The Effectiveness of Legal and Political Reforms in Algeria and Tunisia after the Wave of Arab Spring Revolutions

مدى فعالية الإصلاحات القانونية والسياسية في الجزائر وتونس بعد موجة ثورات الربيع العربي

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الملخص:

الإصلاح السياسي يقصد به اصلاح الدولة وبقية الفاعلين الرئيسيين في الحقل السياسي، والإصلاح الدستوري جزء من الإصلاح السياسي الشامل، والدعوة للإصلاح في الجزائر وتونس جاءت استجابة للضغوطات التي تعرضت لها مختلف الأنظمة السياسية في هذه الدول، وبسبب الصراع حول السلطة وتنامي المطالب الشعبية خاصة ما يتعلق منها بمحاربة الفساد ورفع المستوى المعيشي وتوسيع المشاركة السياسية سواء على مستوى الانتخابات أو على مستوى اتخاذ القرار السياسي.

نحاول من خلال هذه الدراسة استعراض الخطوط العريضة للإصلاحات الدستورية والقانونية والسياسية التي اعتمدت في كل من الجزائر وتونس بعد ثورات بعض الدول العربية لعام 2011، وهذا بالتعرض لسياق ومضامين مختلف القوانين العضوية المستحدثة والتعديلات الدستورية المصادق عليها، وتقديم رؤية تحليلية ونقدية تشمل إيجابيات ونقائص هذه الإصلاحات، لان الإرادة والثقافة السياسية الحقيقية لدى كل الفاعلين السياسيين في الدولتين محل الدراسة، الجزائر وتونس هو الضمان الوحيد لإنجاح أي إصلاحات كانت.

الكلمات المفتاحية: الإصلاحات الدستورية، الإصلاحات السياسية، الإرادة السياسية، الثورات العربية، الفاعلون السياسيون.

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Abstract:

Political reform refers to the reform of the state and the other main actors in the political field. Constitutional reform is part of a broader, comprehensive political reform. The call for reform in Algeria and Tunisia came as a response to the pressures faced by the various political regimes in these countries.

Through this study, we review the broad lines of the constitutional, legal, and political reforms adopted in Algeria and Tunisia after the 2011 uprisings in some Arab states. We address the context and content of the newly introduced organic laws and the constitutional amendments that were approved, and we offer an analytical and critical reading that covers the positives and the shortcomings of these reforms because the genuine political will and political culture of all political actors in the two states under study, Algeria and Tunisia, is the only guarantee for the success of any reforms whatsoever.

Key words: Constitutional reforms, political reforms, political will, the Arab revolutions, political actors.

Introduction:

The reform initiatives pursued by Algeria and Tunisia did not come voluntarily; they were largely imposed by the great popular uprisings that some Arab states witnessed and their consequences. In this context, the leaders of both regimes agreed on the need to adopt political, constitutional, and legal reforms, but the method differed. In Algeria, reforms were chosen at the level of ordinary and organic laws on parties, associations, and elections ending with an amendment of the Constitution; in Tunisia, constitutional reforms were chosen, striking the system at its core.

The call for reform in Algeria and Tunisia came in response to the pressures faced by the political regimes in these states, to the struggle for power, and to the growth of popular demands especially demands to fight corruption, raise the standard of living, and expand political participation both at the level of elections and at the level of political decision-making.

Recognizing the danger that could affect the political system and its internal stability, the political authorities undertook various political and constitutional reforms in Algeria and Morocco; in Tunisia, by contrast, there was an actual popular revolution in which the people explicitly demanded the overthrow not the reform of the regime, with calls for radical change at all levels, foremost among them the drafting of a new constitution.

In Algeria, President Abdelaziz Bouteflika, in his address of 15 April 2011, announced the initiative to launch political and legal reforms[1]. Indeed, there were amendments legal and constitutional in these states, in line with the demands of the people and of active social groups. Reforms touched the laws on elections, political parties, the media, women's political representation, the three branches of government (executive, legislative, and judicial), and consultative bodies. These reforms and political transformations sparked real debate about their scope and extent, especially with regard to the future of state-building.

