Exceptions to the general rules of administrative litigation in Algeria: A study in the application of the Code of Civil and Administrative Procedu.



Habiba Louhani

University of batna 1, algeria, habiba.louhani@univ-batna.dz

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Abstract:

The exception to the general rules of administrative litigation in Algeria refers to the special provisions introduced by the legislator in the Algerian Code of Civil and Administrative Procedures, which depart from ordinary procedural principles in order to address the specific nature of administrative disputes. These exceptions concern jurisdiction, time limits, urgent proceedings, and certain restrictions on appeals. However, they remain governed by the principles of legality, the right to litigation, and judicial review of administrative action. Administrative courts tend to interpret such exceptions narrowly to safeguard fair trial guarantees and legal certainty, thereby balancing administrative efficiency with the protection of rights and freedoms.

Keywords: *Procedural exceptions; the principle of legality; administrative litigation; the right to litigation; legal security.*

*** Corresponding author: dr.Habiba Louhani, habiba.louhani@univ-batna.dz.**

Introduction:

Administrative justice is one of the fundamental pillars of the rule of law, as it is the mechanism that enables individuals to protect their rights and freedoms in the face of administrative abuse or its violation of the principle of legality. The Algerian legislator, through the enactment of the Code of Civil and Administrative Procedure, sought to unify and regulate the procedural rules applied before administrative judicial bodies, in a way that ensures the effectiveness of judicial oversight and guarantees the right of the judiciary within a framework of justice and equity.

However, the specific nature of administrative work and the diversity of disputes in which the administration is a party have forced the legislator not to be satisfied with the general rules of administrative litigation, but rather to resort to approving a set of exceptions that have limited the absolute application of these rules, justified in principle by considerations related to the public interest or the sensitivity of some administrative activities. However, in return, they have raised precise legal and practical problems. The danger of these exceptions lies in the fact that they directly affect constitutional principles, and the judicial interpretation of the scope of these exceptions has varied.

This legislative trend has raised numerous legal and practical issues, particularly regarding the extent to which these exceptions are consistent with the original purpose of the Code of Civil and Administrative Procedure, the limits of their impact on the principle of legal certainty, and on the effectiveness of judicial protection of rights and freedoms, as well as the discrepancy in their judicial application between the legislative text and judicial interpretation. Based on this, the central question of this study is:

To what extent do the exceptions to the general rules of administrative litigation affect the effectiveness of administrative judicial protection under the application of the Civil and Administrative Procedure Code?

This issue gives rise to a number of sub-questions:

- What are the general rules of administrative litigation?
- What legal and practical foundations did the legislator adopt in establishing exceptions to these rules?
- What is the impact of these exceptions on constitutional principles?
- How has the Algerian administrative judiciary dealt with these exceptions in practice?

The importance of this study lies in enriching jurisprudential research in the field of administrative procedural law, through analyzing the exceptions that have limited the general application of the Civil and Administrative Procedures Law, revealing its legislative philosophy and legal limits, analyzing its procedural effects

on litigants and on the work of the judge, and clarifying the practical problems that result from the overlap between general rules and special texts, which may contribute to unifying judicial understanding and improving the quality of administrative judicial work, evaluating the effectiveness of the legislative policy adopted in determining it, and proposing reformist visions aimed at achieving a balance between the requirements of the public interest and the guarantees of fair justice.

This study aims to define the concept of the general rules of administrative litigation in the Civil and Administrative Procedures Law and to state the scope of their application, to monitor and analyze the various exceptions to these rules, to reveal the legal and practical foundations upon which the legislator has based its decision, to evaluate their impact on the effectiveness of administrative judicial protection on the principle of legal certainty, and to highlight the role of the administrative judiciary in controlling its scope through judicial interpretation.

To achieve the study's objectives and answer its problem, an integrated scientific approach was adopted based on combining several approaches: the analytical approach through the analysis of relevant legal texts, along with special laws that constitute an exception to the general rules of administrative litigation, and the descriptive approach to describe the general rules of administrative litigation and the exceptions to them, and to explain their characteristics and different forms, through three axes. The first axis deals with the conceptual framework of administrative justice in Algeria, the second axis deals with the scope and limits of the exception to the general rules of administrative litigation, and the third axis deals with evaluating the extent of the constitutionality of the exceptions in administrative litigation.

