

Dirassat & Abhath
The Arabic Journal of Human
and Social Sciences



مجلة دراسات وابحاث
المجلة العربية في العلوم الإنسانية
والاجتماعية

EISSN: 2253-0363
ISSN : 1112-9751

Legal mechanisms for the implementation of the administrative decision in Algerian legislation

الآليات القانونية لتنفيذ القرار الإداري في التشريع الجزائري

Benadjaoub fouzia¹ ، bouguerne Toufik²

¹PhD student, University of Setif 02 Mohamed Lamine Dabbaghine, Faculty of Law and Political Science, Department of Law, Laboratory for the Application of Modern Technologies to Law, fo.benadjaoub@univ-setif2.dz

²bouguerne Toufik, Lecturer Professor A , University of Setif 02 Mohamed Lamine Dabbaghine, Faculty of Law and Political Science, Department of Law, t.bouguerne@univ-setif2.dz

بن أجعوب فوزية¹، بوقرن توفيق²

¹طالبة دكتوراه، جامعة سطيف 02 محمد لمين دباغين، كلية الحقوق والعلوم السياسية، قسم الحقوق، مخبر تطبيق التكنولوجيات الحديثة على القانون، fo.benadjaoub@univ-setif2.dz

²أستاذ محاضر، جامعة سطيف 02 محمد لمين دباغين، كلية الحقوق والعلوم السياسية، قسم الحقوق، t.bouguerne@univ-setif2.dz

Benadjaoubfouzia, fo.benadjaoub@univ-setif2.dz

تاريخ القبول : 19-06-2024

تاريخ الاستلام: 02 – 05 - 2024

Abstract

This research paper aims to study the mechanisms of implementation of the administrative decision in Algerian legislation, which differ between the method of implementation by choice or voluntary, which is the original in implementation, and a compulsory method, which is exceptional in implementation, where the administration resorts to direct administrative implementation and indirect judicial implementation to implement its failed decisions.

The research found that the legislator has strived in parallel with judicial jurisprudence, whether in Algerian legislation or comparative legislation, to surround forced execution with a set of guarantees in order to protect rights from the arbitrariness of the administration while intensifying judicial control over the discretionary power exercised by the administration within the framework of forced execution.

Key words: administrative decision, optional execution, compulsory execution, administrative way, judicial way.

المخلص

تهدف هذه الورقة البحثية لدراسة آليات تنفيذ القرار الإداري في التشريع الجزائري، التي تختلف بين أسلوب التنفيذ الاختياري أو الإرادي وهو الأصل في التنفيذ، وأسلوب إجباري وهو استثنائي في التنفيذ حيث تلجأ الإدارة للتنفيذ المباشر الإداري والتنفيذ الغير المباشر القضائي لتنفيذ قراراتها المتقاعس عنها.

وقد توصل البحث إلى أن المشرع سعى جاهدا بالموازاة مع الاجتهادات القضائية سواء في التشريع الجزائري أو التشريع المقارن لإحاطة التنفيذ الجبري بمجموعة من الضمانات بهدف حماية الحقوق من تعسف الإدارة مع تكثيف الرقابة القضائية على السلطة التقديرية التي تمارسها الإدارة في إطار التنفيذ الجبري.

الكلمات مفتاحية: القرار الإداري، تنفيذ اختياري، تنفيذ إجباري، الطريق الإداري، الطريق القضائي.

1. INTRODUCTION

The process of making administrative decisions plays an important and vital role in the embodiment of general goals and strategies in the country, so administrative decisions are considered a tool to exercise the administrative function and through which the privileges granted to it are exercised.

The administration has the right to issue administrative decisions that are binding on its own will, and without the need for the consent of its addressees, but the problem facing the administration while it is in the process of carrying out its functions, whether traditional or modern, collides with the refusal to implement the administrative decision voluntarily and the refusal to obey its decisions, so it was granted the privilege of forced execution.

