

The Dynamic Role of Civil Society in Strengthening the Rule of Law in Algeria: Challenges and Future Prospects

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Abstract:

This study examines the dynamic role of civil society as a fundamental actor in strengthening the rule of law in Algeria, exploring its evolving functions within the current political and legal landscape. The research analyzes the core contributions of civil organizations, ranging from popular oversight and legal advocacy to participating in public policy evaluation, with a particular focus on the momentum generated by the 2019 Hirak movement. Furthermore, the article addresses the multifaceted challenges that impede this dynamism, notably the restrictive legislative framework (Law 12-06), executive dominance, and weak institutional capacities. Finally, the study outlines future prospects for enhancing this role, emphasizing the necessity of transitioning from a relationship of dependency to a strategic partnership. It concludes that comprehensive legislative reforms and guaranteed independence are essential for empowering civil society to serve as a sustainable pillar for the rule of law in Algeria's democratic transition.

Keywords: Civil Society; Rule of law; Challenges; Future Prospects; Algeria.

1. INTRODUCTION

The rule of law is one of the fundamental pillars upon which the modern state is built, as it forms the framework that ensures the submission of all authorities, individuals, and groups to the provisions of the law without exception. Without the rule of law, constitutional texts become mere slogans, and the legitimacy of political and legal institutions weakens.

In the Algerian context, civil society has emerged as a key actor in supporting the process of political and rights-based transformation, particularly following the

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constitutional amendments of 2016 and 2020, and the popular Hirak movement of 2019. However, its contribution to consolidating the rule of law remains limited due to the legal and political obstacles hindering its work.

This study poses the following problematic: **To what extent has civil society in Algeria succeeded in strengthening the rule of law, and what are the challenges and prospects governing its institutional role?**

The research hypothesis posits that civil society in Algeria represents a fundamental pillar for consolidating the rule of law, but it faces constraints that limit its independence and effectiveness.

To address this problematic, the research will be divided into two sections. The first section will cover the conceptual and legal framework for the rule of law and civil society, while the second section will address civil society as an actor in strengthening the rule of law.

2. The Conceptual and Legal Framework for the Rule of Law and Civil Society

The principle of the rule of law and civil society are among the essential pillars of any democratic constitutional system, as the former guarantees the protection of rights and freedoms, while the latter represents the vital space for active citizenship. This section will examine the conceptual and legal framework for the rule of law and its relationship with civil society, by tracing its historical and philosophical roots, its modern jurisprudential foundation, and the international standards governing it, with a focus on the specificity of the Algerian context.

2.1 The Concept of the Rule of Law

In this subsection, we will address the historical and philosophical roots of the rule of law (first), as well as its modern jurisprudential foundation (second), the international standards governing it (third), and we will touch upon the rule of law in the Algerian context.

First: The Historical and Philosophical Roots of the Rule of Law

The concept of the rule of law has historically been linked to the idea of subjecting the ruler to the law and limiting his authority. In Greek philosophy, Aristotle emphasized that "the rule of law is better than the rule of any individual," considering the law as an objective standard that transcends the will of rulers, and its absence leads to tyranny¹. This vision formed an essential basis for the principle of subjecting everyone to the law as a condition for the stability of the political system.

¹- Belkacem, Habib, The Rule of Law and Its Role in Societal Stability and Protection of Public Rights and Freedoms, Journal of Law and Political Sciences, University Abbes Laghrou of Khenchela, Volume 10, Issue 1, 2023, p 1010.

In modern Western thought, John Locke presented the rule of law as a necessity for protecting individuals' natural rights, such as freedom and property, pointing out that these rights can only be safeguarded under a legal system that defines and limits the ruler's powers¹. In the same context, Montesquieu developed this concept through his theory of the separation of powers, asserting that the concentration of power in one entity inevitably leads to tyranny, and that the law is the essential tool for achieving balance among the executive, legislative, and judicial powers².

In Islamic heritage, principles emphasizing the priority of Sharia texts over the will of rulers can be found, where concepts of justice and consultation are linked to the rule of law. The ruler in this context is considered bound by Sharia rulings, and it is not permissible for him to exceed them or act outside their framework, reflecting the priority of the law (the Sharia text) over any human authority³.

