

Administrative Courts of Appeal under the New Reforms of Algerian Administrative Justice

*Friha Zounbot**

Abstract

The establishment of Administrative Courts of Appeal represents one of the most significant reforms introduced within the Algerian administrative justice system. This reform was constitutionally recognized for the first time under the 2020 Constitutional Amendment, through Article 179, which expressly incorporated these judicial bodies into the structure of administrative justice. This institutional innovation was introduced to address the structural shortcomings that had characterized the organization of administrative justice, particularly since the Council of State had previously exercised appellate jurisdiction in addition to its role as the highest judicial authority in administrative matters. This reform aims to consolidate the principle of two-tier jurisdiction in administrative litigation and to strengthen litigants' procedural guarantees by allowing them to submit their disputes for reconsideration before a higher judicial authority. It also contributes to reducing the workload of the Council of State, enabling it to devote itself to its essential mission of ensuring the consistency of administrative case law and guaranteeing the proper application of legal rules. This development reflects the legislator's commitment to modernizing the administrative justice system and enhancing its efficiency, with the objective of ensuring the prompt resolution of disputes while strengthening legal certainty and confidence in administrative justice.

Keywords

Administrative Courts of Appeal; Administrative Justice; Judicial Reform; Two-Tier Jurisdiction in Administrative Matters; Administrative Litigation.

Introduction

Administrative justice constitutes one of the fundamental manifestations of the rule of law, given its essential role in protecting individual rights and freedoms, ensuring that administrative authorities remain subject to legal norms, and safeguarding the principle of legality against decisions or actions issued by administrative authorities that may affect individuals' legal positions. The development of administrative justice in Algeria has been closely associated with the evolution of the State's legal and institutional framework, particularly following the adoption of the dual judicial system, which resulted in the establishment of specialized judicial bodies responsible for adjudicating administrative disputes.

In recent years, Algerian administrative justice has undergone significant institutional and legislative reforms, most notably reflected in the Constitutional Amendment of 2020, which provided in Article 179 that the Council of State represents the body responsible for evaluating the work of

¹ Received: March 05, 2026; Accepted: August 17, 2026; Published: September 19, 2026

© 2026 The Author. Published by IMCRA. This is an open-access article distributed under the terms of the Creative Commons Attribution 4.0 International License (CC BY 4.0), which permits unrestricted use, distribution, adaptation, and reproduction in any medium, provided that the original author and source are properly credited.

<https://creativecommons.org/licenses/by/4.0/>



*State and Public Institutions – Law, Temporary Lecturer, Department of Law, Amar Telidji University of Laghouat, Algeria. Ilham198203@gmail.com

Administrative Courts of Appeal, Administrative Courts, and other judicial bodies ruling in administrative matters.³

This constitutional recognition reveals the intention of the constitutional legislator to reorganize the hierarchy of administrative justice and reinforce procedural guarantees in administrative litigation.

This reform process was consolidated through the adoption of several legislative and regulatory instruments, including Organic Law No. 22-10 of 9 June 2022 relating to Judicial Organization, Law No. 22-07 relating to Judicial Divisions, which established six Administrative Courts of Appeal, and Law No. 22-13 of 12 July 2022 amending and supplementing the Code of Civil and Administrative Procedure, which introduced specific provisions governing jurisdiction and proceedings before these judicial bodies.⁴

The establishment of Administrative Courts of Appeal represents a major transition in Algerian administrative justice towards the effective implementation of the principle of two-tier jurisdiction in administrative matters. Prior to this reform, appellate jurisdiction in numerous administrative disputes fell within the competence of the Council of State.

The establishment of Administrative Courts of Appeal provides litigants with a new opportunity to have their disputes reconsidered before a higher judicial authority, thereby strengthening fair trial guarantees and contributing to the achievement of legal security and the proper administration of justice. Furthermore, this reform allows for a redistribution of jurisdiction within the hierarchy of administrative courts, relieving the Council of State of part of its previous workload and enabling it to perform more effectively its essential function of reviewing the work of administrative judicial bodies and ensuring the uniformity of administrative jurisprudence.

The importance of these reforms also lies in the fact that they are not limited merely to the creation of new judicial bodies; rather, they extend to a broader reconsideration of administrative judicial organization, the distribution of jurisdiction, and litigation procedures. Their ultimate objective is to achieve a higher degree of specialization and efficiency while bringing administrative justice closer to litigants.

