

## **Correcting the principle of two-level litigation in the Algerian Administrative Judiciary by establishing administrative courts of appeal under law 22/13**

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**Abstract---**This article aims to explain and clarify the administrative judicial organization in Algeria before the year 2022, which was proceeding in a way that contradicted one of the principles of the Algerian judiciary, especially the principle of two-level litigation, which was not applied correctly during that period, and what the administrative judicial organization became in Algeria after the amendment of the Civil and Administrative Procedures Law, Law 08/09, according to Law 22/13 Which established the principle of two-level litigation in this field in a manner befitting the reputation of this judicial field, especially after the Algerian legislator redistributed the powers and tasks among the various judicial authorities in its new form, especially after the creation of administrative courts of appeal, through study, extrapolation, and analysis of various legal texts Related to this area, let us finally conclude that the Algerian legislator did well with this amendment, which corrected a mistake that had been in effect for 28 years in the failure to properly apply the principle of two-level litigation in the Algerian administrative judiciary.

**Keywords---**administrative courts of appeal, administrative judiciary, Algerian judicial reform, two-level litigation, law 22/13.

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## Introduction

Anyone who observes the development of the Algerian judicial organization in its ordinary and administrative fields since independence sees the legislator's interest in the ordinary judiciary more than in the administrative judiciary, since the judicial reform of 1965, as he sees that the Algerian legislator has dispensed with the structures of the administrative judiciary in favor of the ordinary judiciary due to certain circumstances that the country was experiencing at that time. Among them is the big lack of administrative frameworks in general, and judicial frameworks in particular, but with the passage of time, the Algerian legislator forgot the administrative judiciary, and focused his attention on the ordinary judiciary by strengthening it with structures and the human element represented by judges, and neglected the administrative judiciary, both in terms of structures and in terms of specialized judges, and the matter remained as it was until the year 1996. When the new Algerian Constitution was issued that year, the Algerian legislator showed interest in the administrative judiciary by restoring the administrative judicial structure, by issuing legal texts related to it in 1998, and he began implementing those texts in 1999 by appointing a council.

Of the state, but despite this, the administrative judiciary, compared to the ordinary judiciary, remained far from the required level. Moreover, the principle of two-level litigation was not activated in the manner required in it, which is what made the Algerian legislator in the year 2022 reconsider this judiciary through its amendment to Law 08/09, which includes the Code of Civil and Administrative Procedures, and reconsidering the administrative judicial structure and the powers granted to its judicial authorities, by creating the Administrative Court of Appeal, through which the legislator attempted to redistribute powers between the administrative judicial authorities, in order to strengthen the role of this judiciary on the ground, and in an attempt to activate the principle of two-level litigation in the correct manner in this judicial field.

Therefore, based on the above, we can ask the following question: How did the Algerian legislator redistribute powers and competencies among administrative judiciary authorities? How did he try to correct the application of the principle of two-level litigation in this judiciary?

To answer this question, we adopted the historical approach, the descriptive approach, and the analytical approach to the various legal texts through which the legislator organized the Algerian administrative judiciary since independence until the year 2022, by dividing this research into two sections. In the first, we dealt with the Algerian administrative judiciary before the 2022 amendment, and in the second section, we examined the Algerian judiciary after the 2022 amendment to the Civil and Administrative Procedures Code.

### **The first topic: The administrative judiciary in Algeria before the amendment of the year 2022**

In this study, we will examine the administrative judicial organization in Algeria before the amendment of the Civil and Administrative Procedures Code in 2022, pursuant to Law 22/13, by examining the powers that were granted to both the Administrative Court and the Council of State in that period.

#### **The first requirement: administrative courts**

The Administrative Court is considered to have general jurisdiction in administrative disputes, as stipulated in Article 152 of the Algerian Constitution of 1996, which approved the system of dual judicial structures with dual conflict by saying, "The State Council shall be established as a authority that evaluates the work of administrative judicial authorities." Since there were no judicial authorities other than the administrative courts, the legislator intended it at that time.