In truth, these reforms aimed to re-found these states on new bases and to rebuild these societies' value and cultural systems, in response to new imperatives resulting from the political, economic, and social transformations unfolding in the Maghreb. There was intense debate about contested concepts such as the civil state, the religious state, and the secular state; the source of the problem the relationship between religion and politics remains unresolved in many contemporary societies that have not settled their choices or their final position on this question. The core problem posed by this study is therefore as follows:

Did these reforms embody the real aspirations of the Algerian and Tunisian peoples, or were they merely tactical steps dictated by local and international circumstances that would be set aside once calm returned ?

Accordingly, we divided this study into two parts. In Axis I we address: legal and political reforms and the impact of the wave of Arab Spring revolutions upon them; in Axis II we address: the quasi-effective initiative of legal and political reforms.

1-Legal and Political Reforms and the Impact of the Wave of Arab Spring Revolutions:

Since the beginning of 2011, Algeria and Tunisia have undergone many changes and developments that led to the adoption of new and profound political reforms whether concerning the revision of the organic laws that organize political life as a whole, or the revision of the supreme law of the state, the Constitution in order to entrench genuine democracy. Both countries reached acute political and economic deadlock, expressed clearly by violent protests in Algeria on 5 January 2011 in various regions, and by the sweeping revolution in Tunisia that overthrew President Zine El Abidine Ben Ali in pursuit of comprehensive change as the sole, non-negotiable demand. We discuss this in the following two points.

1.1-The Conceptual Framework of Legal and Political Reforms:

Legal reform is part of the comprehensive political reform that states need. By political reform we mean reform of the state and of the principal actors in the political field political parties, trade unions, and other stakeholders who tangibly influence social choices and social dynamics, such as civil society. Although constitutional reform is one component of comprehensive reform, its importance in Algeria and Tunisia lies in the gaps and shortcomings from which the constitutional text suffers, as these have translated into and entrenched imbalances in relations among the branches of power. These reforms have contributed to establishing good governance based on democratic participation, the rule of law, transparency, and accountability. Reform falls upon all political forces that aim to contribute to a reform process capable of enabling the two states to achieve their democratic transition.

In Algeria amid political tension, internal developments, and increasing popular demands for change at the regional and international levels, all converging on the need to entrench democracy and transparency in the political sphere the authorities undertook many legal reforms such as the Political Parties Law, the Elections Law, and the Associations Law,

as well as constitutional amendments such as the 2016 amendment and the 2020 amendment. These embodied Algeria's direction toward political opening, the consolidation of democracy, and the enhancement of the rule of law and good governance.

Since President Bouteflika's assumption of office in April 1999, he initiated a package of reforms: in the security sphere through the policies of Civil Concord and National Reconciliation; in the economic sphere through restructuring the national economy; and in the political sphere through constitutional reforms amendments in 2016 and 2020.

With the revolution in Tunisia and in other Arab countries, some Algerian provinces witnessed violent events; all this culminated in the President's official address to the nation on 15 April 2011, in which he announced that Algeria was entering a stage of preparing new and comprehensive political reform whose major axes were the revision of the laws on elections, parties, wilayas, and associations; support for the audiovisual sector; decriminalization of press offenses; combating corruption; and attention to public and private economic institutions.

One may say that the President's address introduced new values: entrenching representative democracy, the core values of Algeria, and the attempt to achieve security and political stability. But despite the reforms that the Algerian state initiated, which were the result of a political crisis, they remained far from the people's aspirations. In truth, there was no change in the political system; conditions remained as they were namely, the strengthening of the executive authority over the other branches. The Algerian political system still revolves around the institution of the Presidency of the Republic, which controls all constitutional institutions, including the legislature.

In Tunisia, the Constitution of 27 January 2014 enacted following the revolution of 17 December 2010 to 14 January 2011 was marked by the particular circumstances that accompanied its drafting and adoption, and by content that reflected the severity of the political and intellectual struggles and polarizations that prevailed within the National Constituent Assembly[2].

