00) in the afternoon, which is to say, during daylight hours only. The candidates are responsible for the consequences arising from the advertising call disseminated by the Public Crier.

The Ministry of Interior, Local Authorities, and Environment, in its capacity as the official organizer and supervisor of the electoral process, and in its commitment to the success of the electoral campaign, shall issue instructions and circulars to all Governors across the nation.
These instructions require them to open dialogue with the candidates or their legal representatives by holding meetings and sessions with them to hear their views and observations and to provide them with the necessary information related to the organization of the electoral campaign.

5. Supervision of Electoral Campaigning Methods

Article 80 of Law No. 01/21, concerning electoral offences related to the organization of political campaigning, stipulates that throughout the electoral campaign period, the use of any commercial advertising method for electoral propaganda purposes is strictly prohibited.

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[51] Articles 17 and 18 of the same law.
[52] Ballet, M., & Dumamel, O. (2012). *Les élections présidentielles* (p. 351). Paris: Dalloz.
[53] Executive Decree No. 72/97.
[54] Executive Decree No. 72/97, Articles (03, 04, 11).
[55] Executive Decree No. 72/97, Article (06).

Article 81 provides that the publication or broadcasting of opinion polls and voter intention surveys is prohibited within seventy-two (72) hours prior to election day within the national territory, and within five (05) days prior to election day for the national community residing abroad.
Article 82 stipulates that public spaces shall be designated within each electoral district for the posting of candidacies, and that such spaces shall be distributed equally among candidates. It is further prohibited to use any other form of publicity outside the spaces allocated for that purpose.
Article 83 provides that the use of property or means belonging to any legal person, whether public or private, as well as any public institution or body, for electoral propaganda purposes is prohibited, unless otherwise expressly provided for by legislative provisions.
Article 84 stipulates that the use of places of worship, public institutions and administrations, and educational or training establishments of any kind or affiliation for electoral campaigning purposes, in any form whatsoever, is strictly prohibited.
Article 85 provides that each candidate must refrain from any act, position, behaviour, or conduct that is violent, unlawful, offensive, disgraceful, illegal, or immoral, and must ensure the proper conduct of the electoral campaign.
Finally, Article 86 stipulates that the misuse of State symbols is strictly prohibited.[56]

Concerning Political Campaigning in Algeria with regard to the issue of political campaigning in Algeria, and pursuant to the provisions of Article 218 of Law No. 01/12 on Elections, any person who obtains or transfers votes, or induces one or more voters to abstain from voting by using false information, fabricated rumors, or other fraudulent maneuvers, shall be punished in accordance with the penalties provided for in Articles 102 and 103 of the Algerian Penal Code.

Furthermore, Article 219 of the same law stipulates that any person who disrupts the proper conduct of voting operations, interferes with the right to vote or the freedom to vote, or prevents a candidate or his legal representative from attending the voting process, shall be punished by imprisonment for a period of six (6) months to two (2) years, and by deprivation of the right to vote and to stand for election for a period of not less than one (1) year and not more than five (5) years.
It is noteworthy that the Algerian legislator, in the Penal Code and under Article 102, provides that if one or more citizens are prevented from exercising their right to vote by means of assembly, assault, or threat, the offender shall be punished by imprisonment for not less than six (6) months and not more than two (2) years, and shall also be deprived of the right to vote and to stand for election for a period ranging from one (1) to five (5) years.

Moreover, Article 203 of the same Code stipulates that if the offence is committed pursuant to a deliberate plan for execution—whether throughout the territory of the Republic, in one or more provinces (*wilayas*), or in one or more districts—the penalty shall be temporary imprisonment for a period ranging from five (5) to ten (10) years.
It can therefore be stated that the Algerian legislator has been profoundly influenced by both the Egyptian and French legal systems.

In 1990, the Egyptian Minister of the Interior issued Decision No. 6427 concerning the regulation of electoral campaigning, which prohibits any action that may disturb the orderly conduct of the electoral process or lead to disturbances affecting public security. The decision also defines the necessary procedures for holding electoral meetings, specifies their designated locations, and sets the rules governing the placement of electoral advertisements and the cost of electoral campaigning.[57]
In 2011, the Egyptian legislator enacted Law No. 108, following Law No. 175 of 2005, amending Law No. 38 of 1972 concerning the People's Assembly. Article 11 of this law provides that:
"Electoral campaigning must adhere to the principles of the Constitution and the law, and to the following rules:

[56]Articles 80 to 86 of the Organic Law on Elections No. 01/21.
[57]El-Shouriji, M. (2008). *How the American President Is Elected*. Al-Shorouk Daily Library, p. 100.

