

Legal Nature of Constitutional Decisions in Algerian Constitutional Jurisprudence

الطبيعة القانونية للقرار الدستوري في القضاء الدستوري الجزائري

Mohammed Benzahra¹, Fatiha Aouissat²

¹ Ahmed Salhi University Center of Naâma (Algeria), benzahra.mohammed@cuniv-naama.dz,
Laboratory of Constitutional Justice and the Protection of Rights and Freedoms

² Ahmed Salhi University Center of Naâma (Algeria), aouissat.fatiha@cuniv-naama.dz,
Laboratory of Constitutional Justice and the Protection of Rights and Freedoms

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Abstract :

This article undertakes an analytical study of the legal nature of constitutional decisions issued by the Constitutional Judiciary in Algeria, particularly following the establishment of the Constitutional Court under the 2020 constitutional amendment, which replaced the Constitutional Council. The article highlights that the constitutional decision possesses an inherently judicial nature in both form and substance, as it is characterized by its binding force, legal supremacy, and finality, and is issued by an independent body tasked with safeguarding the supremacy of the Constitution through well-defined judicial procedures. Nevertheless, the constitutional decision often intersects with politically sensitive matters such as resolving conflicts between state powers or reviewing the constitutionality of contentious legislative texts thus endowing it with a complex legal-political character. The article sheds light on the specific nature of the Algerian constitutional decision as a tool for regulating inter-institutional relationships, maintaining constitutional balance, and reinforcing constitutional legitimacy. It emphasizes the necessity of framing such decisions within objective standards that ensure the independence and effectiveness of the constitutional judiciary in protecting rights and freedoms, while also fostering public trust in state institutions. This study is structured into two main parts : the first examines the concept of the constitutional decision by exploring its definition, types, and essential features; the second addresses its legal nature and classification within the Algerian constitutional system.

Keywords : Constitutional Decision - Constitutional Judiciary -Constitutional Court - Constitutional Council

ملخص:

يتناول هذا المقال الطبيعة القانونية للقرار الصادر عن القضاء الدستوري في الجزائر خاصة بعد استحداث المحكمة الدستورية بموجب التعديل الدستوري لسنة 2020 بدلا من المجلس الدستوري ويبرز بأن القرار الدستوري يتمتع بطبيعة قضائية أصلية من حيث الشكل والمضمون لما يتسم به من إلزامية

وعلوية قانونية ونهائية وباعتباره صادر عن هيئة مستقلة تُعنى بحماية سمو الدستور وارتباطه بإجراءات قضائية واضحة ومع ذلك فإن تداخله مع موضوعات ذات طبيعة سياسية كالفصل في نزاعات السلطات أو الرقابة على النصوص التشريعية الحساسة يكسبه طابعا قانونيا سياسيا مركبا ويسلط الضوء على خصوصية القرار كأداة لضبط العلاقة بين السلطات وتحقيق التوازن الدستوري وتعزيز الشرعية الدستورية مع التأكيد على ضرورة تأطيره بمعايير موضوعية تضمن استقلال القضاء الدستوري وفعاليته في حماية الحقوق والحريات وسندرس المقال في محورين حيث نتطرق في المحور الأول لمفهوم القرار الدستوري بتعريفه ومعرفة أنواعه وخصائصه وفي المحور الثاني نتطرق للطبيعة القانونية للقرار

الكلمات المفتاحية: القرار الدستوري. القضاء الدستوري - المحكمة الدستورية - المجلس الدستوري.

Introduction

The constitutional decision is one of the most prominent outputs of constitutional justice, given its direct impact on the legal and political system of the state. It represents a relatively novel concept in the doctrine of public law due to its central role in structuring institutional operations and upholding the supremacy of the Constitution within the framework of the rule of law. Its significance lies in the fact that it expresses the position of the constitutional authority regarding the conformity of legal or institutional norms with the constitutional provisions. The constitutional decision is the supreme legal instrument through which constitutional courts or bodies exercise their functions whether by reviewing the constitutionality of laws, resolving constitutional disputes between branches of power, or safeguarding fundamental rights and freedoms. Such decisions are not merely technical judicial rulings but are viewed as expressions of a supreme legal authority committed to preserving constitutional legitimacy and ensuring institutional stability. In this sense, the constitutional decision plays a central role in the system of constitutional review, and it serves as an effective mechanism for protecting the principle of constitutional supremacy and the coherence of the legal system. This concept becomes particularly evident in countries that have adopted constitutional adjudication as an independent and effective authority within their legal order. In these jurisdictions, the constitutional decision assumes a dual function: on one hand, it determines the constitutionality of legal norms; on the other, it restores balance within the political system whenever institutional relations are disrupted. Thus, it is not only a legal instrument but also a political one with profound constitutional implications. Nevertheless¹

the legal nature of constitutional decisions has been the subject of considerable academic debate due to their ambiguous positioning between judicial function and political character. Some scholars classify them as purely judicial rulings, others as political acts, while some argue for a hybrid nature that blends law and politics.