Administrative courts were established to reform the judicial system in France and its colonies, according to the texts issued on September 30, 1953. The previous workers' councils existing in Algiers, Oran, and Constantine were transformed into administrative courts, in accordance with Article 16

thereof, but after Algeria's independence the Algerian administrative judicial organization witnessed several developments. In the period between 1962-1965, the three administrative courts mentioned above, which had existed in the colonial era since 1953 (with the addition of an administrative court in Laghouat), were retained in accordance with Order 62/157 of December 31, 1962, despite the difficulties they encountered in carrying out their tasks due to the lack of frameworks and capabilities, in terms of its jurisdiction, a "reversal" was brought about in the situation, as the Supreme Council (currently the Supreme Court) established became subordinate under the law dated June 18, 1963, which replaced the Council of State and the Court of Cassation existing in the French system, as the judicial authorities were unified by creating a single judicial body in their place, with general jurisdiction in the matter of administrative disputes.

The administrative courts in Algeria went through further developments with the development of the Algerian state, as they were abolished and replaced with administrative chambers at the level of judicial councils, from the three that existed, Algiers, Oran, and Constantine, to a chamber in each judicial council established on the national territory, in the period from 1965 to 1996, the system of dual judicial structures was returned to with dual conflict, as the three administrative courts of Oran, Algiers, and Constantine were returned, and the administrative chambers at the level of the judicial councils therein were abolished, in accordance with Law 98/02 of May 30, 1998 relating to the administrative courts, but in practice the administrative chambers at the level of the various judicial councils remained operational until 2011, the year in which all administrative courts were installed in all states.

The Civil and Administrative Procedures Law came to prove the legal existence of administrative courts in accordance with Article 800 of it, which considered it to be the body of public jurisdiction in administrative disputes, and is competent to adjudicate with an appealable ruling in all cases to which the state, City, municipality, or one of the public institutions of an administrative nature is a party. This is what confirmed this legal existence in the text of Article 801 of this law.

Administrative courts are composed of the president of the court, the governor of the state, his assistants, and advisors, and they are all subject to the Basic Law of the Judiciary.

The Algerian legislator devoted the work to the prevailing organic standard when determining the specific jurisdiction of the administrative courts, this body is competent to decide at the first instance with a ruling that is subject to appeal before the Council of State, and the administrative dispute is then determined based on the administrative person to be disputed.

Articles 800 and 801 of the Code of Civil and Administrative Procedures were detailed according to the organic criterion in the presence of one of the administrative bodies as a party to the dispute. These administrative bodies are represented in the following: the state, the state, the municipality, the state, and public institutions of an administrative nature, a party to the dispute.

In addition, it specializes in lawsuits to cancel administrative decisions, declaratory lawsuits, and lawsuits to examine the legality of decisions issued by the state and non-centralized state departments at the state level, the municipality and other administrative departments of the municipality, local public institutions of an administrative nature, full judicial lawsuits, and lawsuits authorized to it under special texts, including electoral disputes, tax disputes, and public procurement disputes.

As for the rules of territorial jurisdiction, they do not present any forms at the legal level, as it is up to the organization to determine the geographical and territorial features of each administrative court, which is included in Decree 98/356 in the annex related to territorial jurisdiction and confirmed by Articles 803 and 804 of the Civil and Administrative Procedures Law.

Article 807 of the Civil and Administrative Procedures Law has tightened the rules of territorial jurisdiction, considering them as the rules of specific jurisdiction in public order. Depending on the unity of the class, the judge may raise this argument on his own initiative, and the opponents may also raise it at any stage of the dispute.

### **The second requirement: the State Council**

The Council of State is the supreme administrative judicial body corresponding to the Supreme Court in the ordinary judiciary, as it is the body that evaluates the work of administrative judicial bodies in accordance with paragraph 2 of Article 152 of the Algerian Constitution of 1996, which says, "The State Council is established as a body that evaluates the work of administrative judicial bodies," and Organic Law 98/01 of May 30, 1998 relating to the powers, organization and work of the State Council, the State Council replaced the Administrative Chamber of the Supreme Court.