First axis: The conceptual framework of administrative justice in Algeria

Administrative justice is one of the most important legal mechanisms established by the Algerian legislator to ensure that the administration is subject to the principle of legality, and to protect the rights and freedoms of individuals in the face of the actions of the public authority. This role has been significantly strengthened in light of the 2020 constitutional amendment, which reaffirmed the right of the judiciary and enshrined the independence and specialization of the judiciary, in accordance with the requirements of the rule of law.

First: The concept of administrative justice

We will examine the concept of administrative justice by first defining it, then exploring its structures and the characteristics that distinguish it from ordinary justice.

1. **Definition of Administrative Justice:** Administrative justice refers to the set of legal rules and procedures that enable individuals, whether natural or legal

persons, to appeal to administrative courts against decisions and actions issued by public authorities, when these actions or actions violate the law or infringe upon rights and freedoms. This definition highlights the unique nature of administrative litigation, given its connection to the activities of the administration as a public authority and its enjoyment of exceptional privileges not afforded to individuals.

Administrative justice also refers to the judicial body competent to adjudicate disputes in which the administration is a party in its capacity as a public authority, when these disputes pertain to administrative actions or decisions subject to the provisions of administrative law. Two essential elements can be derived from this definition:

- A substantive element: This relates to the nature of the dispute, i.e., whether it is an administrative dispute arising from the activity of a public service or from the exercise of public authority privileges.
- A legal element: This consists of the application of the rules of administrative law, which are characterized by their exceptional nature compared to the rules of private law.

Therefore, administrative courts do not consider every dispute in which the administration is a party, but only those disputes in which it acts in its capacity as a public authority, not as a private legal entity.

2. **Administrative Judiciary Bodies:** The administrative judiciary consists of administrative courts, administrative courts of appeal, and the Council of State.

a. **Administrative Courts as Courts of First Instance**: In Algeria, administrative courts are public law courts dealing with administrative matters. They function as courts of first instance, adjudicating disputes in which the State, a province, a municipality, or public institutions of an administrative nature are parties. They uphold the principle of two-tiered litigation, with their judgments subject to appeal before the administrative courts of appeal **(Law No. 08-09: Article800-2, 2008)**.

B. **Administrative Courts of Appeal**: The Administrative Courts of Appeal were established by virtue of the 2020 constitutional amendment, stipulating that the Council of State represents the body that evaluates the work of the Administrative Courts of Appeal as a second level of administrative justice **(the constitutional amendment, 2020)**, in recognition of the principle of two-tiered litigation in administrative matters, with the aim of bringing justice closer to the litigant, and reducing the pressure on the Council of State as an appellate and cassation body at the same time previously, in order to ensure the speed of adjudication in administrative cases, in accordance with procedures regulated by laws such as the law relating to the judicial division **(Law No:22-07, 2022)**, the organic law relating to the judicial organization **(Law No: 22-10, 2022)**, the law containing the law of civil and administrative procedures, and other laws.

c. **Council of State**: The Council of State is an evaluative body for the work of the judicial authorities, and it ensures the unification of administrative judicial interpretation in the country, and it oversees respect for the law **(the constitutional amendment, 2020)**. The Council of State enjoys independence when exercising its judicial powers. As the supreme body evaluating the work of the administrative judicial authorities, the Council of State is competent to decide on appeals by way of cassation against final judgments and decisions issued by the administrative judicial authorities. It is also competent to decide on appeals by way of cassation authorized to it by special provisions, and to decide on appeals against decisions of the Administrative Court of Appeal of the City of Algiers in a case of annulment, assessment, interpretation and assessment of the legality of administrative decisions issued by the central administrative authorities, national public bodies and national professional organizations **(Law No. 22-11:Articles: 9-10-11, 2022)**.

From the above, we find that this organization confirms that the administrative judiciary enjoys structural and functional independence, and plays a pivotal role in ensuring respect for the principle of legality.

3. Characteristics of the administrative judiciary in Algeria:

A. **Judicial Specialization:** This refers to a legal principle stating that each type of case has a competent court and no court that is not competent may adjudicate it. That is, each dispute or lawsuit has a specific judicial authority according to the nature of the lawsuit. The territorially competent administrative court shall consider the original requests and shall be competent in additional, incidental or counter-requests that fall within the jurisdiction of administrative courts. The administrative court shall also be competent to consider the defenses that fall within the jurisdiction of the administrative judicial authority **(Law No. 22-13: Article 805)**.