1. Respect for the privacy of all candidates.
2. Commitment to the preservation of national unity and the avoidance of using religious slogans or references in a manner that may threaten or offend them.
3. Prohibition of the use of buildings, facilities, means of transport, or conveyance owned by the State, by public sector companies, public business sector companies, or by companies in which the State holds shares, for the purposes of electoral campaigning.
4. Prohibition of spending public funds, or funds belonging to public sector companies, public business sector companies, or companies in which the State holds shares, for the purposes of electoral campaigning.
5. Prohibition of using places of worship, schools, universities, and other educational institutions for electoral campaigning.
6. Prohibition of receiving funds from abroad—from any foreign person, foreign entity, or international organization, or from any representative thereof within the country—for the purposes of electoral campaigning, or for offering them to voters in exchange for abstaining from voting or for voting in a particular manner".[58]

Branch Two: The Style and Content of the Electoral Campaign

This section addresses the study of the methods of electoral campaigning employed by each candidate to communicate with voters, with the aim of gaining their trust, influencing them, and securing their votes. Among these methods is the negative campaigning approach, in which the candidate focuses on criticizing his opponents and competitors, particularly those in power.

Another method is the voter hospitality approach, adopted by some candidates during their campaign visits, whereby they distribute gifts and various items to voters in an attempt to influence them. Similarly, certain candidates resort to exploiting religious occasions when the campaign period coincides with such events, by distributing items related to the occasion to voters.

Among other campaigning methods is the political program approach, which focuses on the candidate's political platform rather than his personal image. Additionally, there are other techniques such as the use of symbols and electoral slogans, which express the principles and objectives of the candidate's electoral program, and the public achievements approach, employed by candidates holding office, who center their campaign on the accomplishments realized during their previous term.

This section also examines the content of the electoral campaign, that is, the subject matter upon which the candidate's media materials are based. Some campaign contents emphasize the personality of the candidate rather than his political program, especially when the candidate is already well-known and holds a respected position in public opinion. Conversely, other campaign contents focus primarily on the candidate's political program, particularly in societies where the prevailing political culture necessitates such emphasis. Based on the above, we divide this demand into two main elements:

1. **The Electoral Campaign Method.**
2. **The Electoral Campaign Content.**

1. The Electoral Campaign Method

The methods of electoral campaigning vary according to the media strategy adopted by each candidate during the campaign period and the approach they use to reach and influence voters. The candidate takes into account a range of factors. Alongside the general media discourse directed to all voters, where the focus is on addressing the voter as a citizen belonging to a nation rather than as a member of a particular social or professional group or a specific geographic region, the discourse thus takes on a general character.

[58] El-Shouriji, M., op. cit., pp. 54-55.

In such discourse, the candidate addresses public issues that concern all citizens and the entire nation. These types of media speeches are often broadcast through national radio and television, and the national press may also publish the political programs of various candidates, in which they present their positions and perspectives on the general issues that matter to citizens.[59]
When a candidate visits specific areas and holds meetings with certain social or professional groups, the content of their media discourse focuses on the particular concerns of the residents of that area, as well as the specific issues that preoccupy a given social group. The candidate also communicates and holds meetings with professional categories to help address those problems in case of winning the elections.
The method of communicating with voters through field visits, public gatherings, and meetings with various social and professional groups, engaging in dialogue and listening to their concerns, creates a positive impression among people and has a real influence on voters' choices and electoral decisions.
These communication methods are therefore more effective than relying solely on radio, television, and newspapers. This approach is known as the "Perth method," which is based on determining the most efficient ways to achieve campaign goals with the highest possible effectiveness. There are several types of these methods, which can be summarized as follows:[60]

1. **The Negative Campaigning Method:** This method is based on confronting the mistakes of opponents and rivals, especially those in power, by the political opposition and using them as campaign material against them. This is done through exaggeration and dramatization in order to present the opponent as irresponsible and untrustworthy. This approach, known as negative campaigning, often relies on spreading information about the rival that is taken out of context or even false, with the aim of tarnishing the rival's image in the eyes of the public. It employs selected clips, photos, or quotes (taken out of context) to influence not the voter's reasoning but rather their emotions, creating a negative perception of the candidate and discouraging voters from supporting them. This style became well-known in the United States during presidential elections, particularly in George Bush's campaign against his Democratic opponent, Michael Dukakis

2. **The Voter Gratification Method:** This method involves the candidate offering or distributing gifts to voters during campaign visits across electoral districts. Such an approach has been adopted by some candidates in Algeria during presidential and legislative elections, where they went so far as to offer lunch and dinner meals during their campaign activities.[61]

3. **The Religious Occasions Method:** When the electoral campaign period coincides with a religious occasion such as the month of Ramadan or the two Eids (Eid al-Fitr and Eid al-Adha) or the Prophet's Birthday (Al-Mawlid al-Nabawi), some candidates resort to exploiting these occasions for electoral purposes. For instance, a candidate may distribute Ramadan timetables to voters that include not only the times of fasting and breaking the fast but also the candidate's picture and the main themes of their political program. During Eid al-Adha, a candidate might donate sacrificial animals to poor and needy voters or provide financial assistance for holiday expenses or other religious events. In some cases, certain individuals even begin making such donations well before the election period in preparation for running as independents, particularly in legislative elections. Similarly, during the Prophet's Birthday, candidates often distribute fireworks and small toys to children without considering the potential consequences, which sometimes result in permanent injuries.

