



Urgent procedures are distinguished in the article of stopping the implementation of an administrative decision in the Algerian and Tunisian legislation

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Abstract ;

Algerian and Tunisian legislators approved the urgency of the administrative matter by adjudicating the lawsuit to suspend implementation as quickly as possible within legally specified deadlines, as it is a subsidiary lawsuit from the original lawsuit, which is the latter's cancellation lawsuit, which is characterized by the long duration of the dispute, which results in consequences that are difficult to recover if the administrative decision requested were implemented. Suspension of implementation causes harm and prejudice to the rights and interests of individuals, so the administrative judge who examines the legality of the decision interferes by examining the circumstances of urgency without prejudice to the origin of the right.

This is achieved in accordance with what distinguished both the Algerian and Tunisian legislators in terms of deadlines and speed of decision, and what was approved by the legislative texts regarding the specificity of the procedures for stopping the implementation of the administrative decision. So that the rights of individuals are not lost and at the same time the interests of the administration are not hindered, in order to move toward achieving justice

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1. Introduction

When an administrative decision is issued, it is assumed that it enjoys a presumption of legality and safety, and those who are addressed must obey it. However, some administrative decisions may appear on their face to be illegal and unfair in the eyes of those who are addressed, which makes the person harmed by an administrative decision whose interests are incompatible with its implementation often resort to the judiciary according to A lawsuit to cancel it, but what most legislation has agreed upon is that simply submitting a request to cancel it does not require the cancellation lawsuit to be registered at the level of the judicial authorities. The implementation stops, and since the period of deciding on the lawsuit to cancel it requires a long time, individuals resort to the urgent judiciary to take temporary measures that do not affect the origin of the right in an urgent manner until they Decide on the issue.

The continuity of implementation until the issuance of the cancellation ruling makes the cancellation lawsuit useless in implementing the administrative decision, such as the demolition of a residence that was subject to the expropriation decision to achieve the public interest and was later canceled. Had the legislators not intervened by enacting procedures to stop the implementation of the administrative decision, the person being addressed would have faced consequences that would be difficult to remedy.

Therefore, those who are addressed by the administrative decision, in the face of doubt regarding health, safety, and deviation, must activate the urgent procedural system to stop the implementation of the administrative decision. The urgent procedures differ and vary between Algerian and Tunisian

legislators in the matter of stopping the implementation of the administrative decision, and to address what distinguishes each legislation, we pose the following problem:

What is the extent of urgency in halting the implementation of administrative decisions in the Algerian and Tunisian legislation?

To answer this problem, we adopted the analytical approach and the comparative approach through the plan in two sections. The first section dealt with the following plan:

The first topic: short deadlines for halting the implementation of an administrative decision

The first requirement: is the independence of the request to stop the implementation

A second requirement is to quickly decide on the request to stay the execution following the filing of the request to stay the execution.

The second topic: The Tunisian legislator distinguished the term postponement of implementation

The first requirement: The Algerian legislator explicitly specifies cases of urgency to suspend implementation

The second requirement: The Tunisian legislator distinguished the term postponement of implementation

1- Shortened deadlines for stopping the implementation of the administrative decision

The position of the Tunisian and Algerian legislators regarding the system of suspending the implementation of the decision turns out to be enshrined in the legal system of the two countries, and this enshrinement is an exception to the principle of implementing the administrative decision once it is issued, which the legislators derived from French legislation (Décret, 1994, p. 11), in activating the principle of non-stop effect

for an appeal. In the historical study of the two countries (Baali, 2009, p. 33), the use of French law was confirmed during the colonial era, and the two countries (Ben Achour, 2010, p. 27) continued to work with it after independence to avoid falling into a legal vacuum (Boudiaf, 2008, p. 53).

Both the Algerian and Tunisian legislators adopted the principle of the non-responsible effect of administrative appeal (Abdel Basset, 1997, p. 7). Both legislators made the legislative texts explicit and not implicit as one of the most important general legal principles in the administrative dispute emanating from the annulment lawsuit explicitly stipulated to protect the rights of individuals in the event of implementation. The administrative decision is immediate, despite the appeal and the request to cancel it.