The system established by the 2014 Constitution is hybrid: it is neither parliamentary nor presidential. The Tunisian constituent's principal concern was to break with the prior presidential system in its form, placing the government under the absolute control of the Assembly of the People's Representatives, and creating an imbalance between the Presidency of the Republic and the Head of Government. The division of powers between the two heads of the executive in the 2014 Constitution makes the risk of crises between them real, especially if they come from different political families. Practice has shown that the possibility of conflict between the two is present even if the President and the Head of Government belong to the same political family or even the same party.

From the reforms adopted in Algeria and Tunisia, we can discern signs of movement toward the better; yet they are insufficient to produce genuine change. In particular, Algeria's political arena contains large gaps that require real remedies. Changing legal texts alone is not sufficient to entrench reform, despite the importance accorded to the legislator's role and the freedom of action entrusted to it.

1.2-The Arab Spring Revolutions and Their Impact on Algeria and Tunisia:

If "revolution" formerly meant discontent, anger, revolt, and resistance to oppression leading to changes in the political regime today it has come to mean radical change in the social, political, and economic order. Legally, revolution means replacing an old foundational legal idea with a new one at the base of the legal system ending the old legal system, which no longer suits societal development, and replacing it with a new legal system. Revolutions always issue from the people; they aim to establish a new order more compatible with the development of society. They are not merely physical events but legal efforts to introduce change into social life[3]. In French usage, "Révolution "denotes the sudden movement and abrupt change of political, social, or economic regimes in state[4].

The term "Arab Spring" refers to large, peaceful protest movements in a number of Arab states at the end of 2010 beginning in Tunisia, where the regime fell within days and spreading to Egypt, Algeria, Libya, Syria, and others across the Middle East and North Africa. The uprisings' causes and demands differed from country to country and their effects continue to this day, but all shared the demand to overthrow the existing regime and replace it with a new one.

In Algeria, the Arab Spring had an effect, and the various reforms undertaken by the system attest to this. But one obstacle to political reforms in Algeria is the focus on traditional, formal institutions while neglecting the role of informal actors. Reforming formal structures and legal procedures while neglecting dynamic, interactive elements leads to obscuring the political, social, and economic realities that characterize Algeria, like other developing countries[5].

Protests in Algeria lasted from 28 December 2010 to 10 January 2012. Their causes were unemployment and poverty, high cost of living, lack of housing, the spread of corruption, and especially restrictions on freedom of expression with demands for political reforms.

There was also the phenomenon of the Hirak popular movement protests that broke out on 22 February 2019 in most Algerian cities. Among its results: postponement of the presidential elections scheduled for 18 April; the President's call to form a technocratic government to run state affairs and to conduct an inclusive dialogue before elections; the election of Mr. Abdelmadjid Tebboune as President of the Republic; and the decision to make 22 February a date that coincides with the first anniversary of the Hirak a national day on which official celebrations are held, and to consider it a day of cohesion between people and army in order to entrench democratic principles.

In Tunisia, the path was an original, distinctive, and largely peaceful revolutionary process citizens without leadership or prior planning. From Mohamed Bouazizi's self-immolation onward, the democratic demand justice and equality before the law remained constant. The revolution sought to entrench constitutional democracy: popular sovereignty; free elections; genuine representation of the general will; separation of powers; and constitutional guarantees for public and private rights and freedoms. Important changes followed: the departure of President Ben Ali; free elections to the National Constituent

Assembly; and guarantees for freedoms, including freedom of expression and freedom of the press.

But because the revolution lacked leadership and robust arbitration, organizational fragmentation ensued. Authoritarian rule fell, but its social, cultural, and psychological structures persisted. The revolution in Tunisia was necessary to entrench popular sovereignty, secure rights, build the desired democracy, constrain the ruler, and ensure respect for rights and freedoms but it was not sufficient by itself to immunize Tunisian society against a return to authoritarianism[6].