This article aims to analyze the legal nature of the constitutional decision in light of its function, defining characteristics, and the legal effects it produces within the constitutional system. In Algeria, the importance of constitutional decisions has increased in parallel with the country's evolving constitutional experience, especially after the 2020 constitutional amendment which replaced the Constitutional Council with the Constitutional Court—granting it broader powers and a deeper mandate in safeguarding the Constitution and overseeing the legitimacy of state authorities²

First Section : The Concept of the Constitutional Decision

The constitutional decision plays a fundamental role in ensuring respect for constitutional rules and upholding the principle of the supremacy of the Constitution over other legal norms. It refers to the ruling or determination issued by the competent constitutional judicial authority regarding the conformity of laws, provisions, or actions with the principles and provisions of the Constitution. The importance of this concept stems from its status as the central instrument through which constitutional review is exercised, rights and freedoms are protected, and the balance among state powers is maintained². Accordingly, an in-depth study of the constitutional decision in terms of its definition, types, and characteristics constitutes a key entry point for understanding the vital role played by constitutional justice in consolidating the legal and constitutional order of the state. ³

1: Definition of the Constitutional Decision

The constitutional decision is defined as the ruling or resolution issued by the competent constitutional adjudicative body whether a constitutional court or a constitutional council to determine the conformity of a law, provision, or measure with the provisions of the Constitution. This decision constitutes a binding legal instrument aimed at upholding the principle of constitutional supremacy over all other legal norms. Its rulings acquire absolute authority and are binding on all public authorities without exception.⁴

The constitutional decision is characterized by a unique nature that combines its judicial aspect in terms of procedures and enforceability with its constitutional dimension, regarding both its subject matter and its profound impact on the political system and constitutional institutions. This hybrid nature gives the decision a complex legal political character. A significant body of legal scholarship defines the constitutional decision as "a legal expression issued by a competent authority to rule on the constitutionality of laws, regulations, or acts, resulting in a direct legal effect on the relationship between legal norms and the Constitution, either by nullifying an unconstitutional provision or affirming its conformity." ⁵

Such decisions serve as effective tools for enforcing constitutional review and ensuring respect for constitutional legality, due to their binding and final nature, as they are issued by an independent authority not subject to the control of any other power.⁶

In this context, Dr. Fathi Sorour defines the constitutional decision as "a legal act issued by a judicial body, based on predefined procedures, and aimed at enshrining the supremacy of the Constitution." ⁷

The French scholar Louis Favoreu emphasizes the purely judicial nature of such decisions, describing them as "judicial acts par excellence, issued by an independent body to ensure the primacy of the Constitution over other legal rules."⁸

Dr. Mohamed Al-Bukhari adds a political-functional dimension to the concept, considering it "a judicial expression of the state's will to regulate legal and political life in accordance with constitutional legitimacy."⁹ Meanwhile, Dr. Naila Jaafar considers the constitutional decision "a judicial translation of the democratic principle of constitutional supremacy deriving its authority from its source, subject matter, and binding effect on all state powers." ¹⁰

Thus most legal scholars agree that the constitutional decision is not a mere technical or formal procedure, but rather a central instrument for safeguarding constitutional supremacy, ensuring legal stability, and protecting constitutional rights making it a cornerstone of the modern constitutional state.¹¹.

