

The Human Composition of the Municipal People's Assembly in Algeria

التركيبة البشرية للمجلس الشعبي البلدي في الجزائر

Abdallah Merahi ^{1*} Rym Merahi ²

¹ University of Ouargla (Algeria), Algeria's political, economic and social transformation laboratory.

abdallah.merahi@univ-ouargla.dz

<https://orcid.org/my-orcid?orcid=0009-0008-1365-2549>

² University of Echahid Cheikh Larbi Tebessi -Tebessa- (Algeria).

rym.merahi@univ-tebessa.dz

<https://orcid.org/orcid-search/search?searchQuery=0009-0008-1962-1751>

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Abstract :

This study aims to delve into the structure of the Municipal People's Assembly in Algeria by looking closely at the legal framework that governs its creation. It places special focus on Law No.11-10, which pertains to Municipalities, as well as the electoral laws and relevant executive decrees. The research outlines the various steps involved in forming the Assembly, starting from the election of its members to the process of selecting or electing its President. Additionally, it explores the legal requirements for candidacy and the procedures for setting up the council. Moreover, it highlights how this composition is crucial for fostering effective local governance and ensuring that citizens have a voice in managing municipal affairs.

Keywords: Municipality ; President of the Municipal People's Assembly ; Members of the Municipal People's Assembly ; Elections...

ملخص:

تناولت هذه الدراسة التركيبة البشرية للمجلس الشعبي البلدي في الجزائر من خلال دراسة الإطار القانوني المنظم لها لاسيما القانون رقم 10-11 المتعلق بالبلدية، والقوانين الانتخابية والمراسيم التنفيذية ذات الصلة، وقد ركزت الدراسة على كيفية تنصيب المجلس الشعبي البلدي، بدءاً من انتخاب أعضائه وصولاً إلى تعيين أو انتخاب رئيسه، مع التطرق إلى الشروط القانونية الواجب توفرها في المترشحين وآليات تشكيل المجلس، كما سعت الدراسة إلى إبراز أهمية هذه التركيبة البشرية في تفعيل العمل المحلي وضمان تمثيل فعلي للمواطنين في تسيير شؤونهم مع بيان دور كل من رئيس المجلس وأعضائه في تنفيذ السياسات العمومية على المستوى المحلي، فالدراسة هدفت إلى تقديم فهم قانوني شامل لبنية المجلس الشعبي البلدي وأسس تشكيله.

كلمات مفتاحية: البلدية، رئيس المجلس الشعبي البلدي، أعضاء المجلس الشعبي البلدي، الانتخابات...

* Corresponding Author

Introduction :

The Algerian legislator has really focused on the Municipal People's Assembly (Assemblée Populaire Communale) ever since the first Municipal Law was introduced back in 1967 (Ordinance No.67-24, 1967).

This Assembly is seen as the cornerstone of the State, embodying the spirit of democracy and showcasing the principles of decentralization.

According to Article 15 of Law No.11-10 (Law No. 11-10, 2011) regarding municipalities, it states, 'The municipality has a deliberative body (the Municipal People's Assembly),' which clearly identifies it as the primary administrative authority in charge of managing the municipality. The members of the Municipal People's Assembly are elected for a five (5) year term by means of proportional representation through an open-list system, as provided for in Article 169 of Organic Law No. 21-01 (Ordinance No. 21-01, 2021) on the Electoral System, enacted by ordinance.

The significance of this topic is rooted in recognizing the human makeup of the Municipal People's Assembly in Algeria. The importance of this research is evident in the following aspects:

- Comprehending the structure of elected Municipal People's Assemblies.
- Examining the process for appointing the President of the Municipal People's Assembly.

From this perspective, the subsequent inquiry can be posed: How has the Algerian legislator structured the Municipal People's Assembly?

This research was carried out in accordance with Municipal Law No.11-10, along with specific regulatory decrees that aid in the analysis of the structure in question. The descriptive and analytical approaches were used, as they are the most suitable for this kind of research.