What was observed in Tunisia is the persistence of tensions between mere "reform" and total change despite all political and other actors' claims to defend the revolution. Legal technocracy approached the transition and constitution-making with a technical mindset that severed political decision-making from social demands, reducing law to a formal obligation and, at times, a cover for authoritarian practices. The gulf widened between civil society and the political sphere; "fake" civil society was used to serve partisan power agendas; partisan interests were prioritized over the national interest, especially among ruling parties; law was treated as an instrument of influence; and there was no coherent founding process grounded in the idea of just law and a political commitment to democracy. The struggle among political forces often concerned positions of power more than the revolution's aims of freedom and democracy.

2-A Quasi-Effective Initiative of Legal and Political Reforms:

Constitutional and legal reforms are part of comprehensive political reform. The shortcomings and gaps in the constitutions and statutes of both countries hindered the establishment of good governance based on democratic participation, the rule of law, transparency, and accountability leading to negative consequences such as the spread of corruption, bribery, influence-peddling, and violations of human rights[7].

2.1-Constitutional Reforms:

Political reform at the constitutional level is a fundamental stage for setting the basic rules of the state's structure, the authority, and its tasks and competences. While constitutional revision is an opportunity for reform, appropriate legal and regulatory implementation is a condition for the success of reform and for moving from contemplation to reality.

In Algeria, since assuming office in 1999, the President repeatedly expressed his desire to introduce a fundamental amendment to the Constitution[8]. Talk of constitutional reform intensified from 2011, anchored in the President's April 2011 address. As for drafting the amendment, the opposition led by the Socialist Forces Front renewed its call to establish a National Constituent Council that would include all political forces, charged with drafting the constitution, approving it, and submitting it to a popular referendum. Parties of the presidential alliance objected to that and proposed that it be drafted by a technical committee made up of constitutional-law experts and political figures, and then submitted to the people for approval. The Council of Ministers' statement of 2 May 2011 settled the matter, adopting the committee approach, and the President appointed its members, who were to consider proposals submitted by political parties and public figures.

The current Prime Minister affirmed that the draft would be approved by popular referendum[9]. Many questions arose around the forthcoming amendment: Would the balance among branches be reconsidered? What about presidential term limits would the principle of alternation in power be observed? Would the Prime Minister's powers be expanded somewhat, compared to those granted to the President, thereby tempering reinforcement of the Presidency? Would the legislature be granted broad powers? All these questions were expected to be taken into account in drafting the forthcoming constitutional text.

Ultimately, a constitutional amendment was adopted in 2016 five years after the Arab Spring uprisings. The constituent sought to introduce reforms across many areas, but the most important outcome was the dominance of the President over many constitutional powers, making him the axis of the political system in ordinary and extraordinary circumstances alike [10].

A further constitutional amendment was adopted in 2020, and remains in force to this day, in order to keep pace with developments nine years after the Arab Spring and four years after the 2016 revision. The most important innovations in the 2020 amendment were: principles governing Algerian society; reorganization of powers; and, at the level of oversight institutions, the creation for the first time of a Constitutional Court to replace the Constitutional Council, charged with ensuring respect for the Constitution and granted many competences to review laws, regulations, and treaties; to interpret one or more constitutional provisions; and to hear and decide challenges concerning presidential and legislative elections and referendums.

The amendment also created the Independent National Election Authority; the High Authority for Transparency, Prevention and Combating Corruption; and, among advisory bodies, the National Observatory of Civil Society; as well as other changes concerning the relationship between the President and the Prime Minister/Head of Government, and other modifications we cannot enumerate in this paper.

In Tunisia, a draft constitution was prepared in 2011 to reflect the principles and goals of the revolution: to build a participatory, republican, civil state grounded in institutions; to achieve popular sovereignty; to ensure alternation in power through free and fair elections; to establish the separation and balance of powers; to ensure administrative neutrality and good governance; to respect human rights and public and private freedoms; and to entrench the independence of the judiciary. As of 2013 it had not yet been approved.