2 : The Distinction Between the Constitutional Decision and Other Types of Decisions

Distinguishing the constitutional decision from other forms of legal decisions is of great importance in understanding its nature and role within the constitutional system. Unlike judicial or administrative decisions, the constitutional decision is unique in several critical respects, including the procedures by which it is issued, its legal effects, and its function in upholding and safeguarding the Constitution

❖ It differs from ordinary judicial decisions issued by regular courts :

Whereas ordinary judicial decisions typically involve legal disputes between individuals or entities and are based on the interpretation and application of existing laws, the constitutional decision is rendered by a specialized authority (such as a Constitutional Court or Constitutional Council) and concerns the review of the compatibility of legal provisions or governmental acts with the Constitution. Accordingly, it does not involve adjudicating between conflicting parties but rather verifying the "constitutionality" of legal texts and affirming the supremacy of the Constitution.⁽¹²⁾

❖ It also differs from administrative decisions issued by executive authorities to regulate or manage public services :

While administrative decisions are primarily aimed at organizing daily operations and managing public affairs, constitutional decisions address fundamental matters related to the protection of the constitutional order and the safeguarding of individual rights and freedoms. Moreover, administrative decisions may be modified or repealed in the future based on political shifts or governmental changes, whereas a constitutional decision is final and binding on all branches of government. It cannot be reversed or altered except through comprehensive constitutional amendments. ⁽¹³⁾

❖ A constitutional decision is characterized by a dual legal and political nature :

It often goes beyond the mere examination of abstract legal provisions to address issues concerning the relationship between the executive, legislative, and judicial branches. As such, it assumes a political dimension by influencing the balance of power among these authorities. In contrast, ordinary judicial decisions generally focus on strictly legal matters, typically devoid of political considerations. ⁽¹⁴⁾

❖ General and Direct Impact :

A constitutional decision may result in the annulment of an entire law, the prevention of its implementation, or the resolution of conflicts between the executive and legislative branches. These effects are far beyond the scope of ordinary judicial decisions, which typically involve the application of legal provisions to specific disputes. In contrast, the constitutional decision exercises a higher-level review over the constitutionality of the very norms applied by ordinary courts, thus serving as a guardian of the Constitution rather than merely a tool for its application. Moreover, constitutional rulings often produce erga omnes effects, influencing all public institutions and authorities, whereas ordinary judicial decisions are limited in their impact to the parties involved in the case ¹⁵

-3: Types of Constitutional Decisions

Constitutional decisions can be classified into various types, depending on the nature of the issue brought before the competent constitutional body and the constitutional or legal framework governing its jurisdiction. These decisions may differ from one legal system to another, but they all share a common purpose: safeguarding the supremacy of the Constitution and ensuring the proper functioning of state institutions

❖ Decisions on the Constitutionality of Laws :

These are the most common type, whereby the Constitutional Court or Council rules on the compatibility of a law either before or after its enactment with the provisions of the Constitution. Such decisions may have significant legal consequences, such as the annulment of unconstitutional laws or the prevention of their application.⁽¹⁶⁾

❖ Decisions Resolving Disputes Between Constitutional Authorities :

These decisions are issued to settle conflicts between state institutions such as between the President and the Government, or between the Executive and the Legislature. They constitute one of the most prominent forms of interaction between constitutional justice and the political system.⁽¹⁷⁾

❖ Interpretative Decisions :

These are rendered when the Constitutional Court is requested to interpret specific constitutional provisions that are ambiguous or open to multiple readings. Such decisions are binding and play a vital role in guiding both legal and political practice within the state. ⁽¹⁸⁾

❖ Decisions on the Constitutionality of Treaties and Regulatory Instruments

As practiced in certain jurisdictions, these decisions extend constitutional review to include various sources of law beyond statutes, such as international treaties and executive regulations. This reflects an expanded mandate of the Constitutional Court and strengthens constitutional oversight at all levels of lawmaking. ¹⁹

The diversity of constitutional decisions underscores the multifunctional role of constitutional justice ranging from review and regulation to interpretation making it central to the functioning of the modern constitutional state.

Section Two : The Legal Nature of the Constitutional Decision

Determining the legal nature of decisions issued by constitutional courts and councils is a fundamental issue for understanding the extent to which these bodies effectively perform their oversight function. The nature of such decisions reflects the position of constitutional jurisdiction within the legal and political system of the state, and reveals the degree of its independence, the limits of its authority, and its impact on the balance of powers and the protection of rights and freedoms. While a constitutional decision is, in principle, a manifestation of the application of law, it is never issued in a vacuum. Rather it arises within contexts where legal considerations intersect with political and institutional realities. This makes it essential to analyze the constitutional decision not only in terms of its judicial structure but also with regard to its effects, objectives, and its place in the overall constitutional framework.