The presumption of legality is assumed in the administrative decision despite its being challenged by cancellation, and the multiple sources of the principle of legality are considered among the guarantees granted to individuals to limit the possible abuses of the administration (Bayna, page 32). The more the administrative decision has the legality assumed in it, the more it can be implemented without being challenged by cancellation, or a request to stop its implementation from The party to whom it is addressed, which makes the administrative decision subject to oversight, whether administrative or judicial, which highlights the absolute lack of effectiveness in implementing and enforcing the administrative decision, which imposed the existence of a system of stopping the implementation of the administrative decision.

As previously stated, the system of suspension of execution is of French legislative origin, and the Algerian and Tunisian legislators followed suit. The

Algerian legislator approved the system of halting the implementation of administrative decisions under Order No. 66-154 of June 8, 1966, which includes the Civil Procedure Code (66-154, 1966) through the text of Article 170. (Order 69/77, 1969) and Article 283 thereof, amended and supplemented by the Civil and Administrative Procedures Law No.: 08-09 of February 25, 2008, through Article 833 stipulates the following: "The lawsuit filed before the administrative courts does not stop the implementation of the disputed administrative decision unless The law does not stipulate otherwise" and Articles 833 to 837, and Articles 911 and 912 thereof (Law No. 08/09, 2008).

The Tunisian legislative approval came explicitly through Chapter 39 (new) to Chapter 41 (new) of Law No. 40 of 1972 dated June 1, 1972, relating to the Administrative Court (Chapter 40 (new), 1972), amended and revised: "A suit for exceeding authority shall not hinder the implementation of The appealed decision. However, the First President may authorize the suspension of implementation until the expiry of the deadlines for filing the original lawsuit or the issuance of a ruling therein if the request for this is based on apparently serious reasons and implementation of the aforementioned decision would cause the plaintiff to have consequences that are difficult to remedy.

1-1- Independence of requesting a stay of execution

The birth of the right to request a stay of implementation of the administrative decision begins when the deadline for implementing this decision begins and when the cancellation of the stay of implementation is appealed urgently, as the Algerian legislator singles out the request to stop the implementation of the administrative decision in the text of Article 919 of Law No. 08-09 dated

February 25, 2008, which includes a law of civil and administrative procedures. , which was not amended even after the issuance of Law No. 22-13 dated Dhul-Hijjah 13, 1443 corresponding to July 12, 2022. It amends and supplements Law No. 08-09 dated Safar 18, 1429, corresponding to February 25, 2008, which includes the Civil and Administrative Procedures Code that stipulates that when it comes to an administrative decision, even if it is a rejection, and the subject of the request is total or partial cancellation, the urgent judge may order the suspension of its implementation and the suspension of relevant effects in accordance with the above-mentioned article, which confirms above all that the cancellation lawsuit (Abdel Basset, 1997, p. 3).

As for Tunisian legislation, it addresses a stay of execution under Article 39 (new). A lawsuit for exceeding authority does not hinder the implementation of the contested decision. However, the first president may authorize a stay of implementation until the expiry of the deadlines for bringing the original lawsuit or a ruling is issued in it if the request for that is based on serious reasons in the matter. On the face of it, implementing the aforementioned decision would cause the plaintiff to have consequences that would be difficult to remedy.

It is clear that also in Tunisian legislation, the procedure for halting the implementation of an administrative decision is presented with a request independent of the cancellation lawsuit, and as a general principle that it is a lawsuit branching off from the original cancellation lawsuit (Abdel Moneim, 2008, p. 77) and that it requires formal conditions and substantive conditions, and under penalty of formal conditions, a request is filed. Suspension of execution by means of a petition independent of the claim of abuse of authority, signed by the plaintiff, a lawyer at cassation or appeal,

or an agent bearing a known authorization to sign it.

