

Pictures of the relationship between the economic control authorities and the judiciary in Algerian law

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Abstract:

As an important legal response to a liberal economic context, the Algerian legislator has introduced authorities for economic control, adopting effective control tools that differ from the aspects of traditional approaches, and clearly reflect a certain stage of development in the functions and structures of the state, enabling it to acquire part of the powers of the judiciary through both aspects of integration and oversight, To revive the real dynamism of the control process. The repressive aspect typical of these authorities has proven the rule that the judiciary does not monopolize the idea of punishment, which indicates a creeping trend towards real competition for the criminal judge. There is also an appearance of integration between the two agencies, in which the judicial authorities are allowed to regulate the market alongside the economic control authorities, in addition to the supervisory dimension of the judicial authorities as the most prominent relationships in this confrontation. This study aims to determine the true status of the economic control authorities in the midst of the state's transformations towards the controlling state in light of the relationship between the economic control authorities and the judiciary

One of the most important results reached is that the relationship between the economic control authorities and the judiciary occupies an important position, and here the role of the judge appears in the process of harmonization and integration with these authorities, which allows the judge to depart from his traditional thinking.

Keywords: Powers, control, economic, judiciary, law.

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1. INTRODUCTION

In the face of the new trend in the economic thought of the state and its appearance in an unfamiliar face in traditional systems, the legislator has created a different form of exercising public authority, which is known as economic control authorities, entrusting them with the task of supervising and regulating many economic fields instead of the traditional administrative structures, and to this end, most of them are independent from other authorities.

However, in order to uphold the principle of legality and the rule of law, it was necessary for the legislator to subject the activities of the economic control authorities to judicial oversight on the one hand, and to seek a framework in which the role of the judge and the economic control authorities complement each other, as the latter represent real legal expertise that enlightens the judge's conviction when interpreting complex legal rules.

The importance of this study emerges by identifying the nature of the relationship between the state, specifically the judiciary, and the economic control authorities, in the need to combine two things that frame each other (law and economy) and adapt to it to keep pace with it and its characteristics, in order to empower rights and achieve legal and economic security as well as legal anticipation to avoid risks and crises surrounding the economy and, subsequently, the state as a whole.

In order to get closer to a consistent position of the Algerian legislator through the relationship between the economic control authorities and the judiciary, we can pose the following questions:

What are the forms adopted by the Algerian legislator in defining the relationship between the judiciary and the regulatory authorities in the economic field?

The descriptive-analytical approach is the most appropriate approach, through which we seek to highlight, describe and analyse the relationship between the judiciary and these new authorities and the issue of relationship and exchange of roles through the idea of legal and regulatory framing of the economic and financial sphere through the new function of the state in regulating the field of economic control.

In order to address the issue, we decided to divide the study into two sections as follows:

Research I: Aspects of co-operation and complementarity between the economic control authorities and the judiciary

First Requirement: Participation of the judge in the control function

Second Requirement: Economic control authorities as a complement to the role of the judiciary

Research II: The principle of being subject to judicial oversight in honour of the principle of legitimacy

First Requirement: The legal basis for judicial oversight of economic control authorities

Second Requirement: Duplication of judicial jurisdiction in monitoring the work of the economic control authorities

2. Manifestations of cooperation and complementarily Aspects of co-operation and complementarily between the economic control authorities and the judiciary

From a preliminary point of view, it can be said that there is a complementary relationship between the judge and the control authorities, since the legislator has explicitly separated the nature of their respective tasks; while the role of the control authorities aims to protect competition and economic public order, the role of the judge aims to protect the competitors themselves and compensate them for damages that may be caused to them in the market. This is a competence that is not vested in the regulatory authorities.

However, in the end, despite the different roles, they cannot be separated. Despite the limits imposed by the nature of the two roles, the legislator has created a number of complementary exchange mechanisms between the judge and the law enforcement authorities, embodied in the judge's participation in the law enforcement function (first requirement) and the role of expertise that the law enforcement authorities can play for the judge in resolving judicial disputes before him (second requirement).