The legal nature of the constitutional decision serves as a starting point for understanding how constitutional institutions function and their role in maintaining the balance between branches of government. The decision is not merely an ordinary judicial ruling in a specific case; rather, it is a legal expression that determines the compatibility of legal texts with the constitution and has far-reaching legal consequences. These consequences include invalidating unconstitutional provisions or confirming the supremacy of constitutional norms.²⁰

Accordingly, it is necessary to explore the various legal characteristics that distinguish this type of decision, clarify the relationship between the decision and the issuing judicial body, and examine the interaction between the legal and political dimensions embedded in its formation. This includes addressing its legal classification according to models adopted in comparative legal systems, and locating its status within the state's constitutional order.

First: Characteristics of the Constitutional Decision

The constitutional decision is distinguished by a set of legal and institutional characteristics that grant it a unique status, setting it apart from other judicial or administrative decisions. These features enable a better understanding of its legal structure and help to position it within the framework of binding legal norms. Moreover, they serve as a basis for interpreting its authority and its legal and political implications. These characteristics are generally divided into two categories: formal characteristics, which pertain to the manner in which the decision is issued and its external form; and substantive characteristics, which relate to its content, legal nature, and its impact on the constitutional order.²¹



Formal Characteristics.

The formal characteristics are among the fundamental criteria that distinguish the constitutional decision from other legal or judicial decisions. These features pertain to the procedural framework and the external format through which the decision is issued. The most prominent of these characteristics include

✓ Issued by a Competent Authority :

A constitutional decision may only be rendered by a body explicitly designated by the Constitution or by law most commonly the Constitutional Court or the Constitutional Council.

This requirement grants the decision its legal legitimacy and confirms its constitutional character, as it must be issued by an authority possessing exclusive jurisdiction over constitutional disputes ²²

✓ **Subject to Special Procedures :**

A constitutional decision is governed by specific, pre-established procedures, whether related to the initiation of constitutional proceedings or to the rules governing pleadings and adjudication. These procedures differ from those applied in ordinary courts and are characterized by a distinctive framework that ensures the independence and impartiality of constitutional justice ²³

✓ **Formal Drafting :**

A constitutional decision must be issued in a formal written format that includes clear legal reasoning outlining the basis upon which the decision is founded, whether through interpretation of constitutional provisions or legal characterization. Reasoning constitutes one of the most essential formal features, as it reflects the rational and objective nature of the decision ²⁴

✓ **Publication and Disclosure :**

Constitutions and laws often require constitutional courts to publish their decisions in the official gazette or an approved medium of publication. This ensures transparency and public accessibility, allowing both public authorities and citizens to become aware of the decision's content and to facilitate its implementation ²⁵

✓ **Finality and Immunity from Appeal :**

One of the essential formal characteristics of constitutional decisions is their final and non-appealable nature. Such decisions cannot be challenged by any means, whether through appeal or cassation, which reflects their supreme status within the legal hierarchy ²⁶.

 Substantive Characteristics :

The substantive characteristics of a constitutional decision pertain to its essence and legal content. They highlight its nature as a supreme constitutional instrument that contributes to the consolidation of the principle of constitutional supremacy and the protection of the constitutional order. The most prominent of these characteristics are as follows .

✓ **Judicial Nature of the Decision :**

Despite its connection to the political system, the constitutional decision is, in substance, a judicial act par excellence. It is rendered within the context of a constitutional dispute, includes legal reasoning, and is based on objective arguments. These elements confer upon it a purely judicial character, particularly in systems where this competence is entrusted to independent constitutional courts ²⁷

✓ **Finality and Binding Force :**

The constitutional decision enjoys absolute binding authority over all public authorities and is considered finanot subject to any form of judicial review or appeal. This characteristic grants it a superior status within the legal system and affirms its legal and constitutional authority²⁸.

✓ **Direct Impact on Legal Provisions :**

The constitutional decision has a direct effect on legal texts, as it may lead to the annulment of a provision that contradicts the Constitution, the suspension of its application, or its interpretation in a constitutionally compliant manner. It may also result in changes to legal or legislative practices, or a review of public policies to ensure their consistency with constitutional norms (29).

✓ **Constitutive or Declaratory Nature :**

A constitutional decision may have a **declaratory** nature when it affirms that a given provision does not conflict with the Constitution, or a **constitutive** nature when it rules that a provision is unconstitutional, thereby creating a new legal situation by annulling the provision or preventing its future application. This dual nature grants the decision a degree of flexibility and a direct influence in reshaping the legal framework of the state³⁰.