Which we will address in the study by posing the following problem: What are the mechanisms for implementing the administrative decision in Algerian legislation? To answer this problem, we used the descriptive approach through a description of the cases of implementation of the administrative decision, and we divided the subject of our study into three axes, so we devoted the first axis to the voluntary implementation of the administrative decision, the second axis to the implementation by administrative way, and the third axis to the implementation by judicial way.

Sub-questions

1_ What is meant by forced execution by administrative means?

2_What are its conditions and cases?

3_What is forced execution by judicial means?

2. The first axis: voluntary implementation as a mechanism for the implementation of the administrative decision

The principle is that individuals are committed to implementing the decisions issued by the administration voluntarily due to the fact that it enjoys the presumption of health and safety imposed therein. Dr. Ammar Awabdi defines voluntary or free implementation as "the individuals addressed by the administrative decision choose to implement these decisions voluntarily, and they are not effective against them until they are informed of one of the legally prescribed means."¹

As soon as individuals become aware of the administrative decision, it becomes effective against them and arranges its legal effects either by creation, amendment or cancellation².

First: Implementation of the administrative decision for the administration issuing the administrative decision

The addressee of the administrative decision shall not be held accountable at the moment of its issuance for the administrative authority, but from the date of knowledge of it with the mechanisms prescribed by law, and therefore two basic dates shall be considered in the administrative judiciary, the first is the date of issuance of the

administrative decision and the second is the date of its entry into force against individuals.

Professor Louis Roland pointed out that administrative decisions have the character of executive force, which allows for the obligation of prior submission and the privilege of direct execution less used.

The principle is that the administrative decision becomes effective from the date of its issuance for the administration issuing the decision, but it does not apply to the individuals addressed by it until after knowledge of it, so that the date of this decision becomes an argument that individuals invoke before the decision, and as an exception to this, the decision is not effective against the administration and individuals until after it is subject to some procedures such as ratification or the existence of a financial appropriation.

Implementation does not concern individuals only, but even the administration is obligated to implement its decisions and is obliged to take the necessary measures and measures for this. Otherwise, it shall entail liability, whether personal or attached.

Second: Implementation of the administrative decision for individuals

The administration has broad powers, including the authority to make administrative decisions without reference to individuals, and the origin is that the addressee implements the administrative decision voluntarily due to the fact that administrative decisions enjoy the presumption of validity and legitimacy, as the addressee does not have the decision, regardless of his position, and invoking the illegality of the administrative decision and

refusing to implement it, because the administration always aims to protect public order.

In order to preserve the authority granted to the administration to issue the administrative decision with the sole authority formulated in the executive form as a result of the characterization of its decisions with safety, health and legitimacy of administrative decisions, and in dedication to this rule, the legislator made the burden of proving the illegality of administrative decisions always fall on the plaintiff (individuals), as the administration is always in the position of the defendant in lawsuits of illegality and cancellation, and the implementation of the administrative decision appears in two cases:

_ The first case: When the subject of the decision is a right or license, individuals seek to implement that decision because it creates new centers and rights for them, and they can protest against the leaflets and instructions of the administration under Decree 88/131³, where Article 37/01 states, "The citizen has the right to protest against the administration with leaflets and instructions issued by it."

_The second case: when the place of the decision represents an obligation that negatively affects the legal centers, which leads to evasion of voluntary implementation, so it is necessary for individuals to enjoy a sense of civil and social and patriotism, the more the latter they have, the implementation is optional.

Second Theme: Direct Forced Execution by Administration

The administration ensures the organization of public utilities and their proper functioning, and this only happens through the existence of a means of communication between the administration and the citizen, and the administrative decision appears as one of the most important means of management to address individuals and communicate with them, the decision is issued in a unilateral form without the need for the consent of individuals, which is the so-called privileges of the supreme authority

Therefore, it is the duty of individuals to commit to implementing the administrative decision issued against them without procrastination, but as an exception, individuals may refuse to comply with the implementation of the administrative decision voluntarily, which requires the intervention of the administration to implement its decisions forcibly and directly.