B. **The written nature of the proceedings:** Litigants in administrative matters are required to support their requests and claims with written means, usually in the form of memoranda submitted to the judge. These written memoranda are exchanged between the litigants and parties to the administrative case. This nature entails the exclusion of oral remarks or what is expressed in pleadings. Even if these oral pleadings are prompted, especially by lawyers, they are limited to what the petition and written memoranda contain in terms of requests and claims, or they aim to explain and simplify these requests **(Law No. 22-13: Article 14 and 815)**.

C. **The positive role of the administrative judge**: It is represented in directing the lawsuit and investigating it, and filling the gap in evidence to achieve a balance between the parties to the dispute, going beyond the role of the negative opponent to ensure the legitimacy of decisions and protect the rights of individuals. He is the master of the investigation who exercises broad powers in

proof and implementation of judgments, preventing the administration from evading its obligations. He enjoys broad powers in investigation and legal characterization of the dispute **(Sabiq, 2022)**.

D. **Procedural imbalance between the parties**: As a result of the public authority privileges granted to the administration, it is a legal phenomenon resulting from the disparity in legal positions between the public authority and the individual, where the administration enjoys procedural privileges such as possession of files that put it in a stronger position, and the administration enjoys the privileges of direct execution that precede and accompany the judicial dispute, while the individual faces difficulties in proving, which requires the administrative judge to intervene to restore balance.

Second: The scope of administrative justice in Algeria

Defining the scope of administrative justice includes determining the nature of the disputes it adjudicates and the entities subject to its oversight. In Algeria, administrative justice encompasses several types of disputes. According to the Code of Civil and Administrative Procedure, administrative courts are considered the bodies of general jurisdiction in administrative disputes. They have jurisdiction to adjudicate, at first instance, all cases in which the State, a province, a municipality, or a public institution of an administrative nature is a party, with judgments subject to appeal. They also have jurisdiction to adjudicate **(Law No. 22-13: Article 800)**:

1. Lawsuits for the annulment of administrative decisions, lawsuits for interpretation, and lawsuits for reviewing the legality of decisions issued by the state and its decentralized departments at the state level, municipalities and other municipal administrative departments, and local public institutions of an administrative nature;
2. Lawsuits for full jurisdiction;
3. Cases assigned to it by special provisions.

Ordinary courts have jurisdiction over disputes concerning traffic violations, and disputes related to any liability claim seeking compensation for damages caused by a vehicle belonging to the state, or to one of the states, municipalities, or public institutions of an administrative nature **(Law No. 22-13: Articles 801-802)**.

Third: The constitutional basis of administrative justice

The Algerian constitution enshrines the principle of dual justice, and this is embodied through strengthening the independence of the administrative judiciary and keeping pace with the digital transformation taking place in this field.

Strengthening the independence and specialization of the administrative judiciary: The 2020 constitutional amendment came to emphasize the principle of the independence of the judiciary, and to strengthen the position of the

administrative judiciary as a specialized judiciary in deciding administrative disputes, by establishing the duality of the judiciary and strengthening the role of the State Council and the administrative courts in protecting the principle of legality.

Administrative justice in light of digital transformation: The 2020 constitutional amendment established the foundations for modernizing justice, which was reflected in administrative justice by opening the way for electronic justice, simplifying procedures, and achieving judicial efficiency, thus ensuring faster resolution of administrative disputes and improving the quality of judicial service.

In light of the above, it is clear to us that the administrative judiciary in Algeria constitutes a fundamental legal mechanism for the protection of rights and freedoms, and its position has been clearly strengthened under the constitutional amendment of 2020, which enshrined the right of the judiciary, supported the independence of the administrative judiciary, and kept pace with the requirements of digital transformation, in accordance with the principles of the rule of law and good governance.

Second axis: Scope and limits of exception to the general rules of administrative litigation

The specific nature of administrative activity and the requirements for the continuity of public service prompted the legislator to approve a set of exceptions to the general rules of litigation in administrative matters, whether in terms of jurisdiction, procedures, or methods of appeal. The constitutional amendment came to reframe these exceptions with explicit constitutional guarantees, which require a reassessment of their organization in the Civil and Administrative Procedures Law.

First: The scope of exceptions to general rules

The scope of the exception is determined by narrow limits governed by constitutional principles. It is inconceivable that exceptions should become a means of protecting the actions of the administration or limiting judicial oversight of them. Rather, they must be interpreted narrowly and must not affect the essence of the right to resort to the judiciary. Therefore, studying the scope of these exceptions requires addressing them first in terms of judicial jurisdiction, then in terms of procedures and deadlines for adjudication, and finally in terms of types of lawsuits and the powers of the judge.