2.1 The participation of the judge in the control function

The inevitability of the complementary role of the judiciary towards the economic control authorities emerges, given that it is the holder of the original jurisdiction and general mandate in resolving disputes, and the main protector of the rights and freedoms of individuals, regardless of their type, so whenever we find a case in which the economic control authorities are not allowed to intervene, we refer directly to the competent judicial authorities.

On this basis, the judiciary's contribution to the regulatory process is manifested through either intervention due to the limited powers of the economic regulatory authorities (first section), or intervention at their request due to the non-compliance of economic agents to implement the decisions issued by them (second section).

2.1.1 The limited powers of the economic control authorities impose the intervention of the judiciary

The quasi-judicial powers vested in the economic control authorities, especially the punishment authority, are only an exception, because although they operate with the same judicial guarantees and procedures, their decisions remain administrative, without a judicial character, and the judicial jurisdiction ultimately belongs to the judge¹. This explains the limited powers entrusted to these authorities, which leads us to highlight the manifestations of the judge's intervention in the field of economic control, whether it is related to the administrative judge or the civil judge.

Article 946 of the Code of Civil and Administrative², Procedure allows anyone who has an interest and is aggrieved by the breach of the obligations of publicity and competition, which are the main principles underlying the conclusion of public contracts and tenders, to file a petition before the competent administrative court³.

As for the intervention of the ordinary judge, the legislator has explicitly enshrined it through the Competition Law, where the tasks of the Competition Council are limited to ensuring the proper functioning of competition, while the remediation of damage resulting from a restrictive practice of competition and the invalidation of obligations, agreements and contractual conditions related to it is the responsibility of the civil judge⁴, in application of the rule that “the Council is notified for acts and not persons”⁵.

2.1.2 The judiciary is a guarantee tool for the economic control authorities

On the other hand, the judge can participate through another form, at the initiative of the control authorities themselves, Although the Algerian legislator does not provide for this complementary procedure between the judge and the regulatory authorities, it is only provided for in the case of the Commission for the Regulation and Supervision of Stock Exchange Operations in the event of an act that violates the legislative and regulatory provisions and is likely to harm the rights of investors in movable values, The head of the committee can ask the criminal judge to intervene to compel the offending economic operator to comply and implement the decisions issued by him⁶, highlighting some offences

1 - Selatni Idriss, The specificity of sanctions issued by independent regulatory authorities in Algerian legislation ,**Critical Journal of Law and Political Sciences**, University of Tizi- Ouzou, Algeria, Vol 19, N° 01, 2024 , p 80-81.

2 - Article 946 of Law No. 08-09, dated 25 /02/ 2008, containing the Code of Civil and Administrative Procedure , **Official Gazette**, No. 21, published on 23 /02/ 2008, provides as follows: “The Administrative Court may be notified by petition in the event of a breach of the obligations of publication or competition to which the conclusion of administrative contracts and public procurement is subject.

Such notification shall be made by any party with an interest in the conclusion of the contract who may be prejudiced by such breach, as well as to the State representative at the provincial level if the contract is concluded or is to be concluded by a regional authority or a local public institution...”.

3 - Bouzidi Iliyes, Economic control authorities: a reading of Algerian law, **Milan Law Review**, Milano University Press ; Vol. 5, N°. 2, 2024.p 152.

4 - See Article 48 of Decree No. 03-03, dated 19 /7/ 2003, on competition, as amended and supplemented, **Official Gazette**, No. 43, published on 20 /7/ 2003.

5 - Selatni Idriss, op, cit ,p. 82.

6 - Bouzidi Iliyes,op,cit, p. 154.

that carry criminal descriptions and fall within the jurisdiction of the criminal judge¹, and thus fall outside the scope of the repressive jurisdiction granted to the economic control authorities.

2.2 Economic control authorities as a complement to the role of the judiciary

Despite the significant development of the judiciary in the economic field due to its adaptation to the specificities of economic disputes, and the dynamic nature of economic disputes no longer poses a problem in the work of the judge, his success in this task depends on the assistance of the regulatory body by providing its expertise to the judge through the procedure of providing advisory opinions that greatly help in clarifying the judge's vision (first section), through the procedure of transferring files, which is a condition for judicial intervention, and through the information procedure carried out by the Competition Council by publishing the decisions issued by the judicial authorities (second section).