Second: The Modern Jurisprudential Foundation of the Rule of Law

In contemporary constitutional jurisprudence, the principle of the rule of law is no longer a mere formal rule but has become a comprehensive framework for ensuring the state's legitimacy and protecting rights and freedoms. Its most prominent elements can be identified as follows:

The Separation of Powers: This principle is one of the most important guarantees of the rule of law, as absolute power is absolutely corrupting, and it is limited through the distribution of powers among independent and balanced bodies, ensuring balance among the executive, legislative, and judicial powers⁴.

1. **Constitutional Legitimacy:** The constitution is considered the supreme law in the state, and violating its provisions leads to the invalidity of lower laws and regulations, thereby strengthening the rule of law as a framework for legitimacy⁵.
2. **Equality Before the Law:** This rule forms an essential pillar for achieving justice, where all individuals and authorities are subject to the law without discrimination, enhancing citizens' confidence in the legal system⁶.
3. **Judicial Oversight:** The judiciary is the cornerstone in protecting the rule of law, through its authority to review the constitutionality of laws and annul those that conflict with the constitution or infringe on fundamental rights and freedoms¹.

¹ - Tabib, fatiha, Civil Society and Good Governance: A Theoretical Approach, Al-Ra'id Journal in Political Studies, Ibn Khaldoun University of Tiaret, Volume 1, Issue 1, 2019, p 138.

² - Tabib, fatiha, Op.cit, p 138.

³ - Behloul, Khaled and Hamida, Nadia, Judicial Security and the Rule of Law "Algeria as a Model", Journal of Human Rights and Public Freedoms, Abdelhamid Ibn Badis University of Mostaganem, Volume 6, Issue 3, 2023, p 624.

⁴ - Tabib, fatiha, Op.cit, p 138.

⁵ -Safi, Mounir and Bqnich, Othman, The Evolution of Civil Society in the Arab Maghreb and Its Role in the Democratic Transition Process, Al-Mi'yar Journal, Emir Abdelkader Islamic Sciences University of Constantine, Volume 25, Issue 61, 2021, p 880.

⁶ -Behloul, Khaled and Hamida, Nadia, Op.cit, p 624.

Third: International Standards for the Rule of Law

The principle of the rule of law is no longer solely a domestic matter but has become one of the fundamental principles recognized internationally. The United Nations affirmed in its report on the rule of law that the essence of this principle lies in the submission of the state, its individuals, and institutions to a fair law applied equally to all².

International organizations such as the World Bank and the World Justice Project have contributed to developing quantitative indicators to measure countries' adherence to the rule of law, based on criteria such as judicial independence, institutional effectiveness, and protection of fundamental rights³.

At the regional level, the African Union has made the rule of law an essential condition for member states' membership, reflecting the universal dimension of this principle and affirming its status as a standard for the legitimacy of political systems⁴.

Fourth: The Rule of Law in the Algerian Context

Since its independence, Algeria has experienced a fluctuating path in establishing the principle of the rule of law. The early constitutions (1963 and 1976) did not clearly enshrine this principle, as the executive authority dominated the other powers, limiting the achievement of institutional balance⁵.

With the 1989 Constitution, the principle of political pluralism and the recognition of freedom to establish associations were introduced, but practical implementation remained limited due to the dominance of the single party in the political scene⁶.

As for the 1996 Constitution, it established the Constitutional Council as a body to ensure respect for the constitution, but its powers remained limited compared to its counterparts in advanced democratic systems⁷.

Meanwhile, the 2016 Constitution strengthened the status of rights and freedoms and stipulated the principle of equality before the law, while the 2020 Constitution

¹ -idem.

² -Belkacem, Habib, Op.cit, p 1011.

³ - Safi, Mounir and Bqnich, Othman, Op.cit, p 882.

⁴ - ibid, p 883.

⁵ -Baghdadi, Iman, Establishing the Rule of Law in Line with the Democratic Path, Journal of Algerian and Comparative Public Law, Djillali Liabès University of Sidi Bel Abbès, Volume 11, Issue 1, 2025, p 334.

⁶ - Maghraoui, Loukman, Civil Society Actors and Public Policies in Algeria: What Relationship?, Journal of Constitutional Law and Political Institutions, Abdelhamid Ibn Badis University of Mostaganem, Volume 5, Issue 1, 2021, p 258.

⁷ -Behloul, Khaled and Hamida, Nadia, Op.cit, p 626.

emphasized the state's submission to the law and included a role for civil society in evaluating public policies, reflecting a political will to expand the scope of the rule of law¹.