First: Definition of Direct Forced Execution

Muhammad Saghir Baali defined the implementation as "implementation is the process that comes after the entry into force, i.e. the direct implementation of the decision"⁴, which is approved by the legal texts in most legislations, so to give the executive character to administrative decisions, it is necessary to publicize them for decisions that need signature, and ratification for decisions that need the approval of the guardian authority⁵.

In addition, implementation is a legal fact that individuals are obligated to implement automatically through their usual daily

behaviors, so implementation consists of two main parts:

The first part: the existence of the element of indebtedness and the addressee is obliged to fulfill the execution.

The second part: is the existence of the element of responsibility, meaning that the addressee feels responsible towards the decision addressed.

In another definition of direct forced execution, "once the administrative decision is issued, it acquires binding force, and thus the administration issuing the decision has the authority to implement it without resorting to the judicial authority, provided that it does not exceed what is stipulated in the laws and regulations, in addition to avoiding harm to the stakeholders, since the decision does not apply to them unless they know about it by the mechanisms prescribed by law."⁶

Dr. Awabdi referred to direct implementation as: "The competent administrative authority has the right to implement the administrative decisions issued by it in direct forced execution, and the legislator granted this right as a public authority and enjoys privileges and manifestations of sovereignty."⁷

Through the previous concepts, we can define direct administrative execution: it is a privilege enjoyed by the public administration, where the legislator has authorized it to implement its decisions forcibly without the need to resort to the judiciary to implement them in order to maintain public order.

The law allows the administration, as the holder of public authority and as authorized by the state, to intervene in the event that individuals refuse to implement its decisions and are forced to respect and apply the law.

Second: Conditions of Forced Execution

Although the legislator granted the property of forced execution to the administration, it did not leave it free without restricting it to conditions and controls that the administration takes into account to ensure that it is not arbitrary in implementation and in return protects the rights and freedoms of those addressed by the decision.

1_ The forced execution must be in conformity with the law

The legislator allowed the administration to intervene to implement its decisions forcibly, provided that they are based on a legal or regulatory text, in order to ensure the continuity of the functioning of the public facility on the one hand and to ensure that the administration is not arbitrarily and violates public rights and freedoms⁸.

Forced execution is only for the legitimate decision that the administration relied upon when issuing a legal or regulatory text that allows the administrative authority to use the privilege of forced execution⁹.

Article 185 of Law No. 01_21 of 22/12/2001 containing the Finance Law of 2002 stipulates that: "The executive seizure is carried out within the framework of a project, where the legislator allows the authority of seizure to the competent administrative agents or the judicial report only, and also grants follow-up by virtue of

the executive power granted to the tables by the Minister of Finance, and it is not permissible to temporarily close or seize without prior notification to the concerned person, and this is by notifying him after a full day from the date of tax due.

2_ Refusal of individuals to implement the administrative decision voluntarily

The principle is that the administrative decisions issued by the competent administrative authority are effective at the time of becoming aware of them, and thus the latter is obliged to implement them voluntarily without interference from the administration or the judiciary.

In the event that individuals refrain from implementing the content of the decision and rebel against it, the administration has the right to resort to the use of force and public law to implement its decisions¹⁰.

3_ Limiting direct forced execution to the implementation of the administrative decision

The public administration is bound when implementing its decision directly to achieve its place, i.e. the direct effect determined by law or regulation, as it must abide by it and not exceed it¹¹.

It is necessary for the administration to abide in its implementation of the administrative decision with two basic restrictions, the first is the teleological restriction, which is that the administration is committed to achieving the desired goal of the decision, and if it wants otherwise, even if it is in the public interest, its behavior in this way is characterized by

illegality, and the second is the objective restriction that the administration is bound in its implementation of the administrative decision by what is legally required without exceeding it.

If the administration decides to close a shop, it cannot use public force to close the shop and goes beyond that to confiscate its equipment.

Third: Cases of Direct Forced Execution

Direct forced execution is a manifestation of the privilege of the public authority, as the law grants the administration the authority to issue an administrative decision to manage its work and preserve the public interest and implement it forcibly in the event that the addressees refuse to implement it voluntarily, which is an exceptional way, and due to the danger it represents to fundamental rights and freedoms, the legislator restricted it to specific cases that cannot resort to direct implementation in other cases.