4. **The Electoral Visits Method:** This method is frequently used by candidates who conduct both private and public visits during their campaign. Private visits consist of meetings with public figures, opinion leaders, intellectuals, religious and social leaders who hold respect and influence among the public—such as prominent writers, journalists, scholars, professors, tribal leaders, and heads of civil

[59]El-Shorigi, M. (2008). *How the American President is Elected.* Al-Shorouk Al-Yawm

[60]Al-Qadi, Muhammad Kamal, op. cit., pp. 35–120.
[61]Al-Qadi, M. K., *op. cit.*, p. 127.

society organizations. Candidates often use these visits to show courtesy, take commemorative photos in the presence of the press and the public, and make promises to support these social and intellectual groups if elected. Public visits, on the other hand, involve touring public places accompanied by their campaign team in areas where citizens gather, such as public parks, cafés, and markets. Candidates stop to talk and interact with citizens, offering sweets to children accompanied by their parents,[62] they also visit hospitals to comfort patients and give gifts to children, and visit charitable organizations to provide donations or promises of financial and institutional support in case of electoral victory. This approach is considered one of the most effective and popular campaigning methods.

5. The Political Programs Method: This method is the most widely used in democratic countries (such as France, Germany, Italy, and Spain) because it focuses not on personal characteristics or individual attributes of candidates, but rather on their political programs and how well they align with voters' political aspirations. In this context, voters do not choose between individuals but between programs, selecting the one they believe is best suited to address their social and economic concerns. Candidates typically publish their political programs in small pocket-sized booklets distributed to voters during campaign visits, or on CDs distributed free of charge to allow voters to review the details of their political platforms.

6. The Electoral Symbols and Slogans Method: Electoral slogans and symbols are campaign tools—words or short, evocative phrases—that summarize the party's principles and objectives or the candidate's electoral platform. This communicative and electoral technique aims to condense the candidate's or party's vision into a single phrase, word, or symbol that delivers a clear and explicit message to the voter. The purpose is to create an intellectual and emotional impact through hearing, sight, or reading that influences the voter's electoral decision.[63] For example, slogans such as "A Dignified and Proud Algeria" used by President Abdelaziz Bouteflika in past presidential campaigns, "A Strong and Secure Algeria," or "The National Liberation Front—We Gave You Our Pledge" used during legislative elections by the same party, illustrate this method.

7. The Public Achievements Method: This method is employed by ruling parties or incumbent candidates seeking re-election. They focus on the accomplishments achieved during their previous term across social, economic, and cultural fields, printing and distributing booklets containing detailed reports on these achievements to voters during campaign visits and rallies. Candidates also often highlight these achievements during campaign events, emphasizing their importance in improving citizens' living conditions and promising to continue along the same path to achieve more progress. This method was notably used in the 2024 Algerian presidential elections by President Abdelmadjid Tebboune and the coalition parties supporting his bid for a second term. President Tebboune also relied on this approach during his speeches following the announcement of his candidacy for the December 2019 presidential elections.[64]

Subsection Two: The Announcement of results by the Independent Authority and the Constitutional Court

As is customary, appeals and the announcement of provisional results are handled by the National Independent Authority for Elections, as stipulated in Article 202 of the Constitution and Article 247 of the Organic Law on Elections. It is also constitutionally recognized that the final results are proclaimed by the Constitutional Court, as it possesses the authority of res judicata, as stated in Article 191 of the Constitution and Article 260 of the same Organic Law on Elections.

[62] Dr. Muhammad Kamal Al-Qadi, op. cit., pp. 126, 127.
[63] Dr. Muhammad Kamal Al-Qadi, op. cit., pp. 128-134.
[64] Muhammad Kamal al-Qadi, op. cit., p. 125.

Branch One: Announcement of Results by the Independent National Authority for Elections.

The Independent National Authority for Elections has been entrusted with the responsibilities of managing candidacies, preparing, organizing, and overseeing the presidential elections, ensuring their integrity, and announcing their provisional results. According to Article 202, paragraph 1 of the Constitution, the Authority is responsible for ensuring the validity of the presidential election process. This mandate is reaffirmed by the provisions of Article 258 of the Organic Law on Elections.[65]

If the National Independent Authority for Elections is entrusted with ensuring transparency and impartiality, as stated in paragraph 3 of Article 202 of the Constitution, its mandate extends from the date of calling the electoral body until the announcement of the provisional results of the vote, as specified in paragraph 3 of the same article.