With respect to the executive, the President is elected by the people and enjoys immunity from prosecution during his term; appointments and dismissals in senior military and security positions and in public institutions under the Ministry of Defense require the opinion of the competent parliamentary committee and failure to issue an opinion within the prescribed period is deemed implicit approval. Foreign policy is set in consultation and agreement between the President and the Head of Government; the President accredits diplomatic representatives abroad upon the Head of Government's proposal.

As for the legislature, the bicameral system created under the 2002 Constitution was abolished in favor of a unicameral parliament the Assembly of the People's Representatives.

With respect to the judiciary, the Supreme Judicial Council ensures the proper functioning and independence of the judiciary; proposes reforms; opines on draft laws concerning the judiciary; and decides on judges' careers and discipline through specialized councils (judicial, administrative, and financial).

A Constitutional Court replaced the previous Constitutional Council, composed of twelve members and competent to: review bills submitted by the President prior to promulgation; declare a presidential vacancy; resolve jurisdictional disputes between the legislative and executive branches and between the President and the Head of Government; try the President for grave constitutional violations or treason; and hear direct challenges by individuals to final judgments that violate constitutional rights and freedoms and have not previously been reviewed by the Constitutional Court after exhaustion of all remedies.

The Constitution of 27 January 2014 was eventually enacted, but it struggled to define the executive and legislative branches' respective powers. Overlapping, ambiguous, and complex provisions governing power-sharing produced a lack of clarity and balance between the two branches—and even within the executive itself, in the relationship between the Prime Minister and the President. Cohabitation remained subject to political balances and to the results of parliamentary and presidential elections, which led to governmental paralysis; the government found itself under double pressure from Parliament and from the President.

Ambiguity, overlap, and at times disorderly distribution of competences; failure to achieve the aim of parliamentary oversight of the government; and other factors led to the weakness of successive governments from the revolution until the end of the 2014 Constitution's application. One may say that the Tunisian political system under the 2014 Constitution was hybrid and reactive, lacking a clear vision for balanced relations among the branches—and even within the same branch.

Hence the question: Did the 25 July 2022 Constitution establish a stable political system that ensures, on the one hand, a balanced distribution of powers among the branches and, on the other, effective mechanisms of mutual oversight without preventing each branch from exercising its constitutional prerogatives? In our view, the 2022 Constitution embraced a presidential system [11] reacting to the parliamentary tendencies in practice under the 2014 Constitution. It strengthened the President's legal position by expanding and reinforcing his powers and by marginalizing the second center of executive power the government; it addressed the President's judicial immunity; and it reduced political accountability: the President is not politically accountable to the people (there are no legal mechanisms enabling popular accountability), and he is not accountable to Parliament[12].

2.2-Legal and Political Reforms:

Under the prevailing circumstances in the Arab world generally and in the Maghreb in particular heads of state announced sweeping reforms. Algeria and Tunisia have seen successive constitutional revisions across the past two decades that included political reforms.

In Algeria, within the package of political and legal reforms announced in the President's April 2011 address, Organic Law 12-04 organizes political parties[13]. It provides

more administrative and legal safeguards than the prior law, but retains lengthy procedures and numerous conditions for founding a party. It includes criminal provisions applicable to founding members, undermining their freedom to conduct party activity; imposes strict financial rules on party funding; and sets out in detail the objectives, principles, and foundations any party must respect, which the legislator defines precisely. Critics describe it as repressive[14].

Organic Law 12-03 of 12 January 2012 concerning the modalities for expanding women's opportunities for representation in elected assemblies introduced the quota system in Algeria for the first time. Some view it as a positive and necessary step to entrench stronger participation by women in political life; others see quotas as belittling women who have repeatedly proven capable of competition and consider the law merely an electoral decoration. In rural areas, political groupings struggle to meet the thresholds, because women do not engage in politics for many reasons, among them social attitudes. In our view, the law contains positive measures for women by imposing a non-waivable minimum share for women's representation in elected councils municipal, provincial, and the National People's Assembly though it does not address the Council of the Nation or senior administrative posts.