1_ Status of legal leave

The administration relies in resorting to forced execution on a legal and regulatory text without distinguishing between them ... In the sense that the regulation can be a source of forced execution, and thus the administration can resort to forced execution directly if it is authorized to do so by a regulatory text¹².

There must be an explicit legal provision in the laws and regulations that allow the administration to use the direct execution privilege, for example, individuals must pay their taxes and fees voluntarily, otherwise

the law allows the financial department to implement its decisions forcibly.

2_ If there is a text without penalty

Legal texts play an important role in maintaining public security and public order through the enactment of legal texts coupled with the penalty for each act, but sometimes we may find a text without a penalty and here the administration finds itself confused when it starts implementing its decisions itself, which inevitably leads to the inability of the administration to carry out its duties.

Therefore, the administration must resort to direct implementation in application of the law and the legality of implementation in this case it is necessary that there is no other legal way to ensure the implementation of the administrative decision, i.e. there is no criminal or civil lawsuit¹³t.

As for Algerian legislation, the absence of another legal mechanism to force implementation is an unthinkable case, the Algerian legislator has avoided this situation by adopting a general text in the Penal Code, article 459 thereof, which states: "A fine of 5 to 20 Algerian dinars shall be punished by imprisonment for a maximum period of three days for anyone who violates the decrees and decisions taken legally by the administrative authority if the crimes contained therein are not punishable by special texts."

3_ State of necessity

The state of necessity means that the administration finds itself facing a threat to public order with its three pillars, which the administration intervenes to remove by forcefully implementing its decisions.

German jurisprudence considered the theory of necessity as a legal theory that makes acts and actions issued by public authority legitimate, even if they violate public rights and freedoms¹⁴.

The law allows the administration to resort to the implementation of its decisions forcibly in a direct manner without resorting to a judiciary based on the rule of justifications that allow prohibitions, so the state of necessity is a fertile field for direct implementation on a large scale when the administration is facing an issue that cannot be delayed, as the public interest requires rapid and decisive intervention by the administration and resorting to the judiciary in this case leads to reducing the chances of maintaining public order¹⁵.

This does not mean that the administration does not take care and caution in implementing its decisions to take into account the rights and freedoms of individuals from infringement or else expose its behavior to cancellation, which was approved by the Egyptian judiciary ruling and by setting conditions to confirm the existence of a state of necessity¹⁶.

1_ There is a serious danger to public order.

2_ The direct execution work should be necessary and it is the only means to pay the damage.

3. The work of necessity shall be necessary and shall not exceed what is necessary to maintain public security, public health and public tranquility.

4. The decision shall be issued by the competent person and within the framework of his duties.

Second Theme: Implementation through the Judiciary

Some cases in which the addressee of the decision refused to implement it voluntarily, and it is difficult for the administration to implement its contents directly by itself, may require resorting to the judiciary to implement its decisions, given that administrative decisions have the presumption of innocence and health that they implement their decisions directly without the need to issue an executive bond, which distinguishes them from individuals.

It also has, depending on the case and circumstances, the power to choose between the civil judge by filing a civil lawsuit or the criminal judge by filing a criminal case, to demand the implementation of its administrative decisions that individuals have failed to implement.

First: The criminal case as a mechanism for the implementation of administrative decisions

The legislator allowed the administration the right to resort to the criminal judge to request the implementation of its decisions or punish violators of the administrative decision¹⁷, so the ordinary judiciary is a means in the hands of the administration to achieve its endeavors

In this case, the legislator granted full freedom to the administration to resort to the criminal judge to compel the addressees of the decision to implement it, and here the administration is forced to follow the

judgment issued and cannot implement the penalty directly if it estimates that the punishment is non-deterrent and there is no case of necessity, because the purpose of the criminal case is to tighten the penalty on the addressees, and from here it appears to us that the criminal case is the original way to implement administrative decisions.