1. Exceptions in terms of judicial jurisdiction: The 2020 Algerian constitutional amendment enshrined the principle of dual jurisdiction by establishing an independent administrative judiciary with jurisdiction over administrative disputes, headed by the Council of State, which acts as a body to

review the actions of administrative courts **(the constitutional amendment, 2020)**. The Code of Civil and Administrative Procedure embodies this principle by assigning general jurisdiction to administrative courts, but it also establishes exceptions to it, mainly:

- Assigning initial and final jurisdiction to the Council of State in certain disputes.
- Excluding certain disputes from the jurisdiction of administrative courts and subjecting them to special regulations.
- This exception is justified in principle; however, it remains subject to respect for the principle of the natural judge and the constitutionally guaranteed right of the judiciary, which necessitates a narrow interpretation.

2- Exceptions in terms of procedures and deadlines: Procedural organization is one of the most prominent areas of exception in administrative justice. The Code of Civil and Administrative Procedure stipulates special procedures, including reducing appeal deadlines, requiring certain preliminary procedures, establishing a system of summary administrative proceedings, and allowing for the suspension of the execution of administrative decisions as an exception to the principle of immediate enforcement of administrative decisions.

However, while these exceptions aim to achieve administrative efficiency, they raise a constitutional issue when they effectively restrict the right to litigation **(the Constitutional Amendment: Article 175, 2020)**. This necessitates subjecting them to strict oversight to ensure they do not exceed the bounds of necessity.

3- The exception in terms of the types of lawsuits and the powers of the judge: The Civil and Administrative Procedures Law distinguished between an annulment lawsuit due to abuse of power and full jurisdiction lawsuits. This distinction is an exception to the unity of the procedural system, justified by the particularity of each type of lawsuit. However, the expansion of the judge's powers in full jurisdiction lawsuits, compared to their restriction in an annulment lawsuit, raises the issue of the balance between protecting the public interest and guaranteeing individual rights, especially in light of the 2020 constitutional amendment that strengthened the position of the administrative judge as a guardian of rights and freedoms.

Second: The limits of exceptions to general rules

1. The right of appeal as a constitutional limit for exceptions: The constitutionally enshrined right of appeal represents the maximum limit that no legislative exception may exceed. Therefore, any procedural or substantive exception must not lead to:

- Depriving litigants of access to administrative courts.
- Undermining the substance of judicial guarantees.
- Granting indirect immunity to the administration.

2. The principle of proportionality and guarantees of a fair trial: The Algerian Constitution affirmed the principle of proportionality and guarantees of a fair trial, which makes respect for the rights of the defense, the publicity of the sessions, and the independence of the judge, limits that cannot be violated under the pretext of exception. Therefore, any exceptional regulation must be necessary, proportionate, and limited to a legitimate purpose.

3. From the above, it is clear that the exception to the general rules of administrative litigation is a necessity imposed by the particularity of administrative work. However, it only acquires its legitimacy to the extent that it respects constitutional guarantees. Therefore, reframing the exceptions contained in the Civil and Administrative Procedures Law is a fundamental condition for achieving a balance between the effectiveness of the administration and the protection of rights and freedoms within the framework of the rule of law.

The reference to digital transformation in the field of administrative justice should not be confined to its characterization as a mere technical means for modernizing the judicial public service; rather, it must be directly linked to the extent of its impact on the exceptions established to the general rules governing administrative litigation. Digitalization carries a dual effect: on the one hand, it may contribute to reducing certain traditional procedural exceptions, while on the other hand, it may lead to the emergence and consolidation of new exceptions imposed by the digital environment itself.

From one perspective, digitalization contributes to limiting some of the traditional justifications for procedural exceptions, particularly those related to the slowness of proceedings or the difficulty of access to administrative justice. The adoption of electronic litigation, digital notification systems, and the electronic filing of petitions and submissions facilitates the simplification of procedures, shortens procedural deadlines, and enhances equality between the administration and litigants. This, in turn, weakens the rationale for maintaining certain procedural privileges granted to the administration under the pretext of ensuring the continuity of public service or addressing the complexity of administrative functions. Furthermore, digitalization strengthens the principle of legal certainty by promoting greater transparency and enabling electronic tracking of judicial procedures.