2.2 The Concept of Civil Society

Civil society represents one of the fundamental concepts in political science and constitutional law, as it forms the organizational framework that enables individuals to participate in public life outside the scope of official state institutions. The concept has undergone significant development across historical stages, starting from its theoretical roots in political philosophy, to its modern jurisprudential foundation, and then the Algerian experience distinguished by its specificities linked to the political and social context.

In this subsection, we will address the theoretical roots of the concept of civil society (first), as well as its concept in modern political jurisprudence (second), and its evolution in Algeria (third).

First: The Theoretical Roots of the Concept of Civil Society

The origin of the concept of civil society dates back to classical Western political philosophy. It was linked in Hobbes and Locke to the theory of the social contract, where civil society is considered the result of individuals' agreement to transition from the state of nature to an organized society that ensures the protection of fundamental rights². Hegel presented a different view, considering civil society as an intermediate space between the state and the family, organizing private interests through associations and unions³.

As for Gramsci, he developed the concept by linking it to cultural hegemony, considering civil society as a space for intellectual and political struggle against the existing authority through cultural, educational, and social institutions⁴.

In the Arab-Islamic context, civil society is embodied in institutions such as endowments (waqfs), zawiyas, and Sufi orders, which exercised independent social roles from the state and contributed to achieving social solidarity and limiting political authority, reflecting local roots for the idea of self-organization⁵.

Second: Civil Society in Modern Political Jurisprudence

Modern political jurisprudence has evolved in defining civil society as the set of intermediary organizations between the individual and the state, which work to protect

¹ -Baghdadi, Iman, Op.cit, p 334.

² -Tabib, fatiha, Op.cit, p 137.

³ -ibid, p 138.

⁴ -ibid, p 139.

⁵ -Boulkeibates, Ahlam, Civil Society in Algeria: From Deficiency to Dependency, Journal of Human and Social Sciences, Mohamed Khider University of Biskra, Volume 9, Issue 4, 2020, p 128.

common interests outside the framework of governmental authority. Researchers have identified a set of characteristics that distinguish civil society, including:

1. **Voluntariness:** Associations and civil organizations are established on the principle of voluntary affiliation without coercion¹.
2. **Independence:** Meaning civil society's independence from state institutions, enabling it to monitor and criticize them freely².
3. **Pluralism:** Civil society consists of diverse organizations reflecting the diversity of social, economic, and cultural interests³.
4. **Legal Legitimacy:** No civil organization can exercise its activity except in accordance with the applicable legal frameworks⁴.

Civil society is considered a pivotal element in consolidating democracy, as it enables individuals to participate in political decision-making, contributes to overseeing the work of authorities, and provides mechanisms for peacefully resolving social conflicts⁵.

Third: The Roles and Types of Civil Society

The concept of civil society is not limited to being a theoretical space for exercising citizenship, but it is a diverse practical framework through which individuals perform multiple roles in various fields. Legal and political literature highlights that civil society has a set of fundamental roles, which can be summarized as follows:

1. **The Supervisory and Political Role:** This involves monitoring the performance of public authorities, exposing violations, and pressuring for respect of the constitution and laws, forming popular oversight that contributes to consolidating the rule of law⁶.
2. **The Rights-Based Role:** This involves defending fundamental rights and freedoms, reporting violations, and litigating before national and international bodies when necessary⁷.
3. **The Social and Service Role:** This involves providing assistance to vulnerable groups and contributing to achieving social solidarity through charitable and developmental associations⁸.

¹ -Tabib, fatiha, Op.cit, p 140.

² -Boulkeibates,Ahlam,Op.cit, p 127.

³ -Tabib, fatiha, Op.cit, p 140.

⁴ -Maghraoui, Loukman, Op.cit, p 260.

⁵ - Mouzawi, Bilal, Civil Society and the Challenges of ActivatingParticipatoryDemocracy: A Comparative StudyBetweenAlgeria and Morocco, Journal of Arts and Social Sciences, University of Setif 02, Volume 17, Issue 2, 2020, p 328.

⁶ -Harouche, Noureddine, Civil Society and Democratization... WhatRole?, Academia Journal, University of Hassiba Ben Bouali, Chlef, Volume 1, Issue 1, 2013, p 139.

