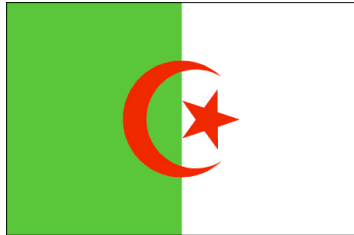


PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA

الجمهورية الجزائرية الديمقراطية الشعبية

(AL JUMHURIYAH AL JAZA'IRIYAH AD DIMUQRATIYAH ASH SHA'BIYAH)



BACKGROUND AND LEGAL SYSTEM

LEGAL SYSTEM	Socialist, based on French & Islamic law.
POLITICAL SYSTEM	Republic.
HEAD OF STATE	President.
HEAD OF GOVERNMENT	Prime Minister.
SUBNATIONAL ENTITIES	48 Provinces (<i>Wilayat</i>). Capitol City: Algiers.
SUBLOCAL ENTITIES	Departments (96), subdepartments (<i>Daira</i>), and Commune (cities).
TRANSLITERATION SYSTEM	Standard Arabic Technical Transliteration System (SATTS) is a U.S. Military system of converting Arabic letters to the Latin alphabet.
LANGUAGES	Official Language: Arabic Indigenous Language: Berber (<i>Kabyle</i> and <i>Chaouia</i> dialects). French ceased to be the official language in January 1991, however the official gazette continues to publish a French version.

CONSTITUTION

OFFICIAL NAME	“The Constitution of the People's Democratic Republic of Algeria.” <i>Constitution de la République Algérienne Démocratique et Populaire.</i>
ENACTMENT	Adopted: November 22, 1976. Revised Constitution Approved: November 28, 1996.
CITATION FORMAT	CONSTITUTION DE LA RÉPUBLIQUE ALGÉRIENNE DÉMOCRATIQUE ET POPULAIRE [Constitution] ch. x, art. x, cl. x (Alg.).
<i>Example</i>	CONSTITUTION DE LA RÉPUBLIQUE ALGÉRIENNE DÉMOCRATIQUE ET POPULAIRE [Constitution] ch II, art. 6, cl. 1 (Alg.).

STATUTES**GOVERNMENT
STRUCTURE**

The executive branch consists of the Algerian president and the prime minister, who serves as head of government. The legislative branch is organized as a bicameral parliament. The judicial power lies in an independent judiciary. Additionally, there are two advisory authorities: the High Islamic Council, composed of fifteen members who deal in religious matters, and the High Security Council, which reports on issues of national security.

**LEGISLATIVE
PROCESS**

The Algerian Parliament, comprised of two houses, writes and then votes on legislation.

The lower chamber is National People's Assembly (*Assemblée Populaire Nationale* - "APN"). It has 389 members, elected every five years. The upper chamber is the Council of the Nation (*Le Conseil de la nation*), and consists of 144 members who serve 6 year terms. 2/3 of *Le Conseil* are elected by regional and local authorities, and the remaining 1/3 are appointed by the president.

The Parliament legislates in Constitutionally proscribed areas such as rights, duties, freedoms, obligations of citizens, family law, nationality, jurisdiction and legal organization, criminal law, civil procedure, property, budget, taxes, currency, education and research, public health and population, labor and commercial law, and the environment. Laws are adopted by absolute majority of the APN and by ¾ members of the Council of the Nation and then submitted to the Constitutional Council (*Le conseil constitutionnel*) for constitutional review before promulgation.

The Constitutional Council is made up of nine members (3 - appointed by the president; 2 - elected officials by the APN; 2 - elected officials by the Council of the Nation; 1 - elected official by the Supreme Court; 1 - elected official by Council of the State).

REPORTERS

Revue algérienne tunisienne et marocain de législation et de jurisprudence. T. 1-76 (1885 -1960).

(1960-1964 unavailable)

Continued by: *Revue algérienne des sciences juridiques, économiques et politiques*. Vol. 1 (1964) - Present

Alger, *Institut de droit, des sciences politiques et administratives*, 1964 - (commencing with 1986, contents in French or Arabic).

Annuaire de la justice. 1965-1970. Alger, *Ministère de la Justice*, 1965-1970.

Code de l'état civil - 1ère édition, office national des travaux éducatifs, 2000 - Present. Alger, *Ministère de la Justice*.

Journal officiel de l'Algérie. 1927-1958 (issued in parts, Arabic edition published 1945-1958).

Continued by: *Recueil des actes administratifs de la Délégation générale du gouvernement en l'Algérie* 1958-1962.

Succeeded by: *Journal officiel de l'État algérien*.

Continued by: "Official Journal of the People's Democratic Republic of Algeria." JORADP - *Journal officiel de la République algérienne démocratique et populaire*. 1962 – Present (also published in Arabic)

CITATION FORMAT

Codes: <Code> art. <article number> (<year of version only if version is no longer in force>) (Alg.). <"Common Name".>

Statutes: Law No. <law number> (<effective year>) (Alg.). <"Common Name".>

Decrees: Legislative/Executive decree No. <decree number> (<effective year>) (Alg.). <"Common Name".>

Examples

Codes: Civil Code art. 756 (2003) (Alg.).

Statutes: Law No. 88-14 (3 May, 1988) (Alg.).

