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**The President of the Republic is the protector of constitutional rules
through the mechanism of notification to the Constitutional Court**

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Abstract :

The Constitution occupies the highest rank within the hierarchy of laws, which means that the rules formed for the legal system in the state are not in one rank, but according to a hierarchical form at the top of which is the Basic Law, which requires respect for the minimum rules of the highest rules, the Constitution is distinguished by its superiority as one of the foundations of the rule of law, which requires the creation of guarantees and protection of its rules from violating or violating and violating them, through the allocation of an authority with a constitutional status and an excellent position to carry out the constitutional role. this was entrusted by the Algerian constitutional founder to the President of the Republic as the basic foundation of the constitutional system and the key to the dome of the political system, and raised it to an independent constitutional institution in the constitutional amendment of 2020, and enabled it to have constitutional mechanisms to protect constitutional norms, including notifying the Constitutional Court. that is, the movement of constitutional control within areas where notification is mandatory such as organic laws and the rules of procedure of the two chambers of Parliament, as introduced and subject legislative orders of the President of the Republic to constitutional control, and the notification may be optional, such as the interpretation of constitutional provisions and the control of conformity with international treaties.

Keywords:

President of the Republic, mandatory notification, optional notification, protector of the Constitution, conformity control, constitutional control.

Introduction

The Constitution is the fundamental law of the State and enjoys supremacy. As the basis of constitutional life, in view of its guarantee of public rights and freedoms and its organization of the powers which are obliged to submit all their actions to the constituent authority, setting the constitutional rules.

The constitutional judiciary exercises constitutional justice as a kind of jurisdiction that focuses on constitutional laws and a judicial guarantee to the Constitution, through a specific body whose task is constitutional control according to specific controls, which may be in the form of constitutional councils or courts.

The control of the constitutionality of laws is one of the basic pillars of the establishment of the rule of law, and a guarantee of the supremacy of the Constitution is defined as " the non-violation of the Constitution by subjecting the minimum legal rule to the highest rule, and this is done by comparing the minimum text with the constitutional text to determine the extent of its constitutionality. " 1it has been adopted by the Algerian constitutional founder in its various constitutions and amendments with the exception of the 1976 Constitution². However, he maintained the idea that self-notification would not be valid, that is, automatic movement only through notification by the bodies specified in the Constitution .

The President of the Republic, as the head of state, is considered the basic building block in the Algerian constitutional system, where he is unique in political control and authoritarian domination and has more wide powers than other authorities, perhaps the most important of which is the power to notify the Constitutional Court and move control over the constitutionality of laws. this has been confirmed by various constitutions from the first Constitution of 1963 until the last constitutional amendment of 2020³ in accordance with the provisions of Article 193 thereof⁴, and the President of the Republic was the first to be mentioned regarding the notification authorities, which is in line with his position in the Algerian political system. as the Protector of the Constitution and the primary jurisdiction under his supreme authority in the State.

The Constitution also specifies the scope of the notification submitted by the President of the Republic within certain areas, the notification may be obligatory, and may be optional, both of which lead to the activation of control over the constitutionality of laws by activating the work of the Constitutional Court after receiving the notification of the President of the Republic .

On this basis, we propose the following problems:

What are the areas of notification submitted by the President of the Republic, and how does it contribute to the protection of constitutional rules?

The method of analytical approach was followed in this study through the extrapolation and analysis of the constitutional texts, especially the constitutional amendment 2020, in addition to the various legal texts related to the study and to prevent the rules of work of the Constitutional Court.

To answer the problem, we propose the following plan:

Subject I: Mandatory notification is the unilateral right of the President of the Republic, the protector of the Constitution

The first requirement: The scope of the mandatory notification to the President of the Republic

The second requirement : The role of the Constitutional Court after receiving the obligatory notification from the President of the Republic

Second topic: The passport notification by the President of the Republic is an engine for constitutional control

The first requirement: Areas of optional notification to the President of the Republic

The second requirement: The work of the Constitutional Court after its optional notification from the President of the Republic

Subject I: Mandatory notification is the unilateral right of the President of the Republic, the protector of the Constitution

Before addressing the first area of notification to the Constitutional Court and obligatory by the President of the Republic. The concept of a notification mechanism needs to be defined.