Accordingly, the study of Administrative Courts of Appeal is of considerable legal and practical importance, given the recent establishment of these judicial bodies and their role in reshaping the structure of Algerian administrative justice.

This importance is further highlighted by their direct connection with litigants' rights, procedural guarantees, and the principle of legality.

From this perspective, the present study raises the following research question:

To what extent has the Algerian legislator succeeded, through the establishment of Administrative Courts of Appeal and the redistribution of administrative judicial jurisdiction, in ensuring the effectiveness of the principle of two-tier jurisdiction in administrative matters?

To address this issue, this study adopts an analytical approach, as it constitutes an appropriate methodology for examining this subject through the analysis of the legal and regulatory provisions relating to Administrative Courts of Appeal.

The study is divided into two sections. The first section examines the legal foundations underlying the establishment of Administrative Courts of Appeal, while the second section focuses on the composition of these courts and their jurisdiction.

³ Constitution of the People's Democratic Republic of Algeria, Constitutional Amendment of 2020, Article 179.

⁴ Organic Law No. 22-10 of 9 June 2022 relating to Judicial Organization; Law No. 22-07 relating to Judicial Divisions; Law No. 22-13 of 12 July 2022 amending and supplementing the Code of Civil and Administrative Procedure.

Chapter One: The Legal Foundations of Administrative Courts of Appeal

Following Algeria's independence in July 1962, the State attached considerable importance to the organization of the judicial authority, considering it one of the essential pillars for building a State governed by law and institutions. Accordingly, Algeria sought to establish an independent national judicial system capable of replacing the colonial judicial system and ensuring the protection of citizens' rights and freedoms.

This commitment was reflected in the successive Algerian Constitutions, beginning with the Constitution of 1963 and the Constitution of 1976, followed by the Constitution of 1989, which strengthened the principle of judicial independence within the framework of political reforms. This development was further reinforced by the Constitution of 1996, which recognized the judiciary as an independent authority. The same approach was maintained through the Constitutional Amendment of 2016 and the latest Constitutional Amendment of 2020, which introduced significant developments and established an effective form of judicial dualism in Algeria.

Section One: The Constitutional Basis of Administrative Courts of Appeal

The Constitutional Amendment of 2020 introduced a significant development in Algerian administrative justice by creating an additional administrative judicial structure alongside the existing administrative bodies. This innovation was expressly confirmed by Article 179, paragraph 2, which provides:

"The Council of State shall constitute the body responsible for evaluating the work of Administrative Courts of Appeal, Administrative Courts, and other judicial bodies ruling in administrative matters."⁵

This provision constitutes an explicit constitutional recognition of the establishment of Administrative Courts of Appeal, as these courts were incorporated for the first time into the hierarchy of administrative justice. It reflects the constitutional legislator's intention to restructure administrative justice on the basis of the principle of two-tier jurisdiction.

The constitutional recognition of these courts aims to strengthen litigants' guarantees by allowing the review of judgments issued by Administrative Courts before a higher judicial authority.

It also seeks to reduce the burden placed on the Council of State by limiting its role to supervising administrative judicial bodies and ensuring the unity of administrative jurisprudence, thereby contributing to greater efficiency in administrative justice and reinforcing the principles of legality and legal certainty.

Section Two: The Legislative Basis of Administrative Courts of Appeal

Administrative Courts of Appeal derive their legislative foundation from several legal texts that preceded and accompanied their formal establishment within the Algerian judicial system. The first legislative reference can be found in Ordinance No. 21-01 of 10 March 2021 relating to the Electoral System, which represented an initial recognition of the jurisdiction of these courts in specific electoral disputes.⁶

Indeed, certain provisions of this Ordinance provided for the possibility of appealing judgments rendered by Administrative Courts in electoral matters before the territorially competent Administrative Court of Appeal.⁷

This legislative provision constitutes the first legal basis conferring jurisdiction upon Administrative Courts of Appeal before their comprehensive regulation through subsequent legislative reforms.

⁵ Constitution of the People's Democratic Republic of Algeria, Constitutional Amendment of 2020, Article 179(2), promulgated by Presidential Decree No. 20-442 of 30 December 2020, Official Gazette of the Algerian Republic, No. 82 (2020).

⁶ Ordinance No. 21-01 of 10 March 2021 relating to the Electoral System, Official Gazette of the Algerian Republic, No. 17 (2021).