To tackle the previously mentioned problematic, the study has been organized into the following sections:

- 1. The Municipal People's Assembly and its Composition**
- 2. The Appointment of the President of the Municipal People's Assembly**

1. The Municipal People's Assembly and Its Composition

The structure of Municipal People's Assemblies has sparked quite a bit of debate among legal experts for a while now, particularly when it comes to how these assemblies are formed. Some folks are in favor of elections, while others lean towards appointments, each side presenting its own arguments. Given these differing views, the Algerian legislator has opted for a fully elected approach to select members of the Municipal People's Assembly. So, to really grasp this composition, it's essential to take a closer look at the municipal electoral system. (Buali, 2004, p. 43)

To truly understand the role of the Municipal People's Assembly as a space for democratic discussion, we need to take a closer look at how this assembly is put together.

The Municipal People's Assembly acts as a forum for discussion, representing democracy through a group of elected individuals (Meziani, 2005, p. 58). This assembly is made up of representatives chosen by the residents of the municipality (Ordinance No.21-01, 2021). The number of members in the Municipal People's Assembly for each municipality is determined based on the area's population density.

The Algerian legislator has set a minimum of 7 members for municipalities with populations under 10,000, while those with populations of 200,001 or more can have up to 33 members (Kouachi, 2010, p. 94). Furthermore, according to the Organic Law on Elections, the number of members in the Municipal People's Assembly has been increased, now requiring at least thirteen (13) members and allowing for a maximum of forty-three (43) members (Organic Law No.12-01, 2012).

The Algerian legislator confirmed this figure in Organic Law No. 21-01, which deals with the Electoral System. By increasing the number of members, local residents have a better chance of being part of the Municipal People's Assembly. This move not only promotes local governance and decision-making but also reinforces the multiparty system, enabling the Assembly to establish its permanent committees.

The number of members in the Municipal People's Assemblies is set out in Article 187 of Organic Law No.21-01, which deals with the Electoral System (Ordinance No.21-01, 2021). Here's a breakdown of the details:

1.1. Determination of the Members of the Municipal People's Assembly :

The number of members in the Municipal People's Assemblies varies depending on the size of the municipality's population, as determined by the most recent general census of population and housing, along with certain conditions:

- Thirteen (13) members in municipalities with a population of less than 10,000 inhabitants;
- Fifteen (15) members in municipalities with a population between 10,000 and 20,000 inhabitants;
- Nineteen (19) members in municipalities with a population between 20,001 and 50,000 inhabitants;
- Twenty-three (23) members in municipalities with a population between 50,001 and 100,000 inhabitants;
- Thirty-three (33) members in municipalities with a population between 100,001 and 200,000 inhabitants;

- Forty-three (43) members in municipalities with a population of 200,001 inhabitants or more. (Ordinance No.21-01, 2021).

1.2. Committees of the Municipal People's Assembly :

The Municipal People's Assembly is made up according to its members, as outlined in the updated Article 31 (Law No.11-10, 2011):

The Municipal People's Assembly is set to establish permanent committees made up of its members. These committees will focus on tackling various issues that fall within their jurisdiction, particularly those that are most relevant to the community:

- Economy, finance, and investment,
- Health, hygiene, and environmental protection,
- Land use planning, urban development, tourism, and traditional industries,
- Water resources, agriculture, and fisheries,
- Social, cultural, sports, and youth affairs.

The number of permanent committees shall be determined as follows:

- Three (3) committees for municipalities with a population of 20,000 inhabitants or fewer,
- Four (4) committees for municipalities with a population between 20,001 and 50,000 inhabitants,
- Five (5) committees for municipalities with a population between 50,001 and 100,000 inhabitants,
- Six (6) committees for municipalities with a population exceeding 100,001 inhabitants. (Law No.11-10, 2011).

The committees are established through a resolution that gets the majority nod from the members of the Municipal People's Assembly, based on a proposal put forth by its President.

Each committee takes on the task of crafting its own internal regulations and then submits them to the Municipal Assembly for approval..