Procedurally, the Algerian and Tunisian legislators agreed that the request for a stay of execution should be filed with a petition independent of the cancellation lawsuit that expresses the will of the person requesting the stay of execution (Article 13 et seq., 2008), dated and stating the status of the parties to the case and the availability of the interest along with a statement of the damage and serious reasons on its face and a justification for the implementation of the decision. The subject of the request is that it would cause the plaintiff results that cause damage that is difficult to remedy and cannot be repaired (Abdel Majeed Al-Baydaq, 2002, pages 319-320), and the request must be signed by the plaintiff or his lawyer (Article: 9 bis 1, 2022).

The term postponement of implementation has emerged in Tunisian legislation in which an urgent order is issued (Decision of the Tunisian Administrative Court, No. 2877/41, 23) ordering the postponement of implementation until the request for a stay of implementation is decided in accordance with the text of Article 40 of 1972 dated June 1, 1972 relating to the Tunisian Administrative Court, saying: "The First President, in the event of confirmation, may authorize the postponement of the implementation of the contested decision until the request to suspend implementation is decided."

This possibility has been included by the Tunisian legislator among the urgent precautionary measures that the first president of the Tunisian Administrative Court can authorize when a postponement of implementation is submitted by the interested party, and the cases of verification in which permission to postpone implementation is contingent are cases in which it is feared that every reason presented in the request to suspend

implementation will disappear (Tawfiq, 2021, p. 786).

1.2 - Speedy decision on the request to stay the execution following the filing of the request to stay the execution

The administrative judge prompts the expeditious decision on the request to stay the execution due to circumstances of urgency, and this is what is stated in the Algerian legislation under the text of Article 919, Law No. 08-09 dated February 25, 2008, which includes the Code of Civil and Administrative Procedures, which has not been amended even after the issuance of Law No. 22-13 dated Dhu al-Hijjah 13, 1443, corresponding to July 12, 2022, amends and supplements Law No. 08-09, dated Safar 18, 1429, corresponding to February 25, 2008, which includes the Civil and Administrative Procedures Law. It does not obstruct the implementation of the contested administrative decision, which confirms, however, that The judge may urgently issue an order to stop the implementation of the decision, and the same article confirms when the circumstances of urgency (Yaish and Abdel-Aali, 2009, p. 322) justify this when it appears to him from the investigation that there is a special aspect that would create serious doubt about the legitimacy of the decision when he orders a stay. Implementation, and when the emergency judge is certain of this, he issues an urgent order, confirming the circumstances of the urgency (Farah and Nabila, 2021, page 145).

The text of Article 912 is stated in Law No. 08-09 dated February 25, 2008, which includes a law of civil and administrative procedures. The request for a stay of execution is investigated urgently, and the failure of the defendant to respond does not affect the short deadlines specified by law. At the heart of this article, the role of the administrative

judiciary in the investigation is highlighted. To ensure that the conditions stipulated under the above articles are met.

As for Tunisian legislation, the Tunisian Administrative Court Law was added under Chapter 40 (new) Law No. 40 of 1972 dated June 1, 1972, amended pursuant to Basic Law No. 39 of 1996 dated June 3, 1996, relating to the Administrative Court. In a very certain case, the First President may authorize the arrest of Implementation in accordance with the draft (Chapter 40 (new), 1972). A period not exceeding one month was set by a reasoned decision and without prior oral pleading. Here, speed is ensured in the decision, and the first president, in the event of confirmation, can authorize the postponement of the implementation of the contested decision until the request to suspend the implementation is decided. This is a power granted by Tunisian legislation to the administrative judge, enabling the latter to decide. In the request one month before the legally specified period and before deciding on the request to stay the execution itself, he has all the powers to decide as soon as possible without specifying a deadline for this, as these are expanded powers of the administrative judge.

However, the Algerian legislator specified a period of 48 hours in the text of Article 920 of Law No. 08-09 dated February 25, 2008, which includes a law of civil and administrative procedures. The judge may order all measures when he decides on a request referred to in Article 919 of the same law if the circumstances of urgency exist. Necessary to preserve the basic freedoms that are violated. The above article specifies when these violations constitute a serious and unlawful infringement on those freedoms. The legislator sets the deadline for adjudication at forty-eight (48) hours from the date of its registration. This period is considered a very short period compared

to the deadlines stipulated in the general rulings in summary justice, established under lawsuits. Rushing to a ruling (Ben Kasira, 2014, p. 23).