⁷ Ibid., arts. 129(2), 183(5), and 186(5)

This Ordinance may therefore be considered as the first legislative step towards the practical establishment of Administrative Courts of Appeal, as it reflected the legislator's intention to gradually introduce these judicial bodies and involve them in the adjudication of administrative disputes, particularly electoral disputes, which require prompt and effective judicial intervention.

The legislative framework was subsequently strengthened in 2022 through Law No. 22-07 relating to Judicial Divisions, which provided for the establishment of six Administrative Courts of Appeal distributed across several judicial districts.⁸

This law constituted the first general legislative text confirming the existence of these courts within the judicial organization, after their competence had previously been recognized only through specific legal provisions.

The creation of these courts represented a significant step towards the effective implementation of the principle of two-tier jurisdiction in administrative litigation, as it strengthened the effectiveness of administrative justice and contributed to bringing justice closer to litigants.

Among the other legislative foundations is Organic Law No. 22-10 relating to Judicial Organization, which expressly defined the role of Administrative Courts of Appeal. Article 29 provides that:

“The Administrative Court of Appeal shall have jurisdiction to hear appeals against judgments and orders issued by Administrative Courts and shall also rule on cases assigned to it by specific legal provisions.”⁹

This provision represents an important legislative recognition of the appellate function of these courts, as it establishes their position as the second level of jurisdiction within the administrative judicial system.

Furthermore, Law No. 22-13 of 12 July 2022 amending and supplementing Law No. 08-09 establishing the Code of Civil and Administrative Procedure introduced a specific chapter entitled “Proceedings before Administrative Courts of Appeal.”¹⁰

This amendment provided the procedural framework necessary for the effective functioning of these courts by regulating their jurisdiction and the proceedings conducted before them.

The same legislative framework confirmed the establishment of six Administrative Courts of Appeal, whose seats are located in Algiers, Oran, Constantine, Ouargla, Tamanrasset, and Béchar.¹¹

In addition, Organic Law No. 22-11 of 9 June 2022 amending and supplementing Organic Law No. 98-01 relating to the organization, functioning, and jurisdiction of the Council of State contributed to completing the legal framework by defining the powers of the Council of State within the new administrative judicial structure.¹²

Section Three: The Regulatory Basis of Administrative Courts of Appeal

In addition to their constitutional and legislative foundations, Administrative Courts of Appeal are also based on a regulatory framework consisting of a set of executive decrees issued to implement the reforms introduced within Algerian administrative justice. These regulatory texts aim to give

⁸ Law No. 22-07 relating to Judicial Divisions, Official Gazette of the Algerian Republic, No. 32 (2022).

⁹ Organic Law No. 22-10 of 9 June 2022 relating to Judicial Organization, art. 29, Official Gazette of the Algerian Republic, No. 41 (2022).

¹⁰ Law No. 22-13 of 12 July 2022 amending and supplementing Law No. 08-09 establishing the Code of Civil and Administrative Procedure, Official Gazette of the Algerian Republic, No. 48 (2022).

¹¹ Law No. 22-07 relating to Judicial Divisions, art. 2.

¹² Organic Law No. 22-11 of 9 June 2022 amending and supplementing Organic Law No. 98-01 relating to the organization, functioning, and jurisdiction of the Council of State.

practical effect to the legislative provisions governing the organization and functioning of administrative judicial bodies.¹³

Among the most important regulatory instruments is Executive Decree No. 22-435 of 11 December 2022, which determines the territorial jurisdiction of Administrative Courts of Appeal and Administrative Courts. This decree established the judicial map of these bodies by defining the territorial jurisdiction of each Administrative Court of Appeal and specifying the Administrative Courts falling within its territorial scope.¹⁴

Furthermore, Executive Decree No. 23-120 of 18 March 2023 was adopted to determine the procedures relating to the administrative and financial management of Administrative Courts and Administrative Courts of Appeal. It includes provisions concerning their administrative organization and financial management, thereby ensuring the proper functioning of these judicial institutions and enabling them to effectively perform their judicial duties.¹⁵

Chapter Two: The Composition and Jurisdiction of Administrative Courts of Appeal

The Algerian legislator regulated Administrative Courts of Appeal through Organic Law No. 22-10 relating to Judicial Organization, by determining their composition, the bodies forming them, and the judicial functions assigned to them. These courts were granted specific judicial powers within the framework of implementing the principle of two-tier jurisdiction in administrative matters. Therefore, it is necessary to examine first the composition of these courts and then analyze their jurisdiction.