In addition, the development of penal penalties is an effective method to induce those addressed by the decision to comply with the requirements of the administrative decision, as an exception in the event of committing a crime, and the legislator has already stipulated the punishment prescribed for it, under the special provisions here, the administration has the right to resort to the administrative way and to ensure implementation by the addressees, the legislator allowed it to use public force¹⁸.

Finally, we conclude that the criminal penalty comes to strengthen the administrative penalty, as long as the criminal judge is resorted to to impose punishment on the failure to implement the administrative penalty, which is confirmed by Article 459 of the Penal Code, which stipulates that "a fine of 3000 to 6000 dinars shall be punished by imprisonment for a maximum period of three days, and anyone who violates decrees or decisions taken legally by the administrative authority may also be punished by imprisonment for a period of three days if the crimes contained therein are not punishable by special provisions."¹⁹

The Algerian legislature has left no ambiguity with regard to implementation by providing for article 459, which is

considered a legal basis for the administration's recourse to the criminal court to implement its decisions.

It also confirmed Ordinance 09_03 on the regulation, safety and security of road traffic, which provides for the imposition of penal penalties on the person whose driving license has been withdrawn or revoked and who continues to drive.²⁰

Law No. 07-04 of 14/08/2004 on fishing, which provides for penal penalties in case of non-compliance with fishing licenses.

Second: The civil lawsuit as a mechanism for implementing administrative decisions

Just as the legislator allowed the administration, as a public legal person, the right to resort to the criminal judiciary to request execution, it also allowed it to resort to the civil judiciary to obtain a civil court ruling that compels individuals to comply with the decision issued by it.

For example, if an employee lives in a public housing and then retires, and the administration issues the right to vacate the functional housing, and the refusal to implement this decision voluntarily entitles the authority issuing the decision to resort to the civil judge to obtain an execution bond²¹

Granting the administration the right to resort to the civil judiciary is a legal mechanism that allows requesting the implementation of failed decisions on the one hand, and achieves respect for the rights and freedoms of individuals due to the administration's renunciation in this case of the privileges of the public authority that it enjoys in implementing its own decisions.

The administration resorts to the civil lawsuit and asks the civil judge to collect the implementation of its administrative decisions, so the administration has the authority to decide any exceptional means of forced implementation of its decisions, or to waive the use of these privileges, but not in the right itself to use them to take the path of normal litigation if it determines, according to the circumstances of the case, that this is more appropriate and a guarantee of individual rights due to the simplicity that distinguishes the civil lawsuit compared to the criminal case²².

The French legislator believes that the administration may not resort to the civil judiciary to request the implementation of its decisions unless there is a special provision guaranteeing this.

Unlike the Egyptian legislator, which does not prevent the administration from resorting to the ordinary judiciary to force individuals to respect the decisions of the administration²³.

Similarly, the Algerian legislator does not oppose the administration's recourse to the civil judge to obtain a ruling to apply the decisions issued to the competent administrative authorities.

In a decision issued by the Council of State on 23/09/2002, the First Chamber, file No. 004640 A.S. against the governor of the wilaya of Algiers, that eviction from legally occupied housing is an abuse of authority.

A decision was issued by the Council of State to rule that the removal from housing shall be by judicial basis, meaning that the judiciary is the only competent to do so, and

therefore decided to annul the decision dated 08/10/1997 and ordered the appellant to return to the disputed housing²⁴.

3. CONCLUSION

The administrative decision is considered a machine in the hands of the administration to impose public order on the one hand and a tool for communicating with individuals on the other hand, so we see that obeying its decisions is a duty for individuals and is the original, but some cases may encounter where individuals refuse to obey its decisions Management «Here the authority and strength of the administration in implementing its decisions is shown through the direct implementation of its decisions in its capacity as a public authority, and if it is unable to implement its decisions by itself, the legislator has granted it the right to resort to the ordinary judiciary, whether for the criminal or civil judiciary, to obtain a ruling obliging individuals to implement the administrative decision.

Through the above, we have reached the following results:

– The administrative decision is a means in the hands of the administration to communicate with individuals and maintain public order and shows the extent to which the administration enjoys the privileges of public authority.