The Algerian legislator expanded the powers of the urgent judge pursuant to the text of Article 922 of Law No. 08-09 dated February 25, 2008, which includes a law of civil and administrative procedures, stipulating that he may, upon the request of any interested party, amend at any time, and based on new requirements, the measures that he had previously imposed. He ordered it or put an end to it.

Therefore, the legislator set the maximum limit for deciding on urgent measures, and the judge remains free to decide before this maximum period according to the degree of the results that are difficult to recover and according to the reasons for seriousness (Khalifa, 2016, p. 112), which are difficult to recover and according to the serious reasons that appear after examining the legality (Basiouni, 2001, p. 152).

The Administrative Court decides on the request to cancel the decision in the near future because it has been confirmed that the legality of the decision has been examined by issuing an urgent order ordering the suspension of the implementation of the administrative decision. Here the parties predict that the cancellation lawsuit will be accepted and that the administrative decision will be canceled by a judicial ruling, and vice versa if the request to stop the implementation is rejected. It indicates the rejection of the cancellation claim and the implementation of the administrative decision is verified.

2- Legislative excellence in determining cases of suspension of implementation

By examining the Algerian and Tunisian legislation in terms of the explicitness of the text regarding cases of suspension of implementation, it becomes clear that the Algerian legislator explicitly

mentioned cases of suspension of implementation, infringement of basic freedoms, seizure, infringement, and cases of closure, which are cases that were not mentioned exclusively and explicitly in the texts of the Tunisian legislator. However, the latter explicitly appeared in its texts the term postponement. Implementation is what we will discuss in the following two requirements:

1.2 - The Algerian legislator explicitly specifies cases of urgent suspension of execution

The Algerian legislator distinguished himself by specifying cases exclusively and distinguished between the deadlines specified for these cases, which represent violations that constitute a serious and unlawful infringement on basic freedoms, and the deadlines for deciding cases of extreme urgency, in accordance with the text of Article 921, Law No. 08-09 dated February 25, 2008, which includes a law of civil and administrative procedures. To order all other necessary measures without obstructing the implementation of any administrative decision pursuant to an order on a petition, even in the absence of a prior administrative decision, as the procedure to suspend implementation is one of the necessary precautionary measures (Ben Kasira, 2014, p. 12).

Referring to the text of Article 921, Law No. 08-09 dated February 25, 2008, which includes a law of civil and administrative procedures that specifies cases of suspension of execution by trespass, seizure, and administrative closure, in addition to basic freedoms. All cases have in common that their conditions remain the discretionary authority of the judge of urgency in speeding up the decision, even if it is less. Within the prescribed deadlines, this is because the cases of suspension of implementation are protected by the Constitution and various other laws.

By comparing the above procedures regarding the cases stipulated by the

Algerian legislator, we find that the latter is clearly distinguished by the text Articles: 919, 921 Law No. 08-09 dated February 25, 2008, which includes a law of civil and administrative procedures that enumerates cases of suspending the implementation of an administrative decision: protection of basic freedoms, infringement, seizure, and closure. Under the title of suspending the implementation of the administrative decision of the above law, the Tunisian legislator stated in the fourth section of Law No. 40 of 1972 dated June 1, 1972, relating to the Administrative Court, amended in accordance with Basic Law No. 39 of 1996 dated June 3, 1996 under Articles 39 and 40. 41 under the title of stopping the implementation of the administrative decision.

Requests to suspend execution are investigated urgently according to short deadlines, and deciding on the request does not depend on the counterparty not responding within the deadlines set for it, since the Tunisian legislator did not restrict cases like its Algerian counterpart, but rather distinguished the procedure for postponing execution, this term, which is absent in the texts of Algerian legislation, which is what We will address it in the following section.