With Algeria's return to a system of dual judicial structures with dual conflict, or what is known by many legal scholars, especially constitutional law and administrative law, as judicial duality, by stipulating in the current Algerian Constitution of 1996, in Article 152, the establishment of a State Council that is responsible for evaluating the work of administrative judicial. It also plays the role of unifying administrative jurisprudence, which is the same role assigned to the Supreme Court, and this was consolidated through the issuance of Organic Law 98/01 of May 30, 1998, which represented the practical entry of the Algerian judicial system under the umbrella of the dual judiciary authorities. Perhaps the goal that the legislator envisaged in adopting the dual judicial system was to take good care of administrative disputes and thus provide a greater guarantee for the rights of litigants, including strengthening the role of the judiciary in monitoring administrative work by creating specialized judicial bodies that are independent of the regular judiciary, which results in the existence of a law and judges specialized in the field of administrative judiciary. (It does not exist in practice), especially since administrative disputes have become more complex and more numerous than it is impossible for the ordinary judiciary to decide them with the required speed and accuracy. The Council of State was actually installed in practice in 1999.

The members of the State Council are composed of several categories, as they do not have unified legal status, and they represent the human composition of the State Council. According to the text of Article 24 of Organic Law 98/01, the office of the State Council consists of the President of the State Council, the Governor of the State, heads of chambers, heads of departments, and advisors.

The State Council, in accordance with Article 152 of the 1996 Constitution and Organic Law No. 98/01, is responsible for evaluating the work of administrative judicial bodies. It also has a unique advisory role in drafting laws submitted by the government to Parliament, and it does not share or compete with the Supreme Court in this jurisdiction.

Articles 9, 10, and 11 of Organic Law 98/01 stipulate that the State Council shall exercise the role of a court of first instance, the role of a court of appeal, and the role of a court of cassation, a role enshrined in Articles 901 to 903 of the Civil and Administrative Procedures Code, which contravenes the principles of the Algerian judiciary, which includes the principle of two-level litigation, as the State Council's jurisdiction over these powers opposes and violates the principle of two-level litigation, as the litigant in the administrative judiciary loses one of the two levels of litigation, given that the State Council in some cases is the court of first instance and the Court of Appeal and the Court of Cassation if the case is brought directly before it, or it is the Court of Appeal and the Court of Cassation if the case is brought before the Administrative Court of First Instance, and therefore the litigant here will lose the opportunity to litigate before the second instance, which does not even exist at that time in the Algerian administrative judicial system; Whoever has the possibility of losing his rights, because the same authority cannot consider cases at all stages and levels or at two levels, and the rulings issued by it may be overturned.

### **Section One: The State Council as a competent judge**

The State Council, as a competent judge, decides, initially and finally, on disputes that arise regarding certain important actions, decisions, and actions issued by central and national authorities, bodies, and organizations, where, in accordance with the text of Article 09 of Organic Law No. 98/01, the following is stated: Appeals for annulment filed against organizational or individual decisions issued by central administrative authorities, national public bodies and national professional organizations, appeals regarding the interpretation and legality of decisions whose disputes are within the jurisdiction of the Council of State.

The text of Article 9 of Law 98-01 authorizes the State Council - as a competent judge - to consider the following lawsuits: annulment lawsuit, interpretation lawsuit, and legality assessment lawsuit.

As for the compensation claim, jurisdiction lies with the administrative courts (administrative chambers), with reference here to the state of connection stipulated in Article 276/2 of the Civil and Administrative Procedures Law.

### **Section Two: The State Council is an appeal judge**

Article 10 of Organic Law 98/01 amended and supplemented by Law 11/13 of July 26, 2011 relating to the powers, organization and work of the State Council stipulates: "The State Council shall have the authority to decide on appeals of judgments and orders issued by administrative judicial authorities, and it shall also have the authority to act as a body of appeal in cases authorized to it under special texts."

This is stipulated in Article 2 02 of Organic Law 98/02 relating to administrative courts that "the rulings of administrative courts are subject to appeal before the Council of State, unless the law stipulates otherwise."

The provisions of this article stipulate that the Council of State has the authority to decide on an appeal against the decisions stipulated in the text of Article 277 of the Administrative and Civil Procedures Law with regard to the Administrative Chamber of the Supreme Court, in contrast to the State Council Law, the provisions of the Civil and Administrative Procedures Law regulate appeals in administrative matters as one of the administrative appeals independent of its provisions in civil matters.

Both the texts of Article 10 of Law 98/01 and Article 2 of Law 98/02 mentioned previously dealt with the original appeal, which focuses on reviewing or canceling the ruling or administrative decision issued by the Administrative Court, in the form of a preliminary decision. Other administrative decisions are not subject to appeal by appeal before the Council of State.