✓ **Indirect Political Impact :**

Although the constitutional decision is legal in nature, its substance often extends into the realm of politics, especially when it concerns the organization of public powers or the review of legislation related to public freedoms or elections. Such decisions may establish a new balance between the legislative and executive branches or influence the political trajectory as a whole³¹.

- These combined characteristics reflect the complex and multifaceted nature of the constitutional decision highlighting its importance as a central instrument for maintaining legal order, ensuring respect for constitutional rules, and upholding the principles of the rule of law.

Second : The Relationship Between the Constitutional Decision and the Judicial Body That Issues It

The relationship between the constitutional decision and the judicial authority that issues it is one of the key elements in defining the nature and impact of such a decision within the constitutional system. This relationship is reflected in several dimensions, including the interaction between judicial independence and constitutional jurisdiction, and its influence on judicial review of the constitutionality of laws, as well as the principles adhered to by constitutional courts or councils in rendering their decisions

➤ **The Judicial Authority Competent to Issue the Constitutional Decision**

In a constitutional system, the judicial authority responsible for adjudicating constitutional matters is either the Constitutional Court or the Constitutional Council, depending on the legal framework of the state. This authority must possess specific

characteristics to ensure its independence and impartiality in issuing its decisions. For example, in the Algerian system, the Constitutional Court was established under the 2020 constitutional amendment to replace the Constitutional Council. It functions as an entirely independent body, separate from both the executive and legislative branches, and its decisions are final and binding, with no possibility of appeal before any other authority. In the Egyptian system, the Supreme Constitutional Court is the body competent to review the constitutionality of laws and decisions. It enjoys full judicial independence, and both the executive and legislative authorities are required to respect its rulings ³².

➤ **Judicial Independence and Political Influence**

One of the fundamental features that must characterize the judicial body issuing constitutional decisions is independence. The primary objectives of such bodies lie in ensuring the supremacy of the Constitution and overseeing whether legal provisions conform to constitutional principles. Therefore, their decisions must be issued free from any political or unlawful influence. This judicial independence reinforces trust in the authority's rulings and provides safeguards for individual rights and freedoms. Judicial independence does not merely imply the absence of interference by the executive branch in the court's functioning; it also entails the existence of mechanisms to prevent political influence in the appointment and promotion of judges involved in rendering constitutional decisions ³³.

➤ **Judicial Review and the Credibility of Constitutional Decisions**

Judicial review of constitutionality is among the core functions of the judicial body in many legal systems. This body examines legislative and administrative acts to ensure their compliance with the Constitution. If it finds that a law or decision contradicts constitutional provisions, the judicial authority issues a constitutional ruling invalidating the relevant text or act, thereby enforcing the principle of constitutional supremacy.

The constitutional decision, through its definitive and binding nature, reflects the strength of the judicial system and reinforces constitutional legitimacy within the state. Thus, the relationship between the judicial authority and the constitutional decision is not merely theoretical; it is a vital dynamic that impacts the structure and functioning of the entire constitutional system. The constitutional decision serves as a means to ensure political stability and contributes to maintaining the balance among the three branches of government: the executive, legislative, and judiciary (34)

Third: The Legal Effects of the Constitutional Decision

The legal effects of the constitutional decision represent one of the central aspects that highlight the significance of this type of ruling within the legal and political system of the state particularly regarding its impact on constitutional legitimacy and the balance of powers. In this context, the legal consequences of the constitutional decision can be summarized as follows.

➤ **Binding Nature :**

The constitutional decision is binding on all branches of government, including the legislative, executive, and judicial authorities. It must be fully respected and implemented. For example, if the constitutional court rules that a legal provision is unconstitutional, such a provision becomes legally null and void. Consequently, the legislative or executive authority is required to take the necessary steps to repeal or amend the provision in accordance with the constitution ³⁵.

➤ **Authority (Res Judicata) of the Decision :**

Constitutional court decisions carry absolute authority (res judicata) and are not subject to appeal under any circumstances. Unlike ordinary judicial rulings, which may be challenged before appellate or cassation courts constitutional decisions are typically final and irrevocable. This grants them strong legal force and makes them an effective tool for safeguarding the supremacy of the Constitution and preventing any institutional transgressions (36)

➤ **Impact on the Legislative System :**

When a constitutional decision is issued particularly in matters concerning the constitutionality of laws it has a direct impact on the legislative system. If the constitutional court rules that a law or legislative provision is unconstitutional, this results in its annulment or the obligation to amend it. Consequently, the legislature is required to revise the relevant legal texts to ensure their conformity with the principle of constitutional supremacy. In some cases, the implementation of legal provisions may be suspended temporarily if doubts arise about their constitutionality, pending a final ruling (37)

➤ **Impact on the Judicial Authorities :**

Constitutional decisions also affect the judiciary by reinforcing the rule of law and the supremacy of the Constitution in handling constitutional matters. When the constitutional court issues a ruling interpreting a constitutional provision or reviewing the constitutionality of a law, it strengthens the credibility of the judicial system and reaffirms its authority to interpret constitutional principles (38).