Decrees: Legislative decree No. 93-03 (1 Mar. 1993) (Alg.).

Lapanne-Joinville, J. "Le régime des eaux en droit musulman (rite malékite)". *Revue Algérienne Tunisienne et Marocaine de Législation et Jurisprudence*, 72 (1956) 12-61, 63-90.

ADMINISTRATIVE REGULATIONS

ADMINISTRATIVE SOURCES

Pursuant to Part Two, chap. I, art. 79-87 of the Algerian constitution, the President appoints a Prime Minister to head the government. The Prime Minister presides over a Council of Government, who are recommended by the Prime Minister and officially appointed by the President. The Prime Minister's duties include distributing duties among the members of government, executing laws and rules, and signing executive decrees. There is no constitutional term limit for the Prime Minister.

REPORTER

Studies of Algerian Public Law, Ahmed Mahiou, University Publications Office, Algiers, 1984.

La Revue IDARA.

CITATION FORMAT

Title. In Revue IDARA – CDRA – Alger – Mo. Year. Author. Mo. Year.

Example

Algérie : Les effets économiques de l'ajustement structurel. In Revue IDARA - CDRA - Alger - Déc. 1998. F. EBERT - Oct. 1997.

CODES

BERTI CODES	Private publishers publish codes in book or CD-Rom format: BERTI Codes <ol style="list-style-type: none">1. <i>Algerian Civil Law Code</i>, book and CD-ROM.2. <i>Algerian Civil Procedure</i>, book and CD-ROM.3. <i>Algerian Criminal Code</i>, book and CD-ROM.4. <i>Algerian Criminal Procedure Code</i>, book and CD-ROM.5. <i>Algerian Customs Code</i>, book and CD-ROM.6. <i>Algerian Commercial Code</i>, book and CD-ROM.
UNIVERSITY PUBLICATIONS OFFICE	<ol style="list-style-type: none">1. <i>Algerian Criminal Code</i>.2. <i>Algerian Civil Procedure Code</i>.3. <i>Code of the Marital Status</i>.

CASE LAW

JUDICIAL OVERVIEW	The Algerian Constitution provides for an independent judiciary. The Algerian dual-tiered judiciary is comprised of regular and administrative judiciaries. The Supreme Court is the highest court and presides over lower courts and 48 tribunals (appellate courts). The State Council, when joined with the High Court of Appeal, functions as the Supreme Court. The State Council was created by Organic law of May 30, 1998 to regulate administrative jurisdiction by acting both as a judiciary and consultative body. Algeria also has a constitutionally mandated Court of Auditors that oversees compliance with state budget and financial management issues.
REPORTER	None. Case law is not a direct source of Algerian law. Until 1975, the courts looked to French jurisprudence for guidance. <i>Revue de la Cour Suprême</i> .

CITATION FORMAT There is no official legal citation in French Law. Private and public editors have their own systems and their own abbreviations.

Examples “Relating to the Constitutionality of the Law.” Opinion n° 12/A.L/CC/01 of 18 *Shawwal* 1421 corresponding to 13 January 2001.

“Bearing the results of the Election of half of the elected members of the Council of Nation.” Announcement n° 01-P-CC-01 of 6 *Shawwal* 1421 corresponding to 1 January 2001.

SOURCES

CIA World – the World Factbook:
<http://www.cia.gov/cia/publications/factbook/geos/ag.html>.

Algerian Law Guide:
<http://www.llrx.com/features/algerian.htm>

Standard Arabic Technical Transliteration System
<http://www.websters-online-dictionary.org/Ar/Arabic.html>

U.S. Library of Congress:
<http://countrystudies.us/algeria/52.htm>

National People's Assembly:
<http://www.apn-dz.org/apn/english/>

Foreign Law: Current Sources of Codes and Legislations in Jurisdictions of the World, Thomas Reynolds & Arturo Flores (2004).

General Secretariat of Government:
<http://www.joradp.dz/HEN/Index.htm>.

Cumulative Index of Industrial Property Laws and Treaties:
http://www.wipo.int/cfdiplaw/en/laws_treaties/cumindex/doc/indexip.doc

Algeria Constitution:

http://www.oefre.unibe.ch/law/icl/ag00000_.html

Governments on the WWW:

<http://www.gksoft.com/govt/en/dz.html>

Services du chef du gouvernement:

<http://www.cg.gov.dz/francais.htm>

Ecole Nationale D'Administration:

<http://www.cerist.dz/ena/>

Centre de recherche en economie appliquee pour le developpement:

<http://www.cread.edu.dz/cread/cherch/asso.php?page=125>

European Institute for Research on Mediterranean and Euro-Arab Cooperation (MEDEA):

<http://www.medeabe.be/index.html?page=2&lang=en&doc=12>

National Report on the State of the Judiciary in the Algerian Republic:

<http://www.arabgov-initiative.org/publications/judiciary/countries/algeria-e.pdf>

Researching French Law:

<http://www.llrx.com/features/french.htm#Case>

The Algerian Constitutional Jurisprudence:

<http://www.conseilconstitutionnel-dz.org/Anglish/indexAng.htm>

The Water Right in Al-Andalus: Theory and Foundations

http://www.webislam.com/numeros/2004/246/temas/derecho_aguas_alandalus.htm

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