However, digital transformation may conversely give rise to new procedural exceptions associated with the electronic environment, such as the imposition of specific technical requirements for the admissibility of electronic petitions, or the adoption of digital deadlines and procedures that may constitute a burden on certain litigants, particularly in light of the digital divide and limited access to technological means. Moreover, the administration may invoke cybersecurity requirements or the protection of digital data to justify certain procedural restrictions, which may adversely affect the principle of equality between litigants and the effectiveness of the right of access to justice.

Accordingly, digitalization does not necessarily result in the abolition of procedural exceptions; rather, it reshapes them within a new framework that compels both the legislator and the administrative judiciary to restore the balance between the demands of digital modernization and the guarantees of a fair trial. Hence, the success of digital justice remains contingent upon its ability to reduce unjustified procedural exceptions without allowing technology itself to become a source of new procedural constraints that undermine the very essence of the right to litigation.

Third axis: Evaluating the constitutionality of exceptions in administrative litigation

The system of exceptions to the general rules of administrative litigation is one of the most controversial issues in jurisprudence and the judiciary, due to its direct impact on the guarantees of the right of the judiciary and the principle of legality. In light of the constitutional amendment, evaluating this system is of particular importance, as it is a real test of the extent to which the procedural organization of administrative disputes is consistent with constitutional principles on the one hand, and with judicial trends on the other.

First: Evaluating the system of exceptions in light of constitutional principles

The administrative litigation system is based on the administration's adherence to the principle of legality, that is, its commitment to the law and the subjection of its actions to judicial oversight. This was reinforced by the constitutional amendment through the support of the administrative judiciary and the activation of the role of the State Council and the Constitutional Court. The principle of the right to litigation is also a constitutional constraint that ensures the effectiveness of this oversight. However, exceptions to the general rules of administrative litigation remain legitimate only if they respect the principle of proportionality, do not affect the essence of the right to resort to the judiciary, and take into account the principle of legal certainty. Thus, a balance is achieved between the effectiveness of the administration and the protection of rights and freedoms within the framework of the rule of law.

The principle of the right to litigation as a restriction on exception: The Algerian Constitution enshrined the right to litigation as one of the fundamental constitutional rights **(the constitutional amendment: Article 175-1, 2020)**, which requires the legislator not to approve any procedural exception that would affect the essence of this right. However, some exceptions, especially those related to appeal deadlines and conditions of acceptance, may practically lead to narrowing the scope of exercising this right. This necessitates evaluating them in light of the criterion of necessity and not affecting its essential content. It is understood from this that the right to litigation is a constitutional and fundamental right guaranteed to every individual to protect his rights, while exceptions such as the immunity of decisions, acts of sovereignty, or conditions of specific interest constitute narrow

restrictions on this principle, which must be interpreted within the limits of the explicit legal text to ensure that the right to defense is not violated or that one does not escape judicial oversight.

The subjection of the administration to judicial oversight: The principle of legality stipulates that all administrative actions are subject to judicial oversight, without immunity or exception. Therefore, procedural exceptions that lead to limiting the effectiveness of judicial oversight are subject to constitutional consideration, especially if they result in indirect immunity for some administrative decisions, which contradicts the philosophy of the constitution. The subjection of the administration to judicial oversight is a fundamental pillar in the state of law, and the consecration of the principle of legality with the aim of protecting the rights and freedoms of individuals, canceling illegal decisions, and compensating for the damages resulting from them, and it extends to include discretionary power through the theory of manifest error and proportionality **(Chehra, 2016)**.

The principle of proportionality and legal security: The principle of proportionality requires that there be a balance between the objective to be achieved and the means used, so that legal procedures are not excessive. It is applied in administrative law through administrative control procedures and in the use of force to impose order. Thus, it is a fundamental judicial tool for courts to assess the legitimacy of the actions of public authorities. With reference to the provisions of the constitution, there is no explicit text that mentions it in its explicit form, but it enshrines general constitutional principles that intersect with it, such as the protection of rights and freedoms, equality before the law, non-discrimination, for example **(the constitutional amendment: Article 34-1-2, 2020)**. The principle of legal certainty requires clear and stable procedural rules. However, the abundance and overlap of exceptions may lead to confusion for litigants and undermine confidence in administrative justice **(the constitutional amendment: Article 34-3-4, 2020)**, as the authorities are committed to ensuring relative stability of laws, allowing individuals to anticipate the legal consequences of their actions without fear of sudden changes.