2.2.1 The judge's consultation with the economic control authorities

In order to avoid any conflict or disagreement between the judicial authorities and the economic control authorities in the application of laws, the judge has recourse to the economic control authorities through dialogue with them, taking their opinion and requesting the documents, reports and records they have drawn up in the cases submitted to them². This is due to the complex economic and technical nature of disputes in the economic field and the inability of the judge to deal with them comfortably. Given the importance of consultation in this field, we will present the position of the Algerian legislator on the procedure for providing advice to the judiciary by the economic control authorities, which is explicitly established by the Algerian legislator at the level of the The Banking Commission³, the Audiovisual Control Authority⁴ and the Competition Council⁵. It is implicit in the authorities of the National Agency for Pharmaceuticals for Human Use⁶ and the Authority for the Regulation of the Written Press⁷.

The legal value of the consultation provided by the independent administrative authorities to the judiciary is highlighted in the optionality of its request by the judiciary,

1 - Bouzidi Iliyes, op, cit, p. 154.

2 - Selatni Idriss, op, cit, p. 82.

3 - Article 140/2 of Law No. 03-11 of 26 /08/ 2003 on monetary policy and taxation, as amended and supplemented by Decree No. 09-01, containing the Supplementary Finance Act for 2009, and by Decree No. 10-04, dated 26 /08/ 2010, **Official Gazette**, No. 50, published on 01 /10/ 2010, as follows: "...the court may, at any stage of the proceedings, request from the Banking Commission any opinion or information it deems useful."

4 - Article 55/3 of Law No. 14-04 of 24 /2/2014 on audiovisual activities, **Official Gazette**, No. 16, published on 23 /3/2014, provides as follows: "The Audiovisual Regulatory Authority shall, for the purposes of performing its duties, enjoy the following powers..."

In an advisory capacity: - It shall give its opinion, at the request of any judicial authority, in any dispute relating to the exercise of audiovisual activities."

5 - See Article 38 of Order No. 03-03, op, cit.

6 - See Law No. 08-13 of 20 /8/ 2008, amending and supplementing Law No. 85-05 of 16 /2/ 1985 on the protection and promotion of health, **Official Gazette**, No. 44, published on 3 /8/ 2008.

7 - Text of Article 44 of Organic Law No. 12-05, dated 12 /01/ 2012, relating to the media, **Official Gazette**, Issue No. 2, published on 15 /01/ 2012.

and the obligation to provide it by the economic control authorities, if the latter cannot intervene on its own before the competent judicial authority to express its opinion and take a position on the case before it¹, except at the request of the competent judicial authority, which remains optional, as the competent judicial authorities have absolute freedom to request the consultation or refrain from requesting it, without leaving any legal effect on it².

2.2.2 Transferring files to the judiciary and publishing judicial decisions

The relationship between the judiciary and the economic control authorities emerges again in the event that the Public Prosecution is unable to open a judicial investigation on its own initiative, unless the file is referred to it by the competent independent administrative authority, whether directly, as in the case of the Insurance Supervisory Commission³, or indirectly, as was done at the level of the National Authority for the Prevention and Combating of Corruption, under Article 22 of Law No. 06-01, as amended and supplemented, through the publication by the Competition Council of all competition-related judicial decisions issued by the Algerian Judicial Council⁴, the Supreme Court and the Council of State: 06-01, relating to the prevention and combating of corruption, as amended and supplemented, and through the publication by the Competition Council of all competition-related judicial decisions issued by the Algerian Court of Justice, the Supreme Court and the Council of State, as soon as they are sent to it and the Minister in charge of Trade by them, at the level of the official competition bulletin.

Based on the above, it is clear that the Competition Council and the judiciary have common objectives, which are mainly summarised in protecting competition, whether by referring cases to the judiciary or by publishing the decisions issued by the judiciary, which proves the complementary relationship between the two bodies.

3. The principle of judicial oversight enshrines the principle of legality

The economic control authorities are not subject to any type of oversight whatsoever due to the specificity of their legal system on the one hand and the sensitivity of their tasks on the other hand, but this does not mean that they absolutely escape from other aspects of oversight such as financial and legislative oversight, judicial oversight, where the

1 - Fatma Zohra Guedouari, Ahmed Noui, A Legal Perspective on the Role of the Competition Council in Achieving the Balance Between Market Efficiency and Consumer Protection, **Annals of Algiers University** 1, Algeria, Vol : 39 : N° 01 April, 2025 .p. 82.