The voluntary and voluntary implementation of the administrative decision is the original due to the fact that the latter enjoys the presumption of health, safety and legality.

_ In the event that the place of the administrative decision is the imposition of an obligation or the removal of a legal status, such as the arrest of an employee here, the addressee of the decision may refuse to implement it voluntarily, which requires the intervention of the administration to implement its decisions directly through the administrative way.

If the administration is unable to implement its decisions by itself, it shall be entitled to resort to the ordinary judiciary to request the implementation of its decisions._

In this regard, we can make some recommendations to address the subject of our study:

_To ensure that the administrative authority does not exceed its powers at the expense of the rights and freedoms of individuals, the administrative judge's control over the decisions it issues must be tightened.

_ To get individuals to implement their decisions voluntarily, patriotism must be instilled in individuals.

4. Bibliography List :

1. Ammar Awabdi, the theory of administrative decisions between management science and administrative law, Dar Houma, Algeria, edition, 2003, p. 146.
2. Mohamed Saghir Baali, Administrative Decisions, Dar Al-Uloom for Publishing and Distribution, Algeria, 2005, p. 107.
3. Jamal al-Din Zuhair and Yahya Helwi, The concept of executive decision according to Maurice Horio, Moroccan Journal of Local Administration and Development, double issue, 55-54, 2004, p. 171.

4. Decree 88/131 of 04/07/1988 regulating the relationship between the administration and the citizen.
5. Muhammad Saghir Baali, *ibid.*, p. 108.
6. Masoudi Hisham, The Executive Nature of the Administrative Decision - An Analytical Study on the Concept and Characteristics -, Issue 10, Volume 01, Mohamed Bashir Ibrahim University, 2018, p. 117.
7. Abdul Ghani Bassiouni Abdullah, Suspension of the implementation of the administrative decision in the rulings of the administrative judiciary, second edition, Al-Halabi Publications, Lebanon, 2001, p. 31
8. Ammar theory of administrative decisions between the science of public administration and administrative law, Darhouma, Algeria, 1999, p. 159.
9. Mohamed Saghir Baali, Administrative Decision, Dar Al-Uloom, Annaba, Algeria, 2005, p. 65.
10. Ammar Awabdi, Administrative Law (Part Two Administrative Activity), Dr. Yuan University Publications, 06th Edition, 2014, p. 148.
11. Ammar Boudiaf, Administrative Decision (Jurisprudential Study), Dar Al-Jusoor for Publishing and Distribution, Algeria, 2005, p. 206
12. Baali Mohamed Al-Saghir, Administrative Decisions and Contracts, Dar Al-Uloom for Publishing and Distribution, Algeria, 2017, p. 141.
13. Mohamed Bahi Abu Younis, Judicial Control of the Legitimacy of General Administrative Sanctions, New

- University Publishing House, Alexandria, 2000, p. 210.
14. See the judgment of the French Council of State issued in the case of commune triconville, Collection of Judgments of the Council of State, 1909, p. 279.
 15. Suleiman Al-Tamawi, Principles of Administrative Law, Dar Al-Fikr Al-Arabi, 06th Edition, Cairo, p954.
 16. The ruling of the Egyptian State Council issued on June 26, 1951 published in a group of provisions of the Egyptian State Council, fifth year, p. 1136
 17. Nasser Labbad, Basic Administrative Law, Dar Al-Majdar, 01st Edition, Setif, p. 195.
 18. Mohamed Reda Junaih, Administrative Law, University Publishing Center, second edition, Sousse, 2008, p. 215.
 19. The Penal Code No. 20-06 of 5 Ramadan 1441 corresponding to April 28, 2020, amending and supplementing Ordinance No. 66-156 of 18 Safar 1386 corresponding to June 8, 1966 containing the Penal Code.
 20. Ordinance 09_03 of 22 July 2009 amending and supplementing Law 01/14 on the regulation of traffic of 29 Jumada I 1422 corresponding to 19 August 2001.
 21. Article published on the Star Times Forums website (startimes.com) I saw it on 31/10/2023.
 22. Ibtisam Chowidar, Implementation of the administrative decision in Algerian legislation, Master's note, in law, University of Mohad Khider, Biskra, 2014/2015, pp. 66-67.