Second: Evaluating the system of exceptions in light of administrative judicial precedents

Some administrative jurisprudence believes that the effectiveness of exceptions in administrative justice cannot be evaluated in isolation from the role of the administrative judiciary in interpreting and applying them, given that the administrative judge does not merely apply the texts literally, but contributes through his interpretations to controlling the scope of exceptions and defining their limits, thus preventing unjustified expansion of them and preventing them from becoming a general rule that threatens the principle of legality.

The trend of administrative judiciary towards a narrow interpretation of the exception: The judicial authority performs the function of interpreting the law and legal acts during the performance of the function of considering and deciding on various disputes and lawsuits, and the interpretation here is called judicial interpretation **(Al-Shaer, 2020)**. The State Council, in its rulings, has adopted the principle that exceptions should not be used as a basis for comparison or expanded interpretation. This approach reflects the judiciary's awareness of the dangers of expanding exceptions at the expense of rights and freedoms, and contributes to reducing the negative effects of exceptional texts.

- Limits of Judicial Interpretation in the Face of Exceptional Texts: The role of administrative judicial interpretation in the face of exceptional texts is limited to the interpretive and supervisory role to ensure that the administration does not act arbitrarily. The courts are bound by the limits of the text of the exceptional legislation without the possibility of repealing it, but they monitor the extent to which the procedures are proportionate to the degree of necessity, the soundness of the characterization of the exceptional circumstance, and the determination of compensation for damages. Despite the pivotal role of judicial interpretation in protecting rights, its effectiveness remains limited by the limits of existing legislative texts, as the administrative judge cannot exceed the explicit texts that stipulate clear exceptions, even if they appear to contradict the spirit of the constitution. This highlights the need for legislative intervention to readjust the system of exceptions. The limits of judicial interpretation in the face of exceptional texts are represented by recognizing the exceptional authority of the administration, monitoring proportionality and necessity, instead of invalidating decisions based on ordinary texts, compensation for damages, prohibiting the expansion of interpretation and characterization of the legal situation. The judge alone has the authority to determine whether the circumstances necessitate the activation of exceptional rules or whether the situation is ordinary and requires the application of ordinary law **(Ladrâa, 2018)**.

Based on the foregoing, it can be said that analyzing the system of exceptions in light of administrative judicial precedents constitutes a fundamental approach to assessing the maturity of the administrative judiciary and its capacity to establish effective oversight of administrative actions without compromising the specific nature of the administrative function and the requirements of the public interest.

While the system of exceptions in the administrative judiciary aims to achieve administrative efficiency, it continues to raise serious constitutional and judicial issues. Despite the positive role played by the administrative judiciary in narrowly interpreting exceptions, achieving full harmony with the constitution remains contingent upon legislative reform that redefines these exceptions and

transforms them into a truly exceptional mechanism, rather than a permanent constraint on the judiciary's authority.

Conclusion:

Through our research on the subject of exceptions to the general rules of administrative litigation in Algeria, we arrived at a set of conclusions, the most important of which are:

The Algerian legislator adopted a procedural system that is based in principle on unifying the general rules of administrative litigation, in accordance with constitutional principles. However, this approach was not absolute, as it was surrounded by a number of exceptions imposed by considerations.

Exceptions take many forms, including those related to judicial jurisdiction such as exclusion, those related to procedures, and those related to deadlines, the type of lawsuit, or the competent judicial authority.

The State Council has played a crucial role in interpreting and defining the scope of these exceptions through judicial interpretation, striving to achieve a balance between the requirements of the public interest and the guarantees afforded to litigants.

The exceptions to the general rules of administrative litigation are a double-edged sword. On the one hand, they are a necessary mechanism for adapting administrative justice to the specificities of certain disputes. On the other hand, if misused or applied without precise controls, they can indirectly infringe upon the right to litigation and the principle of legality.

In light of the findings, we propose:

- Re-examining procedural exceptions in light of newly established constitutional principles, particularly those related to legal certainty and the right to a fair trial.
- Unifying the procedural concepts and terminology used in legislation, jurisprudence, and administrative law to avoid ambiguity and differing interpretations.

Enshrining the principle of narrow interpretation of exceptions, both legislatively and judicially, as deviations from the general rule, to protect the judiciary's right to self-determination and strengthen legal certainty.

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