Section One: The Composition of Administrative Courts of Appeal

The Algerian legislator defined the composition of Administrative Courts of Appeal through Organic Law No. 22-10 relating to Judicial Organization, specifying the judicial bodies responsible for their administration and the exercise of their judicial functions.

According to Article 30 of this law, the Administrative Court of Appeal is composed of judges of the bench and judges of the State Commissioner's Office, who perform the functions of the public prosecution before these courts.¹⁶

Article 34 of the same law further provides that Administrative Courts are organized into sections, whereas Administrative Courts of Appeal are organized into chambers.

The number of these chambers is determined according to the nature and volume of judicial activity by order of the president of each judicial body, after consultation with the State Commissioner.¹⁷

Where necessary, the sections of Administrative Courts may be divided into branches, and the chambers of Administrative Courts of Appeal may be divided into sections, in order to ensure better organization of judicial work and improve the efficiency of these courts.

First: Judges of the Bench

The composition of judges of the bench is determined pursuant to Article 30 of Organic Law No. 22-10. It includes the following judicial positions:

¹³ Executive Decree No. 22-435 of 11 December 2022 determining the territorial jurisdiction of Administrative Courts of Appeal and Administrative Courts, Official Gazette of the Algerian Republic, No. 84 (2022).

¹⁴ Ibid.

¹⁵ Executive Decree No. 23-120 of 18 March 2023 determining the administrative and financial management procedures of Administrative Courts and Administrative Courts of Appeal, Official Gazette of the Algerian Republic, No. 18 (2023).

¹⁶ Organic Law No. 22-10 of 9 June 2022 relating to Judicial Organization, art. 30, Official Gazette of the Algerian Republic, No. 41 (2022).

¹⁷ Ibid., art. 34.

- A President, holding at least the rank of Counselor at the Council of State;
- One or two Vice-Presidents, where necessary;
- Presidents of Chambers;
- Presidents of Sections, where necessary;
- Counselors.

This composition reflects the importance attached by the legislator to the professional specialization and experience required for adjudicating administrative disputes, given their specific nature and their connection with the exercise of public authority.

Second: Judges of the State Commissioner's Office

The State Commissioner's Office represents an essential component of administrative courts, as it performs advisory and legal functions aimed at assisting the court in reaching a correct legal assessment of disputes.

The composition of this body includes:

- A State Commissioner holding at least the rank of Counselor at the Council of State;
- One or two Assistant State Commissioners, where necessary.
- The presence of the State Commissioner within Administrative Courts of Appeal reflects the specific nature of administrative justice, where the role of this institution contributes to the proper interpretation of administrative law and the strengthening of judicial reasoning.

Section Two: The Jurisdiction of Administrative Courts of Appeal

The Algerian legislator regulated the jurisdiction of Administrative Courts of Appeal through Law No. 22-13 amending and supplementing the Code of Civil and Administrative Procedure. This law established the rules governing the powers of these courts within the framework of the new structure of administrative justice.¹⁸

The jurisdiction of Administrative Courts of Appeal may be examined through two main aspects: **material jurisdiction** and **territorial jurisdiction**.

Subsection One: Material Jurisdiction of Administrative Courts of Appeal

Pursuant to Article 900 bis of the amended and supplemented Code of Civil and Administrative Procedure, Administrative Courts of Appeal exercise jurisdiction over administrative disputes according to the rules established by law.¹⁹

Their jurisdiction is characterized by a dual function: they may act as **first-instance courts** in certain disputes and as **appellate courts** reviewing judgments and orders issued by Administrative Courts.

First: Administrative Courts of Appeal as Courts of First Instance

Under paragraph 3 of Article 900 bis of Law No. 22-13, the Administrative Court of Appeal of Algiers has jurisdiction, as a court of first instance, to hear actions for annulment, interpretation, and assessment of the legality of administrative decisions issued by central administrative authorities, national public bodies, and national professional organizations.²⁰

This provision constitutes one of the most important innovations introduced by Law No. 22-13, as it redistributed material jurisdiction within Algerian administrative justice.

¹⁸ Law No. 22-13 of 12 July 2022 amending and supplementing Law No. 08-09 establishing the Code of Civil and Administrative Procedure, Official Gazette of the Algerian Republic, No. 48 (2022).