1.3. Persons Ineligible for Election :

In Article 188 of Ordinance No.21-01 from 2021, the Algerian legislator specified the groups of individuals who are barred from running for election while they are in office and for a year after their term ends, in the areas where they currently serve or have previously held responsibilities:

- Members of the Independent Authority and its branches,
- The Wali (Governor),
- The Secretary General of the Wilaya,
- The Delegate Wali,
- The District Chief (Chef de Daïra),
- The Inspector General of the Wilaya,
- Member of the Council of the Nation,
- The Delegate Director of the Administrative District,
- Judges,
- Members of the National People's Army,
- Security personnel,
- Municipal Treasurer,
- Municipal Financial Controller,

- Secretary General of the Municipality.

The Municipal People's Assembly has the power to create a special committee from among its members to look into specific issues that fall under its authority, as stated in Law No. 11-10 regarding municipalities, including any amendments and additions.

It's evident from the previous discussion that the Algerian legislator has decided to increase the number of seats in each assembly, taking into account the population size of each municipality. Consequently, the minimum number of members in the Municipal People's Assembly has risen from seven (7) to thirteen (13) members, as outlined in Ordinance No.21-01 from 2021.

It's evident that the new number boosts the chances for local residents to get involved in the Municipal People's Assembly. This really supports the idea of participation in local governance and decision-making. Plus, it strengthens the multiparty system and enables the Assembly to establish its permanent committees (Boudiaf, 2012, p. 55).

2. Appointment of the President of the Municipal People's Assembly:

In its amendment to Law No.11-10 regarding municipalities, the Algerian legislator introduced a new executive body that is headed by the President of the Municipal People's Assembly. This section will delve into how the President of the Municipal People's Assembly is elected and outline the important duties that come with this role.

1.1. The Procedure for Selecting the President of the Municipal People's Assembly :

The Algerian legislator has introduced a clearer and more straightforward approach to selecting the President of the Municipal People's Assembly. In the past, the president was chosen either through an election or appointed by the members of the list that received the most votes. This process could happen via an indirect and secret ballot or through a public endorsement (Achi, 2008, p. 132).

The repealed Organic Law No. 12-01 regarding the Electoral System, as outlined in Article 80, specified that the presidential candidate for the Municipal People's Assembly had to be selected from the list that secured an absolute majority of seats. If no list achieved that majority, those lists with at least 35% of the seats could nominate a candidate.

In the event that no list met this threshold, all lists would be allowed to propose a candidate. If no candidate received an absolute majority of votes, a runoff election would take place within 48 hours between the top two candidates, with the one who gets the majority of votes being declared the winner.

A look at Article 80 from Organic Law No.12-01 compared to Article 65 of Law No.11-10 (2011) reveals that the former is much more detailed in its provisions, laying out various scenarios for different situations. On the other hand, Article 65 of the Municipal Law simply assigns the presidency to the candidate at the top of the list with the most votes and only provides one alternative scenario for a tie, which is to give the presidency to the youngest candidate.

Article 65 seems to operate on the idea that, in most cases, a single list will gather the majority of votes, which would then lead to its leader being appointed as president. If there happens to be a tie, the youngest candidate is selected. However, this article

doesn't clearly state whether the comparison should be made solely between the heads of the tied lists or if it should include all elected candidates from both lists that are tied.

The language here feels a bit unclear and lacking precision. According to the Organic Law on Elections, if no list manages to secure an absolute majority of seats—meaning 50% plus one—then those lists that get at least 35% of the seats can put forward a candidate. If none of the lists hit that mark, all of them are allowed to nominate their candidates. So, Article 80 of Organic Law No.12-01, 2012, broadens the eligibility for candidacy, letting all lists propose presidential nominations when no list reaches that 35% threshold, which makes the process more inclusive in those situations.

To sum it up, there's a clear distinction between the rules governing the presidency of the Municipal People's Assembly as set out in the Municipal Law and those specified in Organic Law No. 12-01. This raises an important question: which of these two legal documents should take priority? On this matter, Professor Dr. Ammar Boudiaf provides a clear answer, stating: "Without a doubt, the organic law takes precedence, for three reasons."