In the media field given the importance of the media and its central role in dynamism, change, and the entrenchment of national identity and unity within a framework of professional ethics, and in order to revive journalism and allow wider space for activity reform was necessary. The field was organized by Organic Law 12-05 of 12 January 2012. The new law allowed the creation of private television and radio stations ending the state's audiovisual monopoly and eliminated imprisonment for journalists, as the President had announced. That is a step forward, but high fines remain and do not guarantee freedom.

Although the law allows for independent radio and satellite channels, numerous controls render the new channels not truly independent especially with the proposed creation of an authority to regulate the audiovisual sector and the requirement to obtain prior authorization from the authorities. Meanwhile, issuing a private newspaper requires approval from the regulatory authority for the written press.

The law further provides that media employees may work freely, but must respect "Islam and other religions," the "national identity and the cultural values of society," "the needs of state security and national defense," "public order," and "the country's economic interests."

The law imposes additional restrictions on media ownership and management for example, the director of any periodical must have at least ten years' experience working for periodicals, a condition not found in the prior 1990 law. The new law prohibits coverage that could harm foreign policy or economic interests, and also prohibits coverage that would prejudice the secrecy of judicial investigations.

As for associations, they are organized by Organic Law 12-06 of 12 January 2012[15]. Founding an association requires filing a formation declaration, receiving a registration receipt, and filing the declaration with the municipal people's council (for municipal

associations), the wilaya (for provincial associations), or the Ministry of the Interior (for national or inter-wilaya associations). An association's activities may be suspended or the association dissolved for "interference in the country's internal affairs" or for "harming national sovereignty" broad grounds that seriously restrict civil society's work.

In Tunisia, post-revolution legal and political reforms included Decree-Law No. 6 of 18 February 2011 creating the High Authority for the Achievement of the Revolution's Objectives, Political Reform, and Democratic Transition. The Authority studies legislation related to political organization[16]; proposes reforms; coordinates with the Prime Minister; reports to the President and the Prime Minister; and comprises a president (appointed by decree from among nationally recognized, independent figures known for competence in law and politics), a vice president (chosen from political figures and civil-society components participating in the Authority), and a council of national political figures and representatives of parties, bodies, organizations, and associations from civil society who participated in or supported the revolution (appointed by decision of the Prime Minister upon proposals from the relevant structures).

Its tasks include setting policy directions to align political legislation with the requirements of the democratic transition, proposing what it deems appropriate to ensure continuity of public services, monitoring implementation of its proposals in coordination with the Prime Minister to achieve the revolution's objectives, and presenting its work in the form of a report to the President and the Prime Minister.

Decree-Law No. 14 of 23 March 2011 on the provisional organization of public authorities provided for organizing the authorities on an interim basis after the constitutional court declared the presidency vacant on 14 January 2011. It dissolved the Chamber of Deputies, the Chamber of Advisors, the Constitutional Council, and the Economic and Social Council; defined the three branches; and regulated temporary vacancies in the offices of President and of Prime Minister. The interim President was barred from running for any office after adoption of a new constitution; neither the interim Prime Minister nor any minister could run for the National Constituent Assembly.

In the field of media, Decree-Law No. 115 of 2 November 2011 on freedom of the press, printing, and publishing guarantees freedom of expression in accordance with the ICCPR; ensures the free circulation of information and ideas without discriminatory access or censorship; and prohibits restrictions that impede the free flow of information, block equal opportunities among media institutions to obtain information, or would undermine citizens' right to free, pluralist, and transparent information.

Also in media, Decree-Law No. 10 of 2 March 2011 established a National Authority for Media Reform tasked with proposing reforms; assessing the media landscape; proposing frameworks to align media institutions with the revolution's aims; protecting the right to a free, pluralist, and fair media; drafting required legislation; and opining on licenses for radio and television channels.