2 - Sami Merikhi. Mamri Nasreddine, The Consultant Role Of The Independent Administrative Authorities In The Algerian Legal system, **Journal of Comparative Legal Studies**, University of Chlef, Algeria, , Vol : 11 : N° 01, Joan, 2025 .p. 336.

3 - See Article 212/5 of Law No. 95-07 of 25 /01/ 1995 on social security, as amended and supplemented, **Official Gazette**. No. 13, published on 8 /03/ 1995.

4 - Although the publication of judicial decisions plays a significant role in reflecting the complementary relationship between economic regulatory authorities and the judiciary, the Algerian legislature has limited this provision to a single regulatory body, namely the Competition Council, This is pursuant to Article 23 of Law No. 08-12 on Competition, dated 25 /07/ 2008, amending and supplementing Decree No. 03-03, **Official Gazette**. No. 36, issued on 2 /08/2008.

importance of the latter appears as a key principle that allows to ensure the legal framework for the work of these authorities and subject them to the law and oversight mechanisms under the rule of law, where the importance of the latter appears as a key principle that allows to ensure the legal framework for the work of these authorities and subject them to the law and the mechanisms of oversight in the state of law, The economic control function and the importance it enjoys remains primarily a legal function aimed at applying the law, exercised by the economic control authorities as administrative authorities subject to the same general rules for the disputes of the classical administrative authorities.

However, due to the complementary relationship between the economic control authorities and the judiciary - as we have seen earlier - the multiplicity of these authorities and the development of their economic activity have contributed to strengthening the role of judicial oversight, which is mainly derived from the legally enshrined principle of the right of litigation, which makes it necessary to research the legal basis for this judicial oversight (first requirement), then address the issue of the nature of the judicial jurisdiction, by identifying the judicial body competent to monitor it (second requirement).

3.1 The legal basis for judicial oversight of the economic control authorities

Judicial oversight of the actions of the economic control authorities derives its existence from the right of litigation enshrined in various legal systems. Every principle has a basis, and judicial oversight is a principle that requires us to search for its basis, which should be embodied in legislation, and this is achieved by researching the legislative texts establishing the economic control authorities (first section), and taking into account the constitutionality of judicial oversight over them (second section).

3.1.1 Legislative Basis

Organic Law no: 98-01¹, concerning the jurisdiction and organisation of the Council of State, does not explicitly stipulate that economic control authorities are subject to judicial oversight, but by analysing Article 9, and because most economic control authorities have the characteristics of a public authority², the competence to control them falls to the administrative judiciary represented by the Council of State, as it is clear that independent administrative authorities are suitable to be adapted within national professional organisations³. This option is reinforced by, but not limited to: The Competition Law, which defines the Competition Council as an administrative authority with legal personality and

1 - Organic Law No. 98-01, dated 30 /5/ 1998, concerning the jurisdiction, organisation and functioning of the Council of State, as amended and supplemented, **Official Gazette**. No. 37, published on 1 /6/ 1998.

2 - Teleb Belkacem, The advisory role of independent administrative authorities (IAAs) in Algerian legislation, **Afaq for Science journal**, University of Djelfa, Vol 9, N°. 3, Joan 2008, p. 220-221.

3 - Azzedine Aisaoui, The constitutional status of independent administrative bodies: The Fate of the Separation of Powers **Principle, Journal of, Jurisprudence**, Vol 3, N°. 4, 2008. PP.203-222.

financial independence¹. Thus, it can be recognised, at least in principle, that Law no: 98-01, as amended and supplemented by Article 09, has to a large extent ensured the creation of a concept that encompasses the economic control authorities, thus creating a basis for strengthening them, and through that, subjecting them to judicial oversight, as a constitutional guarantee of the legitimacy of their decisions.