Let's break this down a bit. **First** off, the organic law holds a higher legal status than regular laws, which means that Article 80 takes priority over and effectively cancels out Article 65.

Next, the Municipal Law came into being in June 2011, but the Organic Electoral Law was approved later, in January 2012, so it takes precedence over the Municipal Law.

Finally, since the organic law is considered a special law, it follows the well-established legal principle that special laws outrank general ones, making it the one we should prioritize. (Boudiaf, 2012, p. 207).

With the recent passing of Organic (Ordinance No. 21-01, 2021), the process for appointing the President of the Municipal People's Assembly has changed. Now, the appointment will follow the guidelines set out in Article 65 of (Law No.11-10, 2011), which has been amended and updated. According to this article:

The nominee of the presidency of the Municipal People's Assembly must be chosen from a list that has achieved an absolute majority of seats. If no list manages to secure an absolute majority, then the two lists that have received at least thirty-five percent (35%) of the seats can each put forward a candidate.

If no list manages to secure at least thirty-five percent (35%) of the seats, then every list has the opportunity to nominate a candidate. The election will be conducted through a secret ballot, and the candidate who garners an absolute majority of the votes will be declared the President of the Municipal People's Assembly.

If no candidate gets more than half of the votes, a runoff will be held between the top two candidates. The one who receives the most votes in that round will be declared the winner. If there's a tie in the total votes, the older candidate will take the win (Law No.11-10, 2011).

It's worth noting that the legislator has made it clear how the President of the Municipal People's Assembly is appointed. Now, the President is elected by the members of the list that got the most votes, and this happens through an indirect and secret ballot, with the possibility of public endorsement.

1.2. Powers of the President of the Municipal People's Assembly:

When it comes to his powers, the President of the Municipal People's Assembly has a wide range of functions and authorities. He's responsible for managing a public administrative service that directly impacts the daily lives of citizens. His role is twofold: he acts as both a representative of the municipality and the State. Additionally, the new law has given him even more authority in his capacity as the executive body of the Assembly (Belabbas, 2003, p. 78).

1.2.1. The President of the Municipal People's Assembly as Representative of the State:

The role of the President of the Municipal People's Assembly is defined in several legal documents, including the Civil Status Law, the Code of Criminal Procedure, the Electoral Law, and other legislative texts. However, his powers as outlined in the Municipal Law can be summarized as follows:

- The President of the Municipal People's Assembly represents the State at the level of the municipality's territory.
- He holds the status of Civil Registrar, and is thereby responsible for officially certifying civil status acts. He may delegate his signature to municipal delegates or any municipal official, and must notify the Public Prosecutor of such delegation. (Ordinance No. 70-20, 1970)
- According to Article 92 of Law No. 11-10, the President of the Municipal People's Assembly has the status of a Judicial Police Officer.
- He is responsible for certifying official documents and may delegate his signature to municipal delegates or any municipal official, under his responsibility and under the supervision of the Public Prosecutor (Ordinance No. 66-155, 1966).
- He is tasked with disseminating laws and regulations and taking all necessary measures for their implementation within the territorial jurisdiction of the municipality.
- He shall take all necessary precautions to ensure the safety and protection of persons and property in public places where a disaster or accident may occur.
- In cases of serious or imminent danger, he is authorized to implement all security measures required by the municipality's situation and circumstances.
- He is empowered to issue all decisions related to the demolition of walls and buildings at risk of collapse, in accordance with applicable laws and regulations.
- In the event of natural or technological disasters affecting the municipality's territory, the President is responsible for activating the emergency response plan to protect persons and property, and must inform the territorially competent Wali. (Law No. 11-10, 2011)

1.2.2. Powers of the President of the Municipal People's Assembly as Representative of the Municipality :

As the head of the municipality, the President of the Municipal People's Assembly plays a crucial role in representing the municipality at all official events and functions, whether they take place within its borders or beyond.

He leads the sessions of the Municipal People's Assembly and has the authority to call the Assembly together for both regular and special meetings.