⁷ -Rabhi, Lakhdar and Ben Baalach, Khalida, The Role of Civil Society Institutions at the National and International Levels in Promoting and ProtectingHumanRights Under Good GovernancePrinciples, Journal of HumanRights and Public Freedoms,Abdelhamid Ibn BadisUniversity of Mostaganem, Volume 2, Issue 1, 2017, p 203.

⁸ -Belhanech, Ahmed, Civil Society Institutions: Social Associations as a Model, AfaqlImiya Journal,University of Tamenghasset, Volume 14, Issue 1, 2022, p 267.

4. **The Developmental Role:** Civil society contributes to preparing and implementing local development programs and acts as a partner to public authorities in fields such as education, environment, and health.

As for the types of civil society, several organizations can be distinguished, the most prominent of which are:

- **Charitable and Developmental Associations:** Focused on social work and humanitarian assistance.
- **Professional Unions:** Defending the rights of workers and professionals, considered a social pressure force.
- **Human Rights Organizations:** Concerned with protecting human rights and monitoring legislation and public policies.
- **Social and Youth Movements:** Active in the public sphere and pressing for political or social change¹.

This diversity in roles and types shows that civil society is an active force that contributes directly to building the rule of law state and strengthening political legitimacy.

Fourth: The Evolution of Civil Society in Algeria

Algerian civil society has gone through varying stages linked to the political and constitutional transformations the state has witnessed since independence. Its evolution can be divided into four main stages:

1. **Post-Independence Stage (1962–1989):** This stage was characterized by the dominance of the state and the single party (National Liberation Front) over the public sphere, where associative activity was limited and directed to serve political authority, with the absence of true independence for civil society².
2. **The 1989 Constitution Stage:** The 1989 Constitution marked a decisive turning point by recognizing political, union, and associative pluralism, leading to the establishment of thousands of associations in various fields, but the absence of a culture of democratic participation and bureaucratic restrictions limited their effectiveness in monitoring authority³.
3. **The Black Decade Stage (1992–2000):** This stage witnessed a noticeable decline in the role of civil society due to the security crisis and terrorism, where its activities were confined to charitable and humanitarian initiatives to support victims, with an absence in the political and rights fields⁴.
4. **The Reform Stage (2000–2020):** Civil society experienced a revival with political reforms after the 1990s crisis. The 2016 Constitution stipulated the role of associations in local development, while the 2020 Constitution granted civil society broader powers in evaluating public policies. The 2019 popular Hirak

¹ -Harouche, Nouredine, Op.cit, p 139.

² -Ghans, Mohamed, Algerian Civil Society Between Independence and Political Utilization, Al-Ostadh Al-Bahith Journal for Legal and Political Studies, University Mohamed Boudiaf of M'Sila, Volume 6, Issue 2, 2021, p 499.

³ -Maghraoui, Loukman, Op.cit, p 259.

⁴ -Ghans, Mohamed, Op.cit, p 501.

also highlighted the vital role of youth and rights organizations in pushing for peaceful change and consolidating the values of the rule of law¹.

2.3 The Relationship Between the Rule of Law and Civil Society

The relationship between the rule of law and civil society is an organic and mutual one, as a rule of law state cannot exist without an effective civil society, just as the latter cannot flourish except under a legal system that provides it with protection and legitimacy. This relationship is evident through its theoretical, institutional, and specificities embodied in the Algerian context.

In this subsection, we will address the theoretical framework for the relationship between the rule of law and civil society (first), then the institutional dimensions of this relationship (second), and finally the specificity of the Algerian case regarding this relationship.

First: The Theoretical Framework for the Relationship

Constitutional jurisprudence and political science indicate that the rule of law represents the legal environment nurturing the growth of civil society, while civil society forms the practical guarantee for embodying the rule of law in reality².

Civil society exercises oversight over public authorities and pressures for respect of laws and the constitution, preventing the rule of law from becoming mere formal slogans. Through the diversity of its organizations, civil society contributes to consolidating citizenship culture, thereby enhancing the political legitimacy of the legal system. In return, the rule of law provides the fundamental guarantee for civil society's independence and protects it from executive authority interference³.

In this sense, the relationship between them is based on mutual conditionality: civil society defends the rule of law, and the rule of law protects civil society.