In addition, the laws establishing these bodies have enshrined the need to adhere to the principle of legality in their activities by subjecting them to judicial oversight, which recognises the absence of immunity for all or most of their actions, the importance of the role of the judge in adding or complementing the role of these bodies, and the inevitability of compliance with the provisions applicable to the regulation of public procurement and public utility mandates², as the Competition Council is subject to the general rules applicable to the state budget and the operation of the Electricity and Gas Regulatory Commission is subject to state oversight³.

In this regard, the Algerian legislature, despite its dedication to judicial oversight of the activity of the economic control authorities through its founding texts, did not prevent the emergence of some shortcomings and legal issues, as the disputes of these authorities were dispersed between different judicial bodies and the silence of some of them about the competent judicial authority, which burdened economic operators on the one hand and the presumption of contradictory judicial judgements on the other hand⁴.

3.1.2 The constitutional basis for judicial oversight of economic control authorities

While the legislative basis has recognised the principle of judicial oversight, this is not true of the constitutional basis, as the constitutional founder is still far from the controlling legislator, as he has not yet ruled on the constitutionality of the control authorities⁵. If the Algerian legislator has emphasised in most of the constitutive texts concerning the independent administrative authorities that the Council of State has the original jurisdiction to hear appeals against decisions and actions issued by these authorities, this is in accordance with the text of Article 9/2 of Organic Law no: 98-01, as amended and supplemented⁶. The provisions of Article 179 of the 2020 Constitution⁷ confirm that the competence of the Council of State is determined only by organic laws, and in no case can it

1 - See Article 19 of Order No. 03-03 on competition, as amended and supplemented, op,cit.

2 - Bouzidi Iliyes,op,cit, p. 168.

3 - ibid.

4 - Bouzidi Iliyes,op,cit, p. 169.

5 - ibid.

6 - Article 9/02 of Organic Law No. 98-01, as amended and supplemented, provides: "It shall also have jurisdiction to adjudicate cases referred to it under specific provisions".

7 - Article 179 of the 2020 Constitution provides that: "An organic law shall determine the organisation of the Supreme Court, the Council of State and the Court of Jurisdictional Disputes, as well as their procedures and jurisdiction".

be limited, cancelled or transferred by an ordinary law, and this is in accordance with Article 140 of the 2020 Constitution¹, and we find that the Constitutional Council, in its opinion dated 06/07/2011, regarding the monitoring of the conformity of Organic Law no: 11-13, amending and supplementing Organic Law No. 98-01, that referring other competences of the Council of State to 'special texts' is considered unconstitutional, unless the term 'special texts' used is intended to mean all texts that have the same character as the Organic Law and whose subjects are related to Organic Law No: 98-01, amended and supplemented.

As a result, it is clear that granting the State Council jurisdiction over disputes between independent administrative authorities or regulatory authorities through ordinary laws is evidence of the legislator's disregard for the constitutional distribution of the areas of organic and ordinary law, and the principle of hierarchy of laws, which determines the place of rules in the legal organisation.

It remains for the constitutional founder to pay attention to this type of authorities, and to make specific provisions for them in the constitution, by first recognising them as authorities, and then defining the competencies and oversight mechanisms for their activities, just like the three traditional authorities.

3.2 The dual jurisdiction of the judiciary in monitoring the work of the economic control authorities

Although the independent administrative authorities do not belong to the traditional administrative authorities, they are independent of them, but they do not go outside the scope of the state, so in application of the principle of legality, the legislator subjected them to the control of the judge to protect the rights and freedoms of those dealing with these bodies, and this is not a diminution of their independence, but rather a conferment of the character of legality on their actions in the light of the state of law.

As a general rule, the legislature has subjected the oversight of the actions of these authorities to the administrative judiciary, given that these authorities are administrative authorities and their disputes are subject to the oversight of the administrative judge (first Section). However, as an exception, the legislature has subjected the decisions of some independent administrative authorities to the oversight of the ordinary judge (second Section).

3.2.1 The inherent competence of the administrative judge in controlling the economic control authorities

1 - Article 140 of the 2020 Constitution states: "In addition to the areas reserved for organic laws under the Constitution, Parliament shall enact organic laws in the following areas... the Basic Law on the Judiciary and Judicial Organisation".