¹⁹ Ibid., art. 900 bis.

²⁰ Law No. 22-13, OP.CIT, art. 900 bis, para. 3.

Previously, the Council of State exercised original and final jurisdiction over actions concerning the annulment, interpretation, and assessment of the legality of administrative decisions issued by central administrative authorities.

The legislator transferred this jurisdiction to the Administrative Court of Appeal of Algiers as a first-instance court, while maintaining the Council of State as an appellate authority, thereby implementing the constitutional principle of two-tier jurisdiction.²¹

The legislator limited this jurisdiction exclusively to the Administrative Court of Appeal of Algiers and did not extend it to other Administrative Courts of Appeal. This approach is justified by the national nature of the administrative authorities concerned.

It also aims to ensure consistency of judicial interpretation regarding disputes involving decisions with a national scope and to reduce the possibility of conflicting judgments between different judicial bodies.

However, this legislative choice has generated certain academic debates. On the one hand, concentrating disputes relating to central administrative decisions before a single judicial body may affect the speed of proceedings due to the possible increase in the number of cases submitted before it.

On the other hand, designating this body as an “Administrative Court of Appeal” while granting it first-instance jurisdiction may appear inconsistent with its primary appellate function. Nevertheless, the legislator addressed this issue by allowing appeals against its judgments before the Council of State, thereby preserving the principle of two-tier jurisdiction.²²

Accordingly, this provision represents a significant transformation in the structure of Algerian administrative justice, as it seeks to reconcile two objectives: ensuring the effective application of the principle of two-tier jurisdiction and preserving the unity of administrative jurisprudence in disputes relating to administrative decisions of national importance.

Second: Administrative Courts of Appeal as Appellate Courts

Article 900 bis, paragraph 1, of the Code of Civil and Administrative Procedure establishes the primary jurisdiction of Administrative Courts of Appeal by providing:

“Administrative Courts of Appeal shall have jurisdiction to rule on appeals against judgments and orders issued by Administrative Courts. They shall also rule on cases assigned to them by specific legal provisions.”²³

This provision constitutes the practical embodiment of the principle of two-tier jurisdiction in administrative justice. It enables litigants who are dissatisfied with judgments rendered by Administrative Courts to challenge them before a higher judicial authority, namely the Administrative Court of Appeal, thereby ensuring a new examination of both factual and legal aspects of the dispute.

Through this provision, the legislator granted Administrative Courts of Appeal a general appellate jurisdiction over judgments and orders issued by Administrative Courts.

Their review therefore extends to various types of appealable judicial decisions, whether they concern judgments deciding the merits of disputes or orders for which appeal is legally permitted.

Furthermore, paragraph 2 broadens the jurisdiction of Administrative Courts of Appeal by granting them authority to hear cases assigned to them by specific legal provisions.

²¹ See Law No. 22-13 of 12 July 2022 amending and supplementing the Code of Civil and Administrative Procedure.

²² Ammar Boudiaf, *Da‘wa al-Ilgha’* (Action for Annulment), 1st ed. (Algiers: Al-Joussour Publishing and Distribution, 2009), 129–131.

²³ Law No. 22-13 of 12 July 2022, art. 900 bis, para. 1.

This means that their jurisdiction is not limited exclusively to appellate functions but may also include original jurisdiction whenever legislation expressly provides for such competence. This mechanism provides the legislator with flexibility in distributing jurisdiction according to the specific nature of certain administrative disputes.

Nevertheless, the general wording of this provision may raise certain practical issues, as it does not specify the nature of these cases or identify the special legislative provisions concerned. Consequently, determining the exact scope of this jurisdiction requires reference to specific legislation governing particular disputes.

Subsection Two: Territorial Jurisdiction of Administrative Courts of Appeal

The Algerian legislator referred the determination of the territorial jurisdiction of Administrative Courts of Appeal to regulatory provisions. In this regard, Executive Decree No. 22-435 of 11 December 2022 was adopted to determine the territorial jurisdiction of Administrative Courts of Appeal and Administrative Courts.²⁴

Article 2 of this decree provides that the territorial jurisdiction of Administrative Courts of Appeal shall be determined in accordance with the annex attached to the decree. This annex establishes the territorial scope of each Administrative Court of Appeal and specifies the Administrative Courts falling within its jurisdiction.²⁵