2.2- The Tunisian legislator distinguished the term postponement of implementation

The term requesting postponement of execution has emerged in Tunisian legislation, which is a procedure related to requesting a stay of execution stipulated under the Tunisian Administrative Court Law regarding administrative decisions that are contested under a claim of exceeding authority, highlighting at the same time that the addition to the possibility of requesting a stay of implementation of the administrative decision, as mentioned, is in cases of certainty. It is possible to request a

postponement of its implementation until the request to suspend the implementation is decided (Tawfiq, 2021, p. 779).

The Tunisian legislator also agrees with the Algerian legislator in that a lawsuit for exceeding authority does not hinder the implementation of the contested decision. However, the first president may authorize the suspension of implementation until the expiry of the deadlines for bringing the original lawsuit or a ruling is issued in it if the request for this is based on apparently serious reasons and the implementation was The aforementioned decision would cause the plaintiff to have consequences that are difficult to remedy (Chapter 39 (new) of Law No. 40, 1972), and this is a departure from the norm in that the request to suspend execution is a request branching off from the original case, the subject case, which is the case for cancellation, so the request to postpone execution It is a request branching from the request to stop execution.

The Tunisian Administrative Court Law was added by virtue of Chapter 40 (new) Law No. 40 of 1972 dated June 1, 1972, amended pursuant to Basic Law No. 39 of 1996 dated June 3, 1996, relating to the Administrative Court. In a very certain case, the First President may authorize the suspension of execution in accordance with the draft. Chapter 40 (new) of Law No. 40 of 1972, 1972), highlights here the speed in implementing the stay of execution permission issued by the Tunisian administrative judiciary.

Chapter 41 (new) Law No. 40 of 1972 dated June 1, 1972, amended pursuant to Basic Law No. 39 of 1996 dated June 3, 1996, relating to the Tunisian Administrative Court stipulates that the clerk of the court shall send a copy of the urgent decision ordering the postponement or suspension of implementation to the parties within Twenty-four hours following its

announcement. On the other hand, the administrative authority issuing the contested decision must suspend its implementation as soon as it learns of the decision to postpone or suspend implementation. These decisions are precautionary and do not accept any form of appeal, even by comment, which is what the Algerian legislator has redressed by allowing appeals against urgent orders. Issued by administrative courts, and this is what is stipulated in Article 900 bis 2. An appeal has the effect of transmitting the dispute and a position to implement this ruling on the one hand.

Whereas, on the other hand, urgent orders issued by administrative courts are not accepted for implementation except after the end of the appeal period of 15 days, and this is what is stipulated in Article 937 of Law No. 22-13 dated Dhu al-Hijjah 13, 1443, corresponding to July 12, 2022, amending and completing the law. No. 08-09 dated 18 Safar 1429 corresponding to February 25, 2008, which includes the Civil and Administrative Procedures Code, or after its ruling by the Court of Appeal.

The Tunisian legislator does not differ from the Algerian legislator in the general principles of requesting a stay of execution, but the difference lies in the deadlines set by law for speedy decision-making following the filing of a request to stay the execution or postpone the execution, as the first president of the Administrative Court decides on the request submitted to him within a deadline not exceeding a month, and this is what he came up with. Chapter 40 (new) Law No. 40 of 1972 dated June 1, 1972, relating to the Tunisian Administrative Court, by a reasoned decision and without precedent, oral pleading. The effectiveness of the procedure of postponing execution before the Tunisian urgent judge is demonstrated by the fact that if it is confirmed that the stay of execution is valid, he may authorize the postponement of the

implementation of the contested administrative decision. Therein until a decision is made on the request to suspend execution, and this is what distinguished the Tunisian legislator, and the Algerian legislator was distinguished by specifying the period of adjudication in the Algerian legislation, which is due to an hour, compared to that specified in the Tunisian legislation, which is limited to a month.