Second: The Institutional Dimensions of the Relationship

The relationship between the rule of law and civil society is embodied in several institutional dimensions, the most important of which are:

1. **Popular Oversight:** Civil society undertakes monitoring the work of public authorities through reports, petitions, and awareness campaigns⁴.
2. **Defending Rights and Freedoms:** By following cases before national courts or submitting reports to international bodies, ensuring the protection of fundamental rights¹.

¹ -Zane, Mariam, *The Popular Movement in Algeria and the Position of the Intellectual Elite*, International Politics Journal, M'hamed Bougara University of Boumerdès, Volume 5, Issue 3, 2021, p 693.

² - Tabib, fatiha, Op.cit, p 141.

³ - Harouche, Nouredine, Op.cit, p 141.

⁴ -ibid, p 143.

3. **Participation in Formulating Public Policies:** The 2020 Constitution explicitly stipulated the involvement of associations and civil organizations in evaluating public policies, reflecting a qualitative shift in constitutional recognition of civil society's role².
4. **Strengthening Trust Between the State and Citizens:** Civil society serves as a channel for dialogue between authority and society, contributing to reducing conflicts and enhancing stability³.

Third: The Specificity of the Algerian Case

The relationship between the rule of law and civil society in Algeria is characterized by specificities linked to the political and legislative context. On one hand, constitutions since 1989 have recognized the freedom to establish associations, but the legal framework imposed restrictions, most notably Law 12-06, which adopted a licensing system instead of declaration, affecting associations' independence⁴.

On the other hand, the 2019 popular Hirak formed a pivotal milestone, as civil society played a central role in framing the Hirak and ensuring its peacefulness, forcing authority to reconsider its position within the constitutional system, where the 2020 Constitution was introduced as a response to the Hirak.⁵

Accordingly, it can be said that civil society in Algeria is undergoing a transitional phase, seeking to transform from a limited role to a strategic partner in consolidating the rule of law, but its success depends on the existence of genuine political will and legislative reforms that remove existing restrictions.

3. Civil Society as an Actor in Strengthening the Rule of Law

In this section, we will address the pivotal functions of civil society in strengthening the rule of law (first subsection), then the obstacles and challenges facing civil society in strengthening the rule of law (second subsection), and finally, we will discuss the prospects for developing the role of civil society in strengthening the rule of law (third subsection).

3.1 The Pivotal Functions of Civil Society in Strengthening the Rule of Law

Civil society in Algeria is one of the essential actors in establishing the rule of law, not only as a comprehensive framework for associations and non-governmental organizations but also as a mediator between the state and society. Its contribution to

¹ -Aït Abdelmalek Nadia, *The Role of Civil Society in the Democratic Transition to Protect Rights and Freedoms and Promote Good Governance (An Applied Study of Arab Civil Society Institutions)*, Studies and Research Journal, Volume 11, Issue 02, Ziane Achour University of Djelfa, 2019, p 180.

² -Safi, Mounir and Bqnich, Othman, *Op.cit*, p 885.

³ -Saidi Al-Saeed, *The Role of Civil Society in Consolidating Participatory Democracy*, Al-Mufakkir Journal, Mohamed Khiedr University of Biskra, Volume 16, Issue 02, 2021, p 404.

⁴ -Ghans, Mohamed, *Op.cit*, p 502.

⁵ -Zane, Mariam, *Op.cit*, p 696.

strengthening the rule of law is manifested through four pivotal functions: oversight, advocacy, legal education, and participation in public policies.

First: Popular Oversight of Public Authorities' Work

One of the primary functions of civil society is oversight of public authorities' work, whether through publishing periodic reports or monitoring legal and rights violations. This function is an extension of the principle of legitimacy, as it obliges authorities to respect legal texts¹.

Associations and rights unions play a prominent role in exposing violations, especially during crises, filling the oversight gap resulting from weak official institutions². This oversight contributes to enhancing transparency and consolidating the principle of accountability, which is one of the essential pillars of the rule of law³.

Second: Legal Advocacy and Protection of Fundamental Rights

Civil society also plays a pivotal role in protecting fundamental rights and freedoms. For example, rights associations undertake providing legal support to victims, reporting violations, and even filing lawsuits when necessary⁴.

Civil organizations work to convey the voices of marginalized groups to the public arena, preventing their legal and political marginalization⁵. Thus, civil society becomes an essential partner to the judiciary in enforcing respect for rights stipulated in the constitution and international treaties⁶.