On top of that, he is responsible for drafting the proposed agendas for these sessions, making sure they align with the relevant legal and regulatory standards.

The President plays a key role in putting the municipal budget into action, as approved by the Municipal People's Assembly. He's in charge of managing the municipality's finances, which means overseeing how revenue is collected and how expenditures are carried out. On top of that, he takes on important projects aimed at boosting and diversifying the municipality's financial resources, ensuring that the budget remains sustainable while also fostering local economic growth.

In his role as the 'authorizing officer' (ordonnateur) for the municipality, the President carries out this duty in accordance with the laws and regulations that oversee local public finance. He has the authority to finalize contracts and agreements on behalf of the municipality, following the legal powers granted to him.

It's crucial that this process is carried out in strict compliance with the relevant legal protocols, particularly those related to prior approval and oversight of spending and public procurement, as specified by the laws governing budgetary discipline and contractual obligations (Law No.11-10, 2011).

3. Conclusion :

Taking a closer look at the membership structure of the Municipal People's Assembly in Algeria, it becomes clear that the Algerian legislator is committed to promoting good governance by adhering to the constitutional guidelines that shape its formation. The composition of the Municipal People's Assembly plays a vital role in facilitating democracy through electoral processes. However, this method has drawn significant criticism, as it often results in the election of members who may lack the necessary skills to effectively manage the municipality and engage in local development efforts.

The local human capital serves as a fundamental element in achieving community development, which is a primary goal assigned to the elected representatives of the Municipal People's Assembly.

Although the legal structure regulating their election does not require academic credentials, thus upholding the principle of equal opportunity for public office, it still reflects the principle of civic engagement by allowing citizens to take part in the management of local public matters.

Among the key recommendations we suggest, and in order to enhance the role of the municipality, the following points would be taken into consideration:

- Mandating that candidates for municipal elections must have completed at least the third year of secondary education.
- Stipulating that the council member with the highest academic credentials is qualified to take on the role of President of the Municipal People's Assembly.
- Implementing structured training programs for members of the Municipal People's Assemblies to improve their ability to foster local development.
- Creating oversight committees responsible for ensuring the municipality adheres to these training initiatives and that elected officials are present and actively engaged.

4.. references:

- Alaeddine Achi .(2008) .Introduction to Administrative Law .Algeria: Dar El-Houda for Printing, Publishing and Distribution.
- Ammar Boudiaf .(2012) .Explanation of the Municipal Law .Algeria: Jisour Publishing and Distribution.
- Atika Kouachi .(2010) .Administrative Decentralization in the Maghreb Countries – A Comparative Study, a thesis submitted in partial fulfillment of the requirements for the Master's degree in Political Science .Algeria: Kasdi Merbah University – Ouargla.
- Belabbas Belabbas .(2003) .The Role and Powers of the President of the Municipal People's Assembly in Algerian Law, Master's Thesis in Law .Algeria: University of Algiers.
- Farida Meziani .(2005) .Local Councils under the Political Pluralism System in Algerian Legislation, Doctorate of State in Law Dissertation .Algeria: University of Constantine.
- Law No. 11-10 22) .June, 2011 .(relating to the municipality .Algeria: Official Gazette No. 37, as amended and supplemented.
- Mohamed Sghir Buali .(2004) .Law of Algerian Local Administration .Algeria: Dar Al-'Uloom Publishing and Distribution.
- Ordinance No. 21-01 10) .March, 2021 .(containing the Organic Law on the Electoral System .Algeria: Official Gazette No. 17.
- Ordinance No. 66-155 8) .June, 1966 .(containing the Code of Criminal Procedure, as amended and supplemented .Algeria: Official Gazette No. 48.
- Ordinance No. 67-24 18) .January, 1967 .(containing the Municipal Law .Algeria: Official Gazette No. 6.
- Ordinance No. 70-20 19) .February, 1970 .(relating to Civil Status .Algeria: Official Gazette No. 21.
- Organic Law No. 12-01 12) .January, 2012 .(relating to the Electoral System .Algeria :Official Gazette No. 1.