3- The Algerian legislator excelled in electronic litigation

Anyone who follows the legislative movement of the legislators under study becomes clear that the Algerian legislator made several amendments compared to the Tunisian legislator regarding the law regulating the suspension of the implementation of administrative decisions. The Algerian legislator issued Order No. 69/77 dated September 18, 1969, amending and supplementing Order No. 66/154 dated June 8, 1966, containing the Civil Procedure Code (Order No. 69/77, 1969), the latter amended and supplemented by Law No. : 08/09 of February 25, 2008, includes a law on civil and administrative procedures (Law No. 08/09, 2008), after which Law No. 22-13 of July 12, 2022, introduced important amendments to the Law of Civil and Administrative Procedures (Law No. 22-13, 2022).

As for the Tunisian legislator, the Tunisian legislator has so far kept in force Law No. 40 of 1972, dated June 1, 1972, amended pursuant to Basic Law No. 39 of 1996, dated June 3, 1996, relating to the Administrative Court, with regard to the claim of stopping the implementation of the administrative decision, which we touched upon previously. Therefore, we will highlight the excellence in legislation. The Algerian innovation in the digital aspect affected litigation in Algeria.

3-1- Updates on Law No. 22-13, which amends and supplements the Civil and Administrative Procedures Law No. 08-09

The recent amendment to the Civil and Administrative Procedures Law brought new and important provisions related to litigation before the administrative judiciary, especially with regard to the establishment of administrative courts of appeal as a second level for litigation in administrative matters, in addition to some partial issues (Baloul, 2022), which were amended by the Algerian legislator, the most important of which is the amendment that affected the content Article 800 of the same law, as well as reconsidering the procedures for implementing judicial bonds that include a financial conviction against administrative bodies by repealing Law No. 91-02 and reinserting those provisions in Article 986 of Law No. 08-09 amended by Article 10 of Law No. 22- 13, in addition to other issues related to litigation procedures, the most important of which is electronic litigation.

Article 900 bis, the new paragraph 3 of the Code of Civil and Administrative Procedure, established a special qualitative jurisdiction. This text assigned the Administrative Court of Appeal of Algeria the jurisdiction to adjudicate as a first instance, that is, adjudicating according to an appealable decision in cases of annulment, interpretation, and assessment of the legality of administrative decisions issued by the central administrative authorities and bodies. National public and national professional organizations.

Administrative decisions issued by the central administrative authorities that are subject to appeal before the Administrative Court of Appeal of Algeria are numerous and varied. The matter may relate, for example, to a decision or decision issued by a minister, an executive

decree issued by the Prime Minister or Head of Government, a presidential decree, or even a presidential order that has not yet been approved by Parliament. Previously, appeals against such central decisions were within the jurisdiction of the Council of State. Decisions of the Administrative Court of Appeal of Algeria issued in these articles are subject to appeal before the Council of State.

As for the State Council, it now intervenes in general only as a cassation judge, pursuant to Article 901 of the new Civil and Administrative Procedure Code, which reproduces the provisions of Article 9 of Organic Law No. 22-10 of June 9, 2022, which includes judicial organization: "The State Council is competent to decide on cassation appeals against judgments." And the final decisions issued by the administrative judicial authorities. It is also competent to decide on cassation appeals authorized to it under special texts. "As an exception, the State Council is the judge of appeal for decisions issued by the Administrative Court of Appeal of Algeria deciding appeals aimed at canceling, interpreting or evaluating the legality of the decisions." Issued by the central administration or national public authorities and institutions and national professional organizations. In this case, the deadline for appealing before the Council of State regarding decisions issued by the Administrative Court of Appeal in Algeria is two months (Article 950, 2022). As for the deadline for cassation appeal, it is also two months effective from the date of notification of the contested decision (Article 956).

Unlike the appeal before the State Council, which suspends the implementation of the appealed decision in accordance with Article 908 of the Civil and Administrative Procedures Law, the cassation appeal before the State Council does not halt the implementation of the contested decision because the decision

issued at the last level that is the subject of this cassation appeal has a final character, knowing that Cassation, unlike appeal, is not a third level of litigation. Rather, it is an appeal that aims only to monitor the validity of the ruling or decision being appealed by looking at the provisions of pure law without appreciating the facts.