However, Organic Law 11/13, amending and supplementing Organic Law 98/01, stipulates in its tenth article in its new form that the State Council is competent to decide on appeals of rulings and orders issued by administrative judicial authorities, and the nature of the ruling was not specified as preliminary or final, nor was it limited to appealing court rulings and orders rather, it came with a new phrase that replaced the administrative courts, which are the administrative judicial bodies that include, in addition to the administrative courts, other bodies whose decisions are subject to appeal before the Council of State. All preliminary rulings issued by the administrative courts are subject to appeal by appeal.

### **Section Three: The State Council is a judge of cassation**

The powers of the State Council here appear to be symbolic, and we have not noticed any trace of them except in rare cases, included in special texts, including: the decisions of the National Committee for Appeal in the field of disciplining lawyers, as they are subject to cassation appeal before the Supreme Court (formerly the Administrative Chamber there, and currently the State Council, because they are administrative decisions), and also the decisions issued at the last level, administrative judiciary bodies, and all cassation appeals authorized to the State Council under a special text (Article 903 of the Code of

Civil and Administrative Procedure), including also the decisions of the Accounting Council (Article 11 of the Organic Law relating to the State Council).

While the Council of State in France plays an important role in the field of cassation, not only regarding final decisions issued by bodies with special jurisdiction, but also under its new powers since the law of December 31, 1987, as a court of cassation in relation to rulings by administrative courts of appeal, we believe that it is useful to transform the Algerian Council of State To a court of cassation mainly in administrative matters to ensure the completion of the degrees of litigation, through the establishment of regional administrative courts of appeal. There is no harm, like a transitional stage, in leaving the appeal of some important cases to take place before the Council of State (for example regarding organizational decisions, local elections...etc.).

Article 959 of the Code of Civil and Administrative Procedure stipulates, "The provisions related to the aspects of cassation stipulated in Article 358 of this law shall be applied before the Council of State." Referring to Article 358, we find it stipulates the following: An appeal in cassation may only be based on one or more of the following aspects:

Violation of a fundamental rule in the procedures, neglect of the essential forms of the procedures, lack of jurisdiction, abuse of authority, violation of internal law, violation of foreign law related to family law, violation of international agreements, lack of legal basis, lack of justification, insufficiency of justification, contradiction of the reasoning with what is spoken, distortion of the clear content, the accuracy of a document approved in a ruling or decision contradicts rulings or decisions issued at the last instance when the validity of the matter decided has been raised to no avail, and in this case there is an appeal in cassation against the last ruling or decision in terms of history, and if this contradiction is confirmed, the contradiction of rulings that are not subject to ordinary appeal is decided by confirming the first ruling or decision. In this case, the cassation appeal is acceptable, even if one of the rulings that is the subject of the cassation appeal was previous and ended in rejection. In this case, the appeal is filed by cassation. Even after the expiration of the deadline stipulated in Article 354 above, it must be directed against the two rulings. If the contradiction is confirmed, the Supreme Court shall rule to cancel one or both rulings, the presence of contradictory requirements within the operative part of the ruling or decision, a ruling for what was not requested or for more than what was requested, omission to decide on one of the original requests, if the lack of legal capacity is not defended. "

### **The second section: The administrative judiciary in Algeria after the amendment in 2022**

In this section, we will discuss the Algerian judicial organization in its new nature after the amendment of the Civil and Administrative Procedures Law 08/09 pursuant to Law 22/13, the creation of administrative courts of appeal, and the reformulation of the powers of each judicial body within it.

#### **The first requirement is administrative courts**

As we said above, the administrative courts under the Civil and Administrative Procedures Law 08-09 before this law was amended in 2022, under Law 22/13, based on the text of Article 800, were competent to decide at the first instance, with an appealable ruling in all cases to which the state, state, municipality, or one of the public institutions of an administrative nature was a party.

This article stipulates the administrative persons that were previously mentioned in Article 7 of the Civil Procedure Code, which was repealed by Law 08/09, and was left as it is in the text of Article 800 of the Civil and Administrative Procedure Code mentioned above, as the Algerian legislator amended its content in 2022 in accordance with Article 4 of the law **13/22**, By adding the phrase "or national public bodies and national professional organizations a party thereto."