The submission of a dispute in a matter before the administrative judge depends on a number of conditions that, once fulfilled, the latter becomes the one who has exclusive jurisdiction over it, i.e. away from the ordinary judge. Perhaps the most important characteristic of the dispute in which the administrative judge has jurisdiction is that one of its parties must be a public person, that is, subject to public law, so the administrative judge extended his control over the actions of the economic control authorities that may pose a risk to the rights of individuals.

However, the Algerian legislator did not stipulate that the independent administrative authorities are among those persons, but the legal basis for establishing the control of the administrative judge is Article 9 of the organic law regulating the jurisdiction of the Council of State¹ and the constitutive texts of the economic control authorities, which were previously discussed.

The Algerian Council of State has tried to play its role in examining the legality of the decisions of the economic control authorities, especially in bank disputes, by intervening in the various appeals filed by UnionBank against the Governor of the Bank of Algeria, cancelling the decision of the Banking Commission to refuse the establishment of a French lawyer to defend the bank's interests, ruling that its appeal against the Banking Commission's decision to withdraw the intermediary status from Union Bank was not established, and also rejected its appeal against the decision of the Monetary and Loan Council to raise the bank's capital².

The administrative courts derive their constitutional basis from Article 179/2 of the 2020 Constitution and Law No. 98-02, relating to administrative courts³, whereby the latter replaced the administrative chambers within the judicial councils under the unified judicial organisation and became competent to hear full-jurisdiction cases, including claims for compensation for damages caused by legal persons of an administrative nature.

While the legislator in comparative law seems to be clear in assigning jurisdiction to the administrative courts in disputes with the economic regulatory authorities, the Algerian legislator has not indicated which judicial body is competent to consider full judicial proceedings that are the outcome of the decisions issued by these authorities, as is the case in the Water Law and the Electricity and Gas Distribution Law⁴, or as is also the case in the

1 - See Article 9 of Law No. 98-01, dated 30 /05/ 1998, as amended and supplemented, op.cit.

2 - See the details of these cases. Nabil Mohamed, '**The System of Disputes Relating to the Activities of Economic Regulatory Authorities**', Master's thesis in Public Law, Department of State Transformations, University of Tizi Ouzou, Algeria, 2007, p. 17 ff.

3 - Article 1 of Law No. 98-02 of 30 /05/ 1998 on administrative courts, **Official Gazette** No. 37, published on 1 /06/ 1998.

4 - Section 150 of Law No. 02-01, as amended and supplemented, op.cit.

Competition Law, with regard to the establishment of the right to claim compensation, specifically in Article 48 thereof.

The above illustrates the ambiguity and difficulties in assigning jurisdiction to the Council of State or the administrative courts to monitor the actions and decisions of the economic control authorities, which does not serve the requirements of economic life, which requires speed, flexibility and effectiveness.

3.2.2 Extraordinary jurisdiction of the ordinary judge to supervise the economic control authorities

The general principle is that the administrative judiciary has jurisdiction over administrative disputes, which would reinforce the principle of judicial duplication, which is confirmed by the contents of most economic control authorities. However, the Algerian legislator, in order to frame and regulate free economic activity, decided without hesitation to grant the ordinary judiciary jurisdiction over disputes arising from the decisions of the Competition Council. Based on the principle of the proper functioning of the justice facility, and because the administrative judiciary is a difficult and long judiciary compared to the ordinary judiciary, which poses a danger to the competition law, which is considered a flexible law that requires expeditious adjudication of competition-related disputes, in addition to the fact that the control exercised by the administrative judge is not commensurate with the control of the decisions of the Competition Council, because the task of the administrative judge is limited to either upholding or cancelling, as he has no authority to modify the decisions of the Competition Council unlike the ordinary judge, and therefore it is better to assign this task to the ordinary judge, and therefore it is preferable to assign this task to the ordinary judge.

However, it should be noted that the transfer of jurisdiction in the disputes of the Competition Council had no legal foundations and rules to justify it, except that it was an imitation by the Algerian legislator of his French counterpart, without taking into account its suitability to the Algerian legal system or the basis for its legality. The classification of the Competition Council as an administrative authority requires that its decisions be subject to the control of the Council of State pursuant to Article 09 of the Organic Law regulating its provisions, but that transfer of jurisdiction came based on an ordinary law, which is considered neglecting the hierarchy of the legal rule¹.