Therefore, the provisions of the above articles are a legislative revolution compared to Tunisian legislation, especially what relates to electronic litigation, as it is a real leap towards the modernization of justice.

3-2- Electronic litigation:

The Algerian legislator distinguished itself from the Tunisian legislator with regard to the modernization of justice through electronic litigation by introducing Law No. 15-03 of 02/01/2015 relating to the modernization of justice. The lawsuit can be filed before the Administrative Court, before the Administrative Court of Appeal, or before the Council of State by electronic means, and the same applies to informing the opponents of the procedures. Investigation measures include Articles 815, 840, 900 bis 1, 900 bis 3, and 904 of the Code of Civil and Administrative Procedures, which applies to an urgent stay of execution lawsuit, which actually establishes the urgency and legislative goal aimed at stopping the implementation of an administrative decision based on serious reasons until the administrative judiciary recovers results that are difficult to recover.

The electronic litigation system is an effective mechanism in Algerian legislation in steps towards development and raising the level of the judicial system, as it is a comprehensive information development of the judicial facility that is useful and purposeful for all sectors of society. The importance of electronic litigation lies in saving time and effort for judges, lawyers, and litigants and thus leads to quality work, as it is

Electronic media technology in litigation is one of the mechanisms developed in Algeria recently, after the adoption of Law 15/03 related to the modernization of justice, and even in light of the new government's directions, this mechanism, although it has been credited with accelerating the pace of litigation procedures and the speed of broadcasting disputes (Belbaqi, 2021, page 1279).

As for litigants, it enables them to view the rulings and decisions issued by the judicial authority without the hassle and effort of moving around and to view the case files, their contents, and the deadlines required for review, as they can enter the court's website and learn about the rulings, decisions, and the conduct of the sessions (Looney, 2021, page 273).

The Algerian legislator is considered ahead of his Tunisian counterpart in the field of electronic litigation because the revolution of communications and information technology that the world is experiencing has led to the existence of new methods of dealing and communication, which had a significant impact on various fields in Algeria, including the field of the judiciary, which witnessed a change through the modernization of the judicial system. Algerian (Gharbi, 2023, p. 169), adopted what is called electronic litigation because, during the year 2020 as an inevitable means imposed by the Corona epidemic for the continuation of judicial activity, the latter was activated pursuant to Order 20-04 amending the Code of Criminal Procedure (Article 441 bis of the order No. 20/04, 2004).

4- Conclusion

At the conclusion of this article, it is clearly evident that the procedural distinction of the system of stopping the implementation of administrative decisions in the Algerian and Tunisian legislation is towards specialization to get out of cases of normal urgency, and this contributes to strengthening the concept of

administrative justice and enhancing citizen confidence in the legal system to achieve justice and to ensure their rights in the face of illegal administrative decisions. A mechanism for protecting citizens' rights from illegal administrative decisions.

We seek urgent distinction in the deadlines for deciding on the request to suspend implementation in the Algerian and Tunisian legislation in order to quickly avert the danger of continuing the implementation of the administrative decision with the intervention of the judiciary on an urgent basis, which is difficult to rectify and reform, which makes the agreement of Algerian and Tunisian legislators on the excellence of these procedures enhances transparency and ensures the correction of any deviations that may appear in the process. Decisions can be canceled or partially modified through procedures that are considered an important stream in the course of the legal system. The power of activating the suspension of the implementation of the decision lies in achieving a balance between the flexibility of administration and protecting the rights of citizens, and this in itself embodies a commitment to the values of justice and a guarantee of equality before the law.

Through this study, it becomes clear what was prominent in the Algerian legislation and absent in the Tunisian legislation regarding the extreme degree of urgency, which shortened all the deadlines related to the deadlines for filing a lawsuit and speed in deciding. The legislators set the deadlines precisely, and the Algerian legislation accompanied them with the modernization of the justice sector.

Algerian legislation is distinguished by electronic litigation, which developed the concept of a lawsuit and the concept of a lawsuit to suspend administrative execution and reduces the litigant's

burden of traveling to the judicial authorities to find out the deadlines and judicial decisions.