With respect to political parties, Decree-Law No. 87 of 24 September 2011 on political party guarantees freedom to form parties and prohibits reliance, in party statutes, statements,

programs, or activities, on calls to violence, hatred, bigotry, or discrimination on religious, gender-based, or regional grounds. It prohibits public authorities from obstructing party activity directly or indirectly. The Prime Minister may refuse to register a party if its basic statutes contravene the decree's core principles. As for associations, Decree-Law No. 88 of the same date organizes them on a declaration basis: notice is sent to the Secretary-General of the Government; dissolution may be voluntary (by decision of members) or judicial (by court ruling).

In the area of combating corruption and bribery, Decree-Law No. 7 of 18 February 2011 created the National Commission of Enquiry into Corruption and Bribery an independent public body mandated to set its basic work directions and future anti-corruption strategies, uncover facts about corruption and bribery committed by any natural or legal, public or private person or group of persons by virtue of their position in the state or administration or due to kinship, marriage, or any other relationship with officials; to issue a report to the President containing its findings and proposals; and to publish its final report and other reports.

In the same framework, Decree-Law No. 8 of 18 February 2011 created the National Commission of Enquiry into violations committed during the period from 17 December 2010 until their cessation to gather information and documents relating to violations in that period; receive complaints of citizens who were victims (directly or through family members); and access all administrative or private documents related to the facts under investigation.

Regarding women's political representation: women's participation in political life lies at the heart of democratic development, development policy, and national and regional security, and of the necessary interaction between the issue of women and the process of developing society as a whole[17]. Tunisia early recognized this imperative: advancing women has long been central, and women's rights principles have been incorporated into the constitution. Tunisia works to raise women's share on party lists in elections; women constitute around 30 percent of members of various associations and national and professional organizations.

Tracking these reforms reveals several imbalances: the failure to publish the reports of political consultations involving most political forces and civil-society movements had a negative impact on the announced results; the administration continued to shape political life (including organization of elections); authorization of new parties was delayed pending the issuance of new law; and the Ministry of the Interior retained influence over party registration.

Conclusion:

Reforms come in response to recognized deficiencies and therefore aim to correct them and reduce their effects. In both countries, reforms were the authorities' reaction to the protests and revolutions that swept the Arab world generally and the Maghreb in particular, in a global context of profound change. Despite the seriousness that accompanied efforts to implement these reforms in reality, many researchers and observers judged that they suffer from many shortcomings: change is not achieved by changing laws alone; it requires

rethinking mindsets and political culture, and any reform must be based on social consensus to be effective[18].

These reforms have been quasi-effective: they attempted to extinguish protests but did not resolve all economic, social, and political problems. Even with new laws, these states continue to witness different protests and sectoral disruptions especially in Algeria indicating [19] limited effectiveness. Instead of responding to the opening that the heads of state promised in their political speeches, the new laws showed retrenchment in guaranteeing public rights and freedoms; procedural complexities and exacting conditions remain in force across various freedoms forming political parties, creating associations, and media freedom.

Thus, although these reforms reflect good intentions on the part of the authorities, they remain far from providing effective guarantees for the exercise of different freedoms. Even where new safeguards exist in the laws, arbitrary practices—especially by the executive and the administration—often undermine them.

Recommandations:

- Restructure relations between state and society on the basis of solid institutions, and strengthen institutional and legislative frameworks with legal tools compatible with the requirements of the modern state.
- Give democratic reform a social and cultural content, and restore the role of the intellectual elite—because democratic reform requires guidance, freeing of mindsets, and enlightening political actors.
- Assign supervision over and licensing of political parties to an independent, neutral authority, rather than the executive branch.
- Dismantle overlap between state organs and ruling parties by enacting legislation that guarantees this and ensures equal opportunities among competing parties.
- Guarantee freedom of association as part of civil society; lift all restrictions on its formation, activity, funding, and forms of oversight.
- Expand journalists' freedoms and guarantee media freedom by easing legal constraints and defending citizens' right to free, pluralist media; lift all forms of censorship of media outlets.
- Cleanse state organs of corruption, bribery, abuse of influence, and money laundering; anti-corruption bodies must be independent of the executive in order to carry out their missions neutrally, impartially, and effectively.
- Broaden accountability of senior officials in the state and strengthen oversight of public spending.

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