Through the text of Article 800 of the Civil and Administrative Procedures Code, we conclude that the Algerian legislator relied on the formal organic standard to determine the nature of the dispute, whether

ordinary or administrative, and stipulated that one of the parties to the dispute be a public administrative person in order for us to be faced with an administrative dispute, so what matters is the capacity of the parties to the dispute.

Accordingly, according to the former Article 7 of the repealed Civil Procedure Law and Article 800 of the current Civil and Administrative Procedure Law, which are devoted to the organic standard, administrative courts are considered the body of public jurisdiction in administrative disputes, with the exception of disputes entrusted to other judicial bodies (Council of State in accordance with the 2022 amendment). It is also competent to adjudicate, at first instance, with an appealable ruling, in all cases to which the state, state, municipality, one of the public institutions of an administrative nature, national public bodies, or national professional organizations is a party.

In view of the administrative persons mentioned exclusively in Article 800 above that are an original party to the administrative dispute, the text of Article 801 of the Civil and Administrative Procedures Law was also amended pursuant to Article 4 of Law 22/13, which added the powers of the administrative courts, adjudicating cases to annul and interpreting the legality of decisions issued by,.... regional professional organizations, and local public institutions of an administrative nature, which were not among their powers before this amendment. The phrase “other administrative departments of the municipality” was also canceled and merged within the phrase “municipality only.”

So that the administrative body is one, the Algerian legislator will therefore have expanded the jurisdiction of the administrative courts when amending the Civil Administrative Procedures Law in 2022.

According to Article 814 bis of the Civil and Administrative Procedures Law, as amended in 2022, administrative courts adjudicate with a collective judgment consisting of at least 3 judges, unless the law stipulates otherwise.

### **The second requirement: Administrative courts of appeal**

Pursuant to the 2022 amendment to Law 08/09 containing the Code of Civil and Administrative Procedures pursuant to Law 22/13, the Algerian administrative judicial system entered a new phase, represented by the Algerian legislator's correction of an important principle of the Algerian judiciary, especially in the field of administrative justice, which is the principle of two-level litigation which was truncated from one of the two levels of litigation before this amendment, through the establishment of administrative courts of appeal, which represent the second level of litigation in the Algerian administrative judiciary, as stipulated in Article 179 of the Algerian Constitution of 1996, amended in 2020 , explicitly on the establishment of administrative courts of appeal, and the legislator's insistence on establishing them was confirmed in Order 21/01 of March 10, 2021, which includes the organic law related to the electoral system. The administrative judicial system was distinguished after its establishment in accordance with Article 152 of the 1996 Constitution 1996, with the absence of administrative courts of appeal within its structure, neither the constitution nor the legislator established administrative courts of appeal in the legal texts nor in practical reality, which is what made this Algerian administrative judicial system experience a deficiency in the two levels of litigation guaranteed by the principle of two-level litigation. That is, this system prevented litigants from benefiting from one of the opportunities for litigation, which is the level of appeal before an independent body, meaning that the administrative judicial system in Algeria was composed of administrative courts and the State Council, as previously discussed in the first section of this research, without the presence of administrative courts of appeal, and this is in contrast to the regular judicial system Which consists of courts of first instance, judicial councils, and a supreme court, to ensure the application of the principle of two-tier litigation enshrined in Article 6 of the Civil and Administrative Procedures Law, according to which rulings are Judicial decisions issued by administrative courts are subject to appeal before a higher judicial body, which is the Administrative Court of Appeal.

The administrative courts of appeal were also stipulated in Article 8 of Law No. 22/07 of May 5, 2022, which included the judicial division, which stipulated that “there are (6) administrative courts of appeal whose headquarters are located in Algiers, Oran, Constantine, Ouargla, Tamanghast, and Béchar.”

Through the article, we note that the legislator has established 06 regional administrative courts of appeal distributed across the national territory, three of which are in the north and three of which are in the south, and Article 9 of it states as follows: “There shall be administrative courts within the jurisdiction of each administrative court of appeal.”

Article 29 stipulates the jurisdiction of the administrative courts of appeal, as it states: “The Administrative Court of Appeal is the body of appeal for judgments and orders issued by the administrative courts.