The term postponement of execution has emerged in Tunisian legislation, which is absent in Algerian legislation, and the administrative judge can issue a decision to this effect until a decision to suspend execution is issued.

The urgent legislative approval of the two countries under study is not just a legislative process only but is realistically embodied through the competition in rushing to decide on requests to stop implementation, which is embodied through the administrative judiciary system through the interaction of the litigant with the legal system to ensure the stability of society and preserve the principle of equality and justice through a deep understanding. To distinguish the procedure for stopping the implementation of an administrative decision, each country seeks to distinguish its legislation by building a system for stopping the implementation of an administrative decision based on transparency and protecting the rights of individuals.

The inclusion of a system of suspension of execution in the two countries under study is strengthened through emergency justice. It enhances rights and freedoms, especially the contagious effect of the dispute and the position of implementing the ruling if the ruling is appealed, which increases judicial oversight even more.

The appointment of the administrative courts of appeal in Algeria as a body of appeal takes into account the geographical extent of the national territory, the volume of cases presented to the administrative judiciary, and the positive repercussions of this on the litigant.

Digitization helps rationalize public expenditures and shorten the efforts of litigants and human resources in judicial

structures, especially through the role that the electronic judiciary will play in bridging distances and enabling the shortening of appointments.

Therefore, legislators must always look towards developing and improving the system of stopping the implementation of administrative decisions and distinguishing it from the seriousness of continued implementation with emerging aspirations to ensure the continuity of the trend towards achieving justice and instilling confidence in the citizens to protect his rights in facing the challenges of administrative decisions to embody the state of law through the administrative judiciary.

Recommendations

The creation of new judicial structures, such as administrative courts of appeal, requires the provision of human resources from judges specialized in the administrative judiciary so that the will of the legislator is achieved to achieve the constitutional system of two-level litigation.

Activating electronic litigation requires providing the necessary flow of the Internet so that the interests of those who resort to electronic litigation are not lost by appealing urgent orders, especially related to short-term urgent deadlines, which requires stipulating the permanent provision of the Internet without it being subject to interruption, as is the practice in official exams in Algeria

9. decided. The parties shall be informed immediately of this and in a copy.

10. Law No. 22-13. (12 July 2022). Includes the Civil and Administrative Procedures Code. Algeria: Official Gazette No. 17.

11. Law No.: 08/09. (25 February 2008). It includes a law of civil and administrative procedures. Algeria: Official Gazette No. 21.

12. Article: 9 bis 1. (6/12, 2022). From Law No. 22-13. It amends and supplements Law No. 08-09 of Safar 18, 1429 corresponding to

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 5. Order No. 66-154. (1966). Dated June 8, 1966, including the Civil Procedure Code. Algerian Official Gazette, No. 47.
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 7. Chapter 40 (new). (1972). Related to the Administrative Court, amended pursuant to Basic Law No. 39 of 1996 dated June 3, 1996. The First President shall decide on the demands submitted to him within a period not exceeding one month by a reasoned decision and without prior oral argument. Law No. 40.
 8. Chapter 40 (new) of Law No. 40 of 1972 (1 6, 1972). Related to the Administrative Court, amended pursuant to Basic Law No. 39 of 1996 dated June 3, 1996. Text of the chapter: "The First President shall decide on the demands submitted to him within a period not exceeding one month by a reasoned decision and without precedent of oral argument. The First President may, in the event of confirmation, authorize the postponement of the implementation of the decision." The appealed matter shall remain until the request to suspend execution is
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13. Article 13 et seq. (25 February 2008). Regarding filing a lawsuit. Law No. 08-09 includes a law on civil and administrative procedures. Algeria.

14. Article 441 bis of Order No. 20/04. (2004). Article text. Judicial authorities may, for reasons of good standing, justice, or the preservation of security and public health, or during natural disasters, or for reasons of respecting the principle of reasonable deadlines, use remote video chat technology in judicial procedures, while respecting the rights and rules stipulated.
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