Third: Spreading Legal Culture and Strengthening Citizenship

Civil society's role is not limited to oversight and defense but extends to spreading legal culture among citizens. Associations and civil organizations organize awareness campaigns regarding constitutional rights, litigation mechanisms, and the risks of violating laws⁷.

This awareness function contributes to raising individuals' awareness of their duties and rights, making them more capable of demanding the application of the law and adhering to it. Spreading the culture of the rule of law also strengthens citizenship values and reduces social conflicts⁸.

¹ -Harouche, Nouredine, Op.cit, p 143.

² - idem.

³ -Baghdadi, Iman, Op.cit, p 334.

⁴ -Ghans, Mohamed, Op.cit, p 498.

⁵ -Boulkeibates, Ahlem, Op.cit, p 130.

⁶ -Rabhi, Lakhdar and Ben Baalach, Khalida, Op.cit, p 208.

⁷ -Ziyani, Saleh, The Position of Civil Society Institutions in Managing Local Development in Algeria, Journal of Social and Human Sciences, University of Batna 1 El Hadj Lakhdar, Volume 08, Issue 16, 2007, p 255.

⁸ -Rashidi, Said and Fallahi, Karima, Op.cit, p 377.

Fourth: Participation in Formulating Public Policies

Civil society is an important partner to the state in formulating and implementing public policies, especially in areas of local development, health, and education. The 2020 Constitution explicitly stipulated the involvement of civil society in evaluating public policies¹.

The importance of this function lies in transforming civil society from a mere observer to a positive actor, contributing to developing and improving policies. Its participation in local development enhances citizens' trust in institutions and consolidates the rule of law as a guarantee for legitimacy and justice².

In Algeria, the popular Hirak highlighted that civil society is not a mere secondary element but an actor that can change the course of political life through peaceful pressure and social legitimacy. During the Hirak, civil society organizations became a "parallel force" forcing the state to negotiate and seek legal solutions to the crisis³.

Additionally, the Algerian experience has shown that civil society can transform into a partner in reforming institutions, through advocating for judicial independence and combating corruption, which are two essential pillars of the rule of law⁴.

3.2 The Obstacles and Challenges Facing Civil Society in Strengthening the Rule of Law

Despite the positive roles civil society plays in Algeria to strengthen the rule of law, its exercise of these functions is hindered by a set of legal, political, and institutional obstacles. These challenges limit its effectiveness and impede its transformation into a true partner in building the rule of law state.

First: Legal and Legislative Restrictions

One of the most prominent challenges facing civil society is the legal framework regulating the establishment and operation of associations. Law 12-06 imposed strict conditions, adopting a licensing system instead of declaration, and granting the administration broad authority to accept or reject applications for establishing associations⁵.

This has rendered many civil organizations unable to obtain legal accreditation. Additionally, bureaucratic oversight of associations' activities constitutes another obstacle, as associations are required to submit detailed financial and administrative reports, and failure to do so may lead to dissolution or suspension⁶. These legal

¹ -Baghdadi, Iman, Op.cit, p 334.

² -Ziyani, Saleh, Op.cit, p 255.

³ -Ghans, Mohamed, Op.cit, p 498.

⁴ -Safi, Mounir and Bqnich, Othman, Opcit, p 889.

⁵ -Ghans, Mohamed, Op.cit, p 508.

⁶ -Maghraoui, Loukman, Op.cit, p 262.

restrictions weaken civil society's independence and limit its oversight role over public authorities.

Second: Political and Cultural Obstacles

Civil society in Algeria is still influenced by the general political environment, where associations are sometimes viewed with suspicion by authorities, especially those active in rights and political fields¹.

This view leads to narrowing the spaces available for free civil activity. On the other hand, civil society faces a cultural challenge represented by citizens' weak awareness of the importance of civil participation, where many limit their involvement in associative work to charitable or solidarity occasions, without awareness of its role in overseeing authority and establishing the rule of law².

Third: Weak Financial and Human Capacities

Algerian civil society suffers from a clear weakness in financial resources, as most associations rely on members' subscriptions or limited aid. The absence of independent funding sources is one of the main causes of these organizations' fragility³.

As for the human aspect, many associations face difficulty in attracting qualified competencies, as their work is predominantly voluntary, which reflects on the quality of performance and the ability to prepare credible reports and studies⁴. Weak institutional capacities make civil society less influential in public policies and less capable of enforcing respect for the rule of law.