23. Maged Ragheb Helou, Administrative Law, University Press, Alexandria, 2000, p 453
24. Judgment issued by the State Council No. 03, p. 98.

Bibliography

▪ Books

- _Ammar Awabdi, The Theory of Administrative Decisions between Management Science and Administrative Law, Dar Houma, Algeria, Edition, 2003.
- _Mohamed Saghir Baali, Administrative Decisions, Dar Al Uloom for Publishing and Distribution, Algeria, 2005.
- _Ammar Awabdi, The Theory of Administrative Decisions between Management Science and Administrative Law, Dar Houma, Algeria, Edition, 2003.
- _ Mohamed Bahi Abu Younis, Judicial Control of the Legality of General Administrative Sanctions, New University Publishing House, Alexandria, 2000.
- _Suleiman Al-Tamawi, Principles of Administrative Law, Dar Al-Fikr Al-Arabi, 06th Edition, Cairo.
- _Ammar Boudiaf, Administrative Decision (Jurisprudential Study), Dar Al-Jusoor for Publishing and Distribution, Algeria, 2005.
- _Abdel Ghani Bassiouni Abdullah, Suspension of the implementation of the administrative decision in the rulings of the administrative judiciary, second edition, Al-Halabi Publications, Lebanon, 2001.
- _Ammar Awabdi, The Theory of Administrative Decisions between Public

Administration Science and Administrative Law, Dar Houma, Algeria, 1999.

_ Mohamed Saghir Baali, Administrative Decision, Dar Al-Uloom, Annaba, Algeria, 2005.

_ Ammar Awabdi, Administrative Law (Part Two Administrative Activity), Dr. Yuan University Publications, 06th Edition, 2014.

_ Baali Mohamed Saghir, Administrative Decisions and Contracts, Dar Al-Uloom for Publishing and Distribution, Algeria, 2017.

_ Nasser Labbad, Basic in Administrative Law, Dar Al-Majdar, 01st Edition, Setif.

_ Mohamed Reda Junaih, Administrative Law, University Publishing Center, second edition, Sousse, 2008.

_ Maged Ragheb Helou, Administrative Law, University Press, Alexandria, 2000.

▪ **Journal article**

_ Jamal Eddine Zuhair and Yahya Helwi, The concept of executive decision according to Maurice Horio, Moroccan Journal of Local Administration and Development, double issue, 55-54, 2004.

_ Masoudi Hisham, The Executive Nature of the Administrative Decision - An Analytical Study on the Concept and Characteristics-, Issue 10, Volume 01, Mohamed Bashir Ibrahim University, 2018.

_ Ibtisam Chowidar, Implementation of the Administrative Decision in Algerian Legislation, Master's Note, in Law, Mohad Kheider University, Biskra, 2014/2015

_ Hussein Freja, Direct Administrative Implementation in the Rulings of the Algerian Administrative Judiciary, Administration Volume 12, Issue 01, 2002.

▪ **Legal documents**

_ The Penal Code No. 20-06 of 5 Ramadan 1441 corresponding to April 28, 2020, amending and supplementing Ordinance No. 66-156 of 18 Safar 1386 corresponding to June 8, 1966 containing the Penal Code.

_ Ordinance 09_03 of 22 July 2009 amending and supplementing Law 01/14 on the regulation of traffic of 29 Jumada I 1422 corresponding to 19 August 2001.

_ Decree 88/131 of 04/07/1988 regulating the relationship between the administration and the citizen

▪ **Judgments and judicial decisions :**

_ Cf. the judgment of the French Council of State in the Commune Triconville case, Collection of Judgments of the Council of State, 1909.

_ The ruling of the Egyptian State Council issued on June 26, 1951, published in the collection of rulings of the Egyptian State Council, the fifth year.

▪ **Websites**

_ Article published on the site Star Times Forums (startimes.com)