Accordingly, each Administrative Court of Appeal is assigned jurisdiction over appeals brought against judgments and orders issued by Administrative Courts located within its territorial jurisdiction. This organization is consistent with the provisions of Article 29 of Organic Law No. 22-10 relating to Judicial Organization, which recognizes Administrative Courts of Appeal as appellate bodies competent to review judgments and orders issued by Administrative Courts.²⁶

This territorial distribution seeks to ensure a balanced organization of administrative justice by preventing excessive concentration of appeals before a limited number of judicial bodies. It also contributes to bringing administrative justice closer to litigants by allowing them to submit appeals before courts geographically connected to the Administrative Courts that issued the challenged decisions.

In the same context, Article 807 of the Code of Civil and Administrative Procedure provides:

****“Material jurisdiction and territorial jurisdiction of Administrative Courts are matters of public order. The objection of lack of jurisdiction may be raised by one of the parties at any stage of the proceedings. The judge must raise it automatically.”**²⁷

This provision confirms the fundamental nature of jurisdictional rules in administrative litigation, as compliance with both material and territorial jurisdiction constitutes an essential requirement for the validity of judicial proceedings.

Conclusion

The establishment of Administrative Courts of Appeal in Algeria represents a decisive stage in the reform of administrative justice. It reflects the constitutional legislator's intention to reorganize the administrative judicial system on a more coherent basis, consistent with the requirements of the rule of law and fair trial guarantees.

²⁴ Executive Decree No. 22-435 of 11 December 2022 determining the territorial jurisdiction of Administrative Courts of Appeal and Administrative Courts, Official Gazette of the Algerian Republic, No. 84 (2022).

²⁵ Ibid., art. 2.

²⁶ Organic Law No. 22-10 of 9 June 2022 relating to Judicial Organization, art. 29.

²⁷ Law No. 08-09 establishing the Code of Civil and Administrative Procedure, as amended and supplemented by Law No. 22-13 of 12 July 2022, art. 807.

The Constitutional Amendment of 2020, particularly through Article 179, established the principle of two-tier jurisdiction in administrative matters by recognizing the existence of Administrative Courts of Appeal and assigning the Council of State the role of supervising and evaluating their judicial activity.

This constitutional orientation was subsequently implemented through legislative reforms that reorganized the hierarchy of administrative justice and created six Administrative Courts of Appeal under the legislation relating to judicial divisions. These courts were entrusted, as a second level of jurisdiction, with hearing appeals against judgments issued by Administrative Courts.

Furthermore, this reform contributed to redistributing jurisdiction among the different components of administrative justice, allowing the Council of State to focus more effectively on its role as a body responsible for ensuring the consistency and guidance of administrative jurisprudence.

The importance of Administrative Courts of Appeal does not merely lie in the addition of new judicial institutions to the Algerian judicial organization. Rather, it extends to the establishment of a fundamental guarantee for administrative litigants by providing them with a second opportunity to submit their disputes before a higher judicial authority. This mechanism strengthens the protection of rights and freedoms and enhances judicial review of administrative action.

This new organization is also expected to contribute to reducing the workload of the Council of State and achieving greater specialization, speed, and efficiency in resolving administrative disputes.

Therefore, Administrative Courts of Appeal constitute a fundamental component in building a more effective, independent, and specialized administrative judiciary. Their establishment through the latest constitutional and legislative reforms should not be viewed merely as a structural amendment to judicial organization, but rather as a qualitative transformation in the philosophy of administrative litigation in Algeria, aimed primarily at strengthening the rule of law and achieving a balance between the requirements of public interest and the protection of individuals' rights against administrative action.

The real challenge for the coming period lies in moving beyond the mere creation of Administrative Courts of Appeal towards ensuring their effective operation, so that they become a comprehensive judicial guarantee for administrative litigants, a means of strengthening confidence in administrative justice, and a practical embodiment of the principle of two-tier jurisdiction in accordance with the objectives of the judicial reform introduced by the 2020 Constitution.

Main Findings

Based on the analysis conducted throughout this study, several conclusions may be drawn regarding the role and significance of Administrative Courts of Appeal within the Algerian administrative justice system:

1. First, the establishment of Administrative Courts of Appeal constitutes an effective implementation of the principle of two-tier jurisdiction in administrative matters, after this principle had previously been subject to limited application within the former organization of administrative justice.
2. Second, the creation of these courts has contributed to restructuring Algerian administrative justice by moving from a system essentially based on Administrative Courts and the Council of State towards a more hierarchical and specialized judicial organization.
3. Third, through this reform, the Algerian legislator sought to reduce the workload of the Council of State by transferring an important part of the disputes that previously reached it in its capacity as an appellate body to Administrative Courts of Appeal.