As for appeals concerning presidential elections, they are regulated by Organic Law No. 01-21 related to elections. In the Constitution, such matters fall under the term "electoral disputes," as stated in paragraph 2 of Article 202 and addressed in Article 258. The constitutional legislator refers here to challenges concerning electoral procedures.

According to Article 258 of the Organic Law No. 01-21, every candidate or their legally authorized representative has the right to challenge the validity of the voting process, in accordance with the provisions of this law, and such challenges are submitted after notifying the Independent Authority.

The President of the Independent National Authority for Elections must announce the provisional results of the presidential elections within seventy-two (72) hours from the time the Authority receives the reports from the provincial electoral committees and the electoral committee for voters residing abroad, as stipulated in Article 259 of the same law.

It is also noteworthy that the Algerian legislator has granted and guaranteed the right to appeal after the announcement of provisional results by the Independent National Authority for Elections to every candidate, whether independent or party-affiliated, participating in the electoral process. Appeals concerning the provisional results must be submitted to the Constitutional Court through its registry within forty-eight (48) hours following the announcement of the provisional results.

The Constitutional Court must then notify the declared winning candidate whose election has been contested, inviting them to submit a written memorandum within seventy-two (72) hours of notification. As is customary, and according to Article 260 of the Organic Law on Elections, the Constitutional Court must rule on the appeal within a maximum period of three (3) days. If the Court finds the appeal well-founded, it may issue a decision either annulling the contested election or amending the results concerning the winning candidate in accordance with the law.[66]

Branch Two: The Announcement of the Final Results by the Constitutional Court.

The Algerian constitutional legislator granted the Constitutional Court the authority to announce the final results of the presidential elections within ten (10) days from the date the National Independent Authority for Elections receives the official records. This is clearly stated in Article 260 of Organic Law No. 01-21 on elections, as well as in the 2020 constitutional amendments, which specify that the Constitutional Court examines the appeals it receives and proclaims the final results of the presidential elections.

A prior notification had been made regarding the existence of a conflict between Article 260 of the Organic Law No. 01-21 on elections and Article 191 of the 2020 Constitution, which was addressed earlier by the former Constitutional Council before the establishment of the Constitutional Court.

Considering that Article 191 of the Constitution grants the Constitutional Court the authority to examine appeals concerning the provisional results of presidential and legislative elections, as well as referenda, and to announce the final results of all these processes;

And considering that the Constitutional Court's jurisdiction over the proclamation of final results applies both in cases where it receives and rules on appeals and in cases where no appeals are

[65] Articles 258-259 of the Organic Law 01/21 on Elections.
[66] Article 260 of the Organic Law on Elections.

submitted, it therefore retains the exclusive authority to declare the final results of the presidential elections in all circumstances.
Consequently, Article 260 of the Organic Law referred to in the notification, in its current wording, does not fully reflect the powers of the Constitutional Court as defined in Article 191 of the Constitution, and is therefore only partially consistent with the Constitution.
Thus, the decisions of the Constitutional Court are binding, final, and obligatory for all authorities.[67]
They cannot be appealed, as they possess the authority of res judicata. The Constitutional Court serves as the ultimate safeguard and guarantor of the integrity of all electoral processes stipulated in Article 191 of the Constitution, as well as a protector of the Republic itself.

Conclusion:

In affirmation of the will of the Algerian constitutional founder to entrust the process of electing the President of the Republic to the National Independent Authority for Elections, from the convening of the electoral body until the announcement of the provisional results, in a framework of transparency, neutrality, and impartiality, as stipulated in Article 202 of the constitutional amendments, and in line with the political class's desire to ensure the integrity of the presidential electoral process through a vision free from any suspicion that could compromise its credibility and fairness.

In this regard, the constitutional founder and the electoral legislator did not grant the President of the Republic any role that would allow interference in the electoral process, influence its course, or show bias toward himself or any other party during the election. However, the founder ensured that the President of the Republic would retain his constitutionally mandated powers, particularly his role as the guardian of the Constitution.

For its part, the National Independent Authority for Elections oversees the process of electing the President of the Republic, as defined by the constitutional founder and in accordance with its competencies under the electoral law.

In conclusion, the Algerian constitutional founder and legislator have aligned with the majority of democratic states by establishing a set of legal provisions within the framework of political and electoral system reform, thereby providing constitutional guarantees, notably the establishment of the National Independent Authority for Elections, endowed with full powers to supervise all stages of the presidential electoral process.

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