Based on the above, it is clear that the automatic transposition of French law into the Algerian legal system raises several legal issues, as this would compromise the principle of judicial dualism, which is based on the idea of separation between administrative and judicial authorities, as well as the multiplicity of appeals against the decisions of the Competition Council.

1 - Atmani Ali, The Role of the Ordinary Court in Protecting the Principle of Freedom of Competition in Algeria, *Journal of contemporary economic research*, university laghouat, Algeria, Vol.07, n° : 1, April 2024. P. 56-57.

4- Conclusion

The study of the relationship between the economic control authorities and the judiciary in Algerian law shows that there is diversity and multiplicity in the forms of this relationship, which makes the link between them more soft and flexible, in the form of both oversight, considering that most of these centralised administrative authorities are subject to the administrative judiciary represented by the Council of State as a general principle, while the jurisdiction is vested in the ordinary judiciary except in limited areas such as disputes with the Competition Council regarding restrictive practices.

In addition to the aspects of the relationship between the economic control authorities and the judiciary, we find another aspect of complementarity between the two, which is defined by the Algerian legislator in two forms:

The first picture is represented by the economic control authorities complementing the work of the judge, by supporting him with some of the procedures he needs in order to resolve disputes brought before him related to their areas of control. In addition to the complementary role of the economic control authorities, **the second picture** is embodied in the judge complementing the work of the economic control authorities, through cases of criminal nature, which are filed against many offences committed in some of the controlled sectors.

This study led us to several findings:

1- The original competence in the control process remains vested in the economic control authorities, who enjoy control powers that are completely absent from the judge, as the latter cannot impose fines against perpetrators of competitive violations, in line with the phenomenon of decriminalisation, and the criminal judge who was entitled to impose such fines has been completely excluded from these cases.

2- Thanks to the independence and impartiality granted to them, the economic control authorities have been able to carve out part of the competences that used to be an integral part of the judiciary's adversarial functions, as a necessary requirement for the exercise of their control functions.

3- Judicial oversight in the economic field occupies an important place, and here the role of the judge appears in the process of harmonisation and integration with independent administrative bodies, which allows the judge to break out of his traditional thinking, and

that the legislator and the judge must clearly define how to apply the rules of criminal law to independent administrative bodies, as the difficulty and multiplicity of rules necessarily affects legal stability.

4- The Algerian experience is recent in the field of establishing independent control authorities, which necessarily leads to the novelty of the judiciary's relationship with these authorities, so it can only be characterised as a comparative experience.

In view of the aforementioned, and in view of the shortcomings identified in the study of the subject, it is advisable to mention the following suggestions:

1- Economic activity is a sophisticated and accelerated activity characterised by competition, and does not tolerate slow or contradictory legal procedures, so it is necessary to legislate a unified stand-alone legal text for all independent administrative authorities controlling economic activity aimed at defining and standardising litigation procedures in the economic field accurately, while enabling this legal text with mechanisms that ensure flexibility and speed to settle disputes related to the economic control authorities.

2- The manifestations of cooperation between the two bodies are insufficient, which calls for opening the way to think about other means that are in line with the requirements of economic control. On the one hand, on the other hand, the legislator, while establishing this complementarity, may neglect to take into account several very important and sensitive constitutional and legislative principles, which has given rise to a number of issues that undermine the complementary role that is hoped to be achieved.

3- In this regard, it should be noted that judicial oversight of these authorities is constitutionally enshrined as a general principle, but the texts establishing them and reinforcing this principle keep this oversight relatively legal, due to the legislator's failure to formulate it in an appropriate legal form.

4- Regularise the status of the economic control authorities by including them in the public figures of the state and stipulating them in the provisions of the constitution.

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- 3 - Law No. 98-02 of 30 /05/ 1998 on administrative courts, **Official Gazette** No. 37, published on 1 /06/ 1998.
- 4 - Decree No. 03-03, dated 19 /7/ 2003, on competition, as amended and supplemented, **Official Gazette**, No. 43, published on 20 /7/ 2003.
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