➤ **Impact on Constitutional Institutions:**

A constitutional decision has profound effects on the relationships between constitutional institutions. For example, if a law governing the relationship between the branches of government or defining the powers of the executive or legislative authority is declared unconstitutional, this may necessitate a reorganization of those relationships in accordance with the Constitution. Such outcomes may lead to shifts in the balance of powers and a clearer delimitation of institutional competences (39).

➤ **Protection of Rights and Freedoms :**

One of the primary effects of a constitutional decision is the protection of fundamental rights and freedoms. When a law or governmental action is found to violate individuals' constitutional rights, immediate measures are taken to rectify the situation. This ensures that citizens' rights are safeguarded against any infringement by public authorities. Such decisions highlight the essential role of constitutional justice in upholding democracy and ensuring respect for the fundamental rights enshrined in the Constitution ⁴⁰.

➤ **Impact on Public Policies :**

Constitutional decisions may have a direct influence on public policies within the state. For instance, if the Constitutional Court rules that a particular policy contradicts the Constitution or infringes upon citizens' rights, the government may be required to alter that policy or adopt alternative measures that align with constitutional principles. In this regard, constitutional

decisions play a crucial role in guiding public policies to ensure their conformity with the Constitution .(41)

Conclusion

The constitutional decision plays a pivotal role in embodying the principle of the supremacy of the Constitution and ensuring that all branches of government respect its provisions. Its significance lies in being the primary legal instrument through which constitutional review is exercised, fundamental rights and freedoms are protected and institutional balance is maintained among constitutional powers.

This article has examined the concept of the constitutional decision and analyzed its legal nature, showing that it combines judicial characteristics in terms of form and procedure with constitutional significance in terms of substance and impact. Moreover, the relationship between the decision and the judicial body that issues it underscores its independence, effectiveness, and binding authority, elevating it to the highest rank within the hierarchy of legal norms.

From the foregoing, it is evident that the constitutional decision is not a mere legal act, but rather a foundational tool in building constitutional legitimacy and reinforcing the rule of law. It merges the judicial form with constitutional weight, granting it considerable influence within the political and legal order of the state. Its effectiveness in safeguarding rights and freedoms and in regulating the relationship between branches of power depends largely on the independence of the constitutional judiciary and the institutional commitment to its rulings. Therefore, promoting a culture of respect for constitutional decisions constitutes a fundamental step toward consolidating the rule of law, strengthening institutions, and achieving long-term constitutional and political stability.

Practical Proposals For Enhancing the Effectiveness of Constitutional Decisions

1. Constitutional entrenchment of the binding nature of constitutional decisions .

🚧 -To prevent any political manipulation or disregard by other state institutions

2. Establishment of a follow-up mechanism for implementation .

🚧 - Within the executive or legislative bodies, to monitor and ensure proper execution

3. Setting mandatory deadlines for implementation

🚧 - Especially when laws are declared unconstitutional and require urgent amendment.

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4. Integration of constitutional decisions into the legislative framework

🚧 - By incorporating their reasoning into future laws and legislative interpretation -

5. Obliging ordinary courts to comply with constitutional decisions

🚧 - And avoid issuing judgments that contradict constitutional jurisprudence

6. Enhancing constitutional education and judicial training

- ✚ - So that judges, lawyers, and legislators understand the weight and scope of such decisions

7. Transparent publication and simplification of decisions

- ✚ - To foster public awareness and cultivate a culture of constitutional respect.

8. Limiting political interference in appointing constitutional judges

- ✚ - To safeguard independence and impartiality in decision-making

9. Expanding access to constitutional review

- ✚ - Allowing individuals, NGOs, or parliamentary minorities to directly challenge unconstitutional laws.

10. Using constitutional decisions as a tool for legislative reform

- ✚ - Encouraging long-term alignment of national laws with constitutional values and principles

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