It is also competent to adjudicate cases authorized to it under special texts.”

This is consistent with what was stated in the amendment to the Civil and Administrative Procedures Law in 2022 pursuant to Law 22/13, which introduced an entire chapter in Law 08/09 specifically for administrative courts of appeal, under the name “Part One bis regarding the procedures followed before administrative courts of appeal,” as Article 900 bis stipulates:

“The Administrative Court of Appeal has jurisdiction to decide on appeals of judgments and orders issued by administrative courts.

It is also competent to adjudicate cases authorized to it under special texts.

The Algerian legislator has designated the Algiers Administrative Court of Appeal as a first instance, exclusive of other administrative courts of appeal, in cases of annulment, interpretation, and assessment of the legality of administrative decisions issued by central administrative authorities, national public bodies, and national professional organizations, in accordance with paragraph 3 of Article 900 bis from the Code of Civil and Administrative Procedure amended and supplemented by Law 22/13, and therefore the Administrative Court of Appeal for Algiers in this case in particular becomes an administrative court of first instance.

In implementation of the provisions of Article 10 of Law No. 22/07, which includes judicial division, Executive Decree No. 22/435 was issued, which defines the areas of regional jurisdiction for the administrative courts of appeal. Article 30 thereof stipulates the composition of the administrative courts of appeal, which consists of: judge judges, a president with at least the rank of counselor in the State Council, a vice president or two (2) deputies when necessary, heads of chambers, heads of departments when necessary, advisors, judges of the state governor, a state governor with at least the rank of advisor to the State Council, two (2) assistant state governors when necessary.

As for its ruling composition, it was stipulated in Article 900 bis 5 of the Civil and Administrative Procedures Law after it was amended by Law 22/13, that it be a collective formation, unless the law stipulates otherwise, as it consists of at least 3 judges, all of whom have the rank of advisor.

### **The third requirement: The State Council**

The Council of State is considered the highest body in the hierarchy of administrative litigation in Algeria, as it is the body that evaluates the work of the administrative courts of appeal, the administrative courts, and other bodies that decide administrative matters, and it guarantees the unification of judicial jurisprudence throughout the country and also ensures respect for the law, and this is what Article 179 stated in its second paragraph of the 1996 Constitution, amended in 2020.



The amendment to the Civil Administrative Procedures Law in 2022 under Law 22/13 also stipulated several amendments pertaining to the State Council, which removed it from considering appealed cases from the administrative courts in the previous version of the administrative judicial system, as this matter became the jurisdiction of the administrative courts of appeal after it was introduced by the legislator as a second level of administrative litigation, and restored its inherent jurisdiction, leaving it with exceptional jurisdiction in some disputes only.

The Council of State has regained its inherent jurisdiction, which is represented in cassation appeals against rulings and decisions issued finally by administrative judicial authorities, and in cassation appeals authorized to it under special texts, in accordance with the text of Article 8 of Law 22/13, amending Article 901 of the Civil and Administrative Procedures Code No. 08/09, in addition to its exceptional jurisdiction, represented in appeals of appeal against decisions issued by the Administrative Court of Appeal of Algiers. The capital according to the text of Article 902 of the Civil and Administrative Procedures Code amended by Article 8 of Law 22/13 mentioned above.

### **The first section: The State Council is a cassation judge as an inherent jurisdiction**

The cassation appeal before the State Council is considered one of the most important methods of appeal that were missing in the Algerian administrative judicial system under the old organization before 2022. It is authorized under the law to examine decisions and judicial rulings issued by lower-ranking bodies (the Administrative Court and the Administrative Court of Appeal), where the cassation appeal is to monitor the actions issued by the subject court, and the extent of its application of the law, The Council of State is considered a court of law and not a court of subject matter that considers the merits of cases.

Whereas, according to what was stipulated in Article 901 of Law 08/09 amended and supplemented by Law 22/13, “The State Council is competent to adjudicate appeals by cassation against rulings and decisions issued finally by administrative judicial authorities.

The Council of State is also competent to decide on cassation appeals authorized to it by special provisions.”