4. Fourth, the establishment of Administrative Courts of Appeal has strengthened litigants' procedural guarantees, as they now have the possibility of benefiting from a second judicial review of administrative judgments issued by Administrative Courts. This mechanism reinforces the right of defense and contributes to increasing confidence in justice.
5. Fifth, the success of these courts does not depend solely on the existence of legal provisions establishing them, but also on the availability of effective operational conditions, including qualified human resources, adequate material resources, and efficient administrative and judicial organization.
6. Sixth, this reform represents an important step towards achieving administrative judicial security. However, the full realization of this objective remains dependent on the stability of judicial precedents, the harmonization of legal principles, and the development of training and specialization mechanisms.

Recommendations and Proposals

In light of the above findings, several recommendations may be proposed in order to enhance the effectiveness of Administrative Courts of Appeal:

1. First, it is recommended to reconsider the appellate jurisdiction currently attributed to the Council of State and to transfer it to Administrative Courts of Appeal, limiting the Council of State's role to its function as a court of law responsible for ensuring the unity and guidance of administrative jurisprudence. This approach appears justified in view of the significant volume of tasks assigned to the Council of State.
2. Second, it would be appropriate to reconsider granting the Administrative Court of Appeal of Algiers first-instance jurisdiction and to limit its role to hearing appeals as a second-degree judicial body. First-instance jurisdiction over administrative disputes should be entrusted to territorially competent Administrative Courts, in order to strengthen the principle of two-tier jurisdiction, improve litigants' guarantees, and bring administrative justice closer to citizens.
3. Third, Administrative Courts of Appeal should be regulated through a specific legislative framework defining their legal status, similar to the Council of State and Administrative Courts. Such a framework would provide greater clarity regarding their organization and guarantee the independence of their judicial functions.
4. Fourth, legal provisions governing administrative justice should continue to be reviewed and refined in order to eliminate any ambiguity or overlap in jurisdiction between Administrative Courts, Administrative Courts of Appeal, and the Council of State.
5. Fifth, the independence and effectiveness of administrative justice should be further strengthened to enable it to exercise meaningful judicial review over administrative action, while maintaining a balance between the protection of individual rights and the continuity of public services and the achievement of the general interest.

Bibliography

Legal Texts

1. Algeria. Constitution of the People's Democratic Republic of Algeria, Constitutional Amendment of 2020. Promulgated by Presidential Decree No. 20-442 of 30 December 2020. Official Gazette of the Algerian Republic, No. 82 (2020).
2. Algeria. Ordinance No. 21-01 of 10 March 2021 Relating to the Electoral System. Official Gazette of the Algerian Republic, No. 17 (2021).
3. Algeria. Organic Law No. 22-10 of 9 June 2022 Relating to Judicial Organization. Official Gazette of the Algerian Republic, No. 41 (2022).

4. Algeria. Law No. 22-07 Relating to Judicial Divisions. Official Gazette of the Algerian Republic, No. 32 (2022).
5. Algeria. Law No. 22-13 of 12 July 2022 Amending and Supplementing Law No. 08-09 Establishing the Code of Civil and Administrative Procedure. Official Gazette of the Algerian Republic, No. 48 (2022).
6. Algeria. Organic Law No. 22-11 of 9 June 2022 Amending and Supplementing Organic Law No. 98-01 Relating to the Organization, Functioning, and Jurisdiction of the Council of State.
7. Algeria. Executive Decree No. 22-435 of 11 December 2022 Determining the Territorial Jurisdiction of Administrative Courts of Appeal and Administrative Courts. Official Gazette of the Algerian Republic, No. 84 (2022).
8. Algeria. Executive Decree No. 23-120 of 18 March 2023 Determining the Administrative and Financial Management Procedures of Administrative Courts and Administrative Courts of Appeal. Official Gazette of the Algerian Republic, No. 18 (2023).

Books

1. Boudiaf, Ammar. *Da'wa al-Ilgha'* (The Action for Annulment). 1st ed. Algiers: Al-Joussour Publishing and Distribution, 2009.