Fourth: Limited Independence from Executive Authority

Independence is one of the most important conditions allowing civil society to exercise its oversight role toward public authority, yet the Algerian reality reveals the existence of a significant number of associations described in the literature as "loyal associations," established or funded directly by the state, and often operating within official political agendas. These associations do not perform a true critical function but may become a tool for displaying formal civil society activity without real impact on oversight or defending rights⁵.

This situation has led to a deepening of the trust crisis between the elite and the citizens, as many of them view some organizations as closer to being an extension of the

¹ - Ben Sebaa, Abdelkader and Saidi, Amira, Civil Society in Algeria and the Obstacles Facing It: A Socio-Political Study, Dossiers du Laboratoire Journal, Mohamed Khider University of Biskra, Volume 18, Issue 1, 2023, p 156.

² -Maghraoui, Loukman, Op.cit, p 260.

³ -Al-Amrani, Mohamed Al-Amin, Financial Resources of Charitable Associations in Algerian Law and Aspects of Oversight Over Them, Al-Ijtihad Journal for Legal and Economic Studies, University of Tamanghasset, Volume 7, Issue 4, 2018, p 150.

⁴ -Ghans, Mohamed, Op.cit, p 498.

⁵ -ibid, p 508.

authority than to expressing the society. This constitutes an institutional dysfunction that limits the effectiveness of the elite in consolidating the rule of law.¹

The 2019 popular Hirak highlighted the urgent need to reformulate the relationship between the state and civil society on new foundations, but the post-Hirak phase showed the continuation of legislative and administrative restrictions, as authorities maintained the restrictive legal framework despite expressing preliminary willingness to involve associations in some fields².

Recent studies have also indicated that the post-Hirak period was characterized by the emergence of a more independent civil society, but it found itself confronting a legal and political structure that did not undergo radical transformations, reducing its ability to influence major decisions, especially those related to constitutional reforms and democratic transition³.

3.3 Prospects for Developing the Role of Civil Society in Strengthening the Rule of Law

Civil society represents one of the essential pillars in any democratic process aiming to consolidate the rule of law. In Algeria, despite the challenges previously addressed, there are reform prospects that can contribute to strengthening its institutional position and ensuring its effective contribution to protecting rights and freedoms. These prospects can be confined to four levels: legislative reform, institutional partnership, capacity building, and international openness.

First: Reforming the Legislative Framework Regulating Associations

The first step to developing civil society's role is reviewing the legislative framework regulating associations' work. Many researchers recommend amending Law 12-06 to ensure the adoption of a declaration system instead of licensing, and expanding associations' fields of work without excessive restrictions⁴.

It is also necessary to activate the constitutional provisions in the 2020 Constitution related to civil society's participation in evaluating public policies, by establishing practical mechanisms allowing associations to effectively participate in advisory committees and drafting projects⁵.

Second: Strengthening Partnership Between the State and Civil Society

Involving civil society in drawing and implementing public policies is one of the essential mechanisms for strengthening the legal and political legitimacy of the system, as its role is no longer limited to oversight but has become an institutional partner in decision-making. The 2020 Constitution enshrined this transformation explicitly, as its

¹ -Zane, Mariam, Op.cit, p 684.

² - Zane, Mariam, Op.cit, p 696.

³ -Safi, Mounir and Bqnich, Othman, Op.cit, p 889.

⁴ -Ben Sebaa, Abdelkader and Saidi, Amira, Op.cit, p 156.

⁵ -Safi, Mounir and Bqnich, Othman, Op.cit, p 885.

Article 173 stipulated associations' participation in evaluating public policies, opening the door for a more effective role for civil organizations in public life.

It is worth noting that partnership based on regular dialogue and transparency between public authorities and civil society is a foundation for rebuilding trust and strengthening good governance principles, as this participation gives a practical dimension to the concept of participatory democracy and transforms civil society from a secondary actor to an essential pillar in consolidating the rule of law¹.

Third: Building Institutional Capacities for Associations

Civil society cannot play an effective role in establishing the rule of law without strong organizational structures and sufficient and sustainable funding. The absence of these elements makes associations mostly fragile entities relying on limited individual initiatives rather than institutions capable of continuity and impact.