The concept of the notification mechanism and its role in moving the constitutional control :

Notification is the main engine through which the Constitutional Court is contacted to exercise its functions, especially the control of the constitutionality of laws, and the volume of its work depends on the volume of work of this mechanism, either directly or indirectly and in a mandatory or permissive manner. especially in light of the adoption by the Algerian constitutional founder of the idea of the absence of self-notification, that is, the impossibility of automatic movement of the Constitutional Court, except in one case in which the

Constitutional Council met on July 25, 1995 automatically, without being based on a constitutional text, or upon notification from the authorities, on the occasion of the reinstatement of the requirement to attach the permit for the candidacy of the President of the Republic to the original certificate of nationality of the candidate's husband, in order 95-21, dated July 19, 1995, amending and supplementing Law No. 89 of August 7, 1989, amending and supplementing the Electoral Law, where the Constitutional Council has already ruled that this requirement is unconstitutional by virtue of the decision pending the amended law, and this was in accordance with a statement stating that it adheres to its decision No. 01/BC-MD of 20 August 1989 on the electoral law, it decided that the requirement that the declaration of candidacy for the presidency of the Republic be accompanied by the original Algerian nationality certificate of the candidate's husband is not in conformity with the Constitution .⁵

There are several attempts to set the definition of notification, including⁶ that " a request or a letter submitted by the competent authority for notification in order to consider the constitutionality of laws, and therefore the notification process is carried out by a letter addressed to the President of the Constitutional Council or the Constitutional Court at the present time. it shall be attached to the text submitted to it for its opinion or decision⁷" , and may also mean " that mechanism by which the Constitutional Council has been contacted, at present, by the Constitutional Court, through which it can begin to exercise its control over a particular subject "⁸, it also defined as " the procedure carried out by the constitutionally authorized body to request the position of the Constitutional Council or the Constitutional Court on the constitutionality of a legislative or regulatory text or a treaty, and this shall be by sending a letter from the legally authorized body to notify, for the purpose of expressing its opinion or decision on the conformity of the constitutional text in whole or in part "⁹, as defined as " giving the green light or authorizing the control of laws issued by the legislature or executive orders ¹⁰" .

It is clear from the previous definitions that they agree on the fact that notification is a constitutional mechanism for specific constitutional bodies, in order to move the body in charge of constitutional oversight and to carry out its supervisory work, whether the Constitutional Council or the Constitutional Court .

Considering the importance of this mechanism as it contributes to the protection of rights and freedoms by evaluating the legislative work and ensuring its quality by not violating the constitutional rules of the state, that is, a guarantee to enshrine the rule of law .

The notification is therefore distinguished by a number of characteristics from others, including that it is a limited measure exclusively to certain bodies in the Constitution¹¹ , and is a personal right that is not transferable to any body other than those provided for by the Constitution. this is reflected through the

mandatory signing of the notification letter by the competent authority constitutionally to notify the regulatory institution, and the constitutional founder in the constitutional amendment 2020 in Article 193 of it specified the authorities authorized to notify exclusively, this power may not be delegated to other bodies other than those specified in the Constitution and the violation of this shall result in non-acceptance.¹²

It is also of a political nature as a means granted to a body of a political nature, although the Constitutional Court was created, which was expected to be transformed into judicial oversight, but this has not been provided¹³ for.

The presidential superiority of the President of the Republic is the reason for assigning the task of mandatory notification :

The constitutional amendment of 2020 established the presidential domination of the President of the Republic, and even higher than that of his constitutional standing by the separate chapter of his¹⁴ . this is a qualitative shift in the position of the President of the Republic, as he elevated him to the rank of a constitutional institution independent of the executive authority and considered him the key to the dome of the political system in Algeria. In addition to being the protector of the Constitution, it is stated in the text of Article 84¹⁵ of the Constitutional Amendment 2020.

The constitutional founder therefore entrusted him with the task of notifying the Constitutional Court as a unilateral right and a legal and procedural station followed by the organic law or the rules of procedure of each chamber of the Parliament until its publication in the Official Gazette .¹⁶

In view of the specificity of organic laws and internal regulations of the two chambers of Parliament, the constitutional founder has subjected them to the control of conformity by ensuring that the legal text is in accordance with the letter and spirit of the Constitution so that it is considered valid, and therefore the Constitution specifies the scope or scope of the mandatory notification to the President of the Republic concerning the control of conformity of organic laws. the rules of procedure of the two chambers of Parliament were brought into conformity with the Constitution, and finally the mandatory notification on the constitutional control of the legislative orders of the President of the Republic was introduced.

The first requirement: The scope of the mandatory notification to the President of the Republic

Section I: Conformity of organic laws with the provisions of the Constitution

First: The status of organic law within the legal system requires mandatory control

The organic laws are considered complementary to the Constitution, the proper technical drafting requires that the articles of the Constitution be limited to the total assets that have the character of stability and relative permanence, and that they are not exposed to changing details so that the Constitution is not subject to continuous changes. thus, contemporary constitutions are often confined to overarching principles and refer to the details of the system of government to organic laws that are complementary to the Constitution¹⁷. It comes to regulate some important topics related to the constitutional requirements and related to the organization of vital areas contained in the provisions of the Constitution, and the organic texts issued by the Parliament, which are supplementary texts explaining the Constitution and related to the institutional work of the State, and also regulates the process of many constitutional institutions in terms of their establishment and work. political life, the financial system, and even national security, the Constitution was limited to general principles and rules¹⁸. Organic laws are distinguished from other laws in the procedures for their preparation and approval, unlike ordinary laws. This prompted the constitutional founder to subject it to conformity control, after the obligatory notification exclusively by the President of the Republic given its place within the Algerian legal system .

Second: The specificity of conformity control and its link to mandatory notification

Conformity control is defined as " control exercised prior to the promulgation of laws at the stage between the enactment of a law and its promulgation, where it prevents the promulgation of a law contrary to the Constitution and before its application. " ¹⁹ Their areas are set out in article 140 and miscellaneous articles .

Conformity control is considered a special control, because the Parliament is obliged not to take measures contrary to or non-existent in the Constitution, but to be identical to it and therefore the work of Parliament is restricted and not absolute as a public asset .²⁰

It is also obligatory to make the notification procedure compulsory and to conform to the spirit and form of the constitutional text, as it requires that the text in question has been mentioned in its provisions and faithfully reflected in the provisions of the constitutional principles adopted and in the indicative plan contained in the constitutional rules from which its essence is derived .²¹

It is more stringent than constitutional control, and it is comprehensive of the entire text and includes the process of examination in which the formal and substantive aspects of the text are subject to the control of the Constitutional Court .²²

Section II: Conformity of the rules of procedure of the two chambers of Parliament

The legislative institution is considered one of the most important constitutional institutions in the state due to its prominent role in the field of legislation, and based on the organizational independence of the parliament and the principle of the separation of powers, each of its chambers has the inherent competence to establish its internal rules in accordance with the Constitution²³, however, there may be an abuse of this freedom that calls for the regulation of parliamentary work, or the so-called " rational parliamentarism " , in order to limit the scope of its intervention and prevent it from exceeding its powers through the mandatory control of its internal systems.

The internal regulations of the Parliament are defined as " the set of internal legal rules for the organization of work within the House of Representatives, including the rules for the exercise of the legislative and supervisory activity of members " ²⁴. based on the material standard, it is defined as " including the rules of organization and operation of each chamber of the Parliament in addition to rules that include regulating its relations with other institutions dealing with it, such as voting procedures and discussion of laws, and thus the rules of procedure of the two chambers of the Parliament are an extension of the Constitution such as organic laws." ²⁵

In view of the importance of the internal rules of the two chambers of parliament as it regulates one of the most important constitutional institutions in the state, i.e. the legislative authority, the Algerian constitutional founder has entrusted him with the control of conformity with the²⁶ Constitution by the Constitutional Court based on the provision of Article 190 of the 2020 Constitution. It is justified to prevent parliamentary chambers from bypassing their own sphere of legislation, and to prevent members of parliament from bypassing the framework for the organization of the structures and functioning of the two chambers. Therefore, the rules of procedure must include in its provisions the indicative plan contained in the constitutional rules from which its essence is derived, and this makes the control of conformity strict and accurate in form and content and forces the Parliament to abide by the Constitution in form and spirit ²⁷.

Constitutional control is exercised on the internal regulations of the two chambers of Parliament after the obligatory notification by the President of the Republic in view of his constitutional status and the importance of the legislative institution and its system of operation and work, so the Constitutional Court does not move automatically, which is provided in the text of Article 190 of the Constitution. The President of the Republic is the protector of the Constitution.

Section III: Constitutional control over the legislative orders of the President of the Republic

Article 142 of the 2020 Constitution states that" the President of the Republic may initiate urgent matters by order in the event of a vacancy of the People's

National Assembly, or during the parliamentary recess after the opinion of the Council of State .

The President of the Republic shall notify the Constitutional Court of the constitutionality of these orders, which shall decide on them within ten days."

Through a reading of the text of the article it is clear that the constitutional founder created and required the legislative orders of the President of the Republic to be subject to constitutional control by the Constitutional Court, provided that he must notify it of this to move the control of conformity. The legislative orders take several forms according to the areas, including:

First: Legislative orders in the field of organic laws

One of the most important examples is order 21/01 containing the organic law on elections dated 10/03/2021²⁸ , where the President of the Republic notified the Constitutional Council to exercise²⁹ constitutional control over this organic law, and accordingly the Constitutional Council issued its decision No. 16/21³⁰. It monitored the formal and substantive conformity of the organic law with the text and visas, and separated the unconstitutional provisions from the rest of the matter under notification.

Second: Legislative orders in the field of ordinary laws

In the case of ordinary laws, the control shall be constitutional and not conforming, contrary to the organic laws in which notification is obligatory by the President of the Republic, while they share the fact that the control is focused on the whole text in form and substance, with the need to meet the conditions stipulated in Article 142, especially the availability of the urgent case.

Third: Legislative orders in the exceptional case

Constitutional institutions shall exercise their powers as normally conferred by the Constitution, but circumstances may vary and there may be exceptional cases that may threaten the independence or integrity of the national territory and constitutional institutions. this is addressed by the Algerian constitutional founder in the articles of