We note that the legislator has approved that it is within the powers of the State Council to decide on cassation appeals against those decisions and rulings that were finally issued by the administrative judicial authorities as its inherent jurisdiction, and it also has the authority to decide on cassation appeals granted to it under special texts, including cassation appeals against the decisions issued from the Accounting Council, decisions issued by the Supreme Judicial Council, and decisions issued by national bodies.

### **Section Two: The State Council is an appeal judge as an exceptional jurisdiction**

Considering that cassation appeals are the inherent jurisdiction of the State Council, the latter has retained exceptional jurisdiction, which is to consider some appeals against decisions issued by the Administrative Court of Appeal of Algiers in cases that it considers as a first instance, stipulated in Article 902 of the Code of Civil and Administrative Procedures amended by Article 8 of Law 22/13, and Article 11 of Organic Law 98/01, which includes the powers, organization and work of the State Council, amended and supplemented by the law. 11/22.

The exceptional jurisdiction of the Council of State is to consider appeals of decisions issued by the Administrative Court of Appeal in Algiers as a first instance, as a restricted jurisdiction limited to it only, in cases of annulment, interpretation and assessment of the legality of administrative decisions issued by central administrative authorities, national bodies and national professional organizations, which are considered by the Administrative Court of Appeal of Algiers as an exception as a first instance with a decision subject to appeal by appeal before the Council of State. He is also an exception, as he is an appellate judge only.

The central administrative authorities are as follows: the Presidency of the Republic, the Prime Minister, and the various ministries.

The national public bodies, which means all the agencies charged with carrying out a specific activity to satisfy the needs of the national group in various aspects of the state's public life, are represented in the National Economic Council, the Supreme Islamic Council, the Supreme Council for Information, the Supreme Council for Youth, the Supreme Council for the Arabic Language, the University of Continuing Training, and the National People's Council.

In addition to the national professional organizations, including but not limited to the National Union of Lawyers' Organizations, the General Union of Algerian Workers, the National Chamber of Notaries, the National Cover of Judicial Reporters, the National Union of Algerian Peasants, the National Union of Parents of Pupils, the National Union, and other professional organizations.

### **Conclusion:**

From what was mentioned above, we note that the Algerian legislator, by amending Law 08/09 containing the Code of Civil and Administrative Procedures for the year 2022 under Law 22/13, did well to correct the administrative judicial organization in Algeria, and restored balance to this organization through its creation of the Administrative Court of Appeal, which now guarantees the consideration of appeals issued against judicial rulings issued by various administrative courts across the country thus, the correct application of the principle of two-level litigation in the field of administrative judiciary, which has been absent since the return to the system of dual judicial structures with dual conflict in the 1996 Constitution, and the several amendments it witnessed, most recently in 2020.

Through all of this, we concluded:

- The Algerian legislator, in amending the Code of Civil and Administrative Procedures, abolished the term decisions from the work of administrative courts of first instance, and reinstated the term judgments, in line with what is applicable in all judicial systems, that courts issue judgments and not decisions, in contrast to what existed before this amendment.

The Algerian legislator reintroduced the principle of two-level litigation in the field of administrative justice.

- The Algerian legislator rearranged the powers of both the administrative courts of first instance and the State Council after the creation of the administrative courts of appeal, and granted each of them the appropriate powers, in order to reduce the burden on them, after they were suffering from overcrowding of disputes before them.

Therefore, we suggest the following:

- The Algerian legislator must generalize administrative courts of appeal throughout the entire national territory as soon as possible and not be satisfied with only the 6 existing regional courts.
- Training judges in the field of administrative justice in administrative and research training at the level of the National School of Administration, in order to improve the quality of rulings and decisions issued in the various disputes they consider.

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- [3] Order 21/01 of March 10, 2021, containing the Organic Elections Law, amended and supplemented.
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- [5] Law No. 98/02 of May 30, 1998, relating to administrative courts, amended and supplemented.
- [6] Law 08/09 of February 25, 2008, containing the Civil and Administrative Procedures Code, amended and supplemented by Law 22/13.
- [7] Law 22/07 of May 5, 2022, containing the judicial division.
- [8] Executive Decree 98/356 of November 14, 1998, relating to territorial jurisdiction over administrative courts, amended and supplemented.
- [9] Executive Decree 22/435 of December 11, 2022 defines the areas of regional jurisdiction for the administrative courts of appeal and the administrative courts.