Most Algerian associations suffer from weak human and material resources, which reflects on their performance in areas of oversight, advocacy, and participation in formulating public policies².

The lack of legal and administrative competencies has led to the absence of professionalism in managing associations, making them unable to compete with other institutional actors in the political scene. From this perspective, building associations' institutional capacities is an essential condition for enabling them to perform their roles³. This includes enhancing the skills of associative actors through training programs in legal management, financial oversight, and international advocacy mechanisms before UN organizations, contributing to improving their negotiating and oversight efficiency⁴.

As for the financial aspect, many associations' reliance on restricted public funding places them in a circle of political dependency, weakening their independence⁵. Therefore, establishing transparent and independent support funds, under the supervision of neutral bodies and periodic monitoring, forms an essential step to provide necessary funding away from loyalty logic, and to enhance citizens' trust in civil society as an independent actor in protecting rights and consolidating the rule of law⁶.

Fourth: Openness to International Cooperation

The experiences of many countries have proven that openness to partnerships with international and regional organizations directly contributes to transferring

¹ -Mouzawi, Ali, The Transformation of Civil Society: From a Tool of Oversight and Mobilization to a Participatory Role, Academic Journal for Legal Research, Abderrahmane Mira University of Béjaia, Volume 14, Issue 1, 2023, p 259.

² -Rashidi, Said and Fallahi, Karima, Op.cit, p 377.

³ -Ziyani, Saleh, Op.cit, p 255.

⁴ -Baghdadi, Iman, Op.cit, p 334.

⁵ - Al-Amrani, Mohamed Al-Amin, pp 158-159.

⁶ -idem.

expertise and exchanging best practices, enhancing the professionalism and independence of civil society. For example, in the Moroccan experience, engagement in partnership initiatives with the European Union helped develop oversight mechanisms for public policies and strengthen human rights culture¹.

In the Algerian context, involving associations in regional networks, such as the Maghreb and Mediterranean civil society network, can provide them with greater margin for movement outside the narrow domestic framework and help them confront political pressures, granting them additional legitimacy in defending the rule of law. However, this international openness raises legal and political issues, particularly regarding its compatibility with the principle of national sovereignty².

The Algerian state often views foreign funding or unregulated partnerships with suspicion, fearing their exploitation as channels for external influence on national policies³. Therefore, any openness to international organizations must occur within a legal framework that ensures balance between respecting national sovereignty, on one hand, and guaranteeing civil society's freedom to build international partnerships, on the other⁴. This balance can be achieved by strengthening internal resources and avoiding institutional weakness, thereby preserving national independence⁵.

4- Conclusion

Through this detailed presentation, it can be concluded that the concepts of the rule of law and civil society are linked by an organic relationship that cannot be separated. If civil society forms a condition for establishing the rule of law through oversight, advocacy, and participation, then the rule of law provides it with legal protection and the institutional framework to exercise its roles.

In the Algerian context, despite recent constitutional developments that recognized civil society's position as an actor in public life, the greatest challenge lies in practical implementation: the absence of true independence for associations and the restrictions imposed on freedom of organization and funding weaken civil society's ability to strengthen the rule of law.

Civil society in Algeria plays a multi-dimensional role in strengthening the rule of law, as it exercises popular oversight, adopts legal advocacy, spreads rights culture, and contributes to drawing public policies. The 2019 popular Hirak highlighted that civil society can transform into a pressure force capable of enforcing respect for the law and constitution.

¹ -Safi, Mounir and Bqnich, Othman, Op.cit, p 878.

² -Ziyani, Saleh, Op.cit, p 255.

³ -Boulkeibates,Ahlem, Op.cit, p 131.

⁴ -idem.

⁵ -Rashidi, Said and Fallahi, Karima, Op.cit, p 378.

However, the effectiveness of this role remains limited due to legal obstacles (Law 12-06), political pressures, weak institutional and financial capacities, in addition to limited independence from executive authority. Therefore, strengthening its contribution requires:

- 1- Reforming legislation related to associations in line with the new constitution and international standards.
- 2- Activating the principle of institutional partnership between the state and civil society.
- 3- Supporting the building of associations' institutional capacities independently and transparently.
- 4- Strengthening openness to international cooperation to transfer expertise and expand the scope of influence.

The future of the rule of law in Algeria is closely linked to the extent of civil society's ability to consolidate its position as an independent actor and a true partner in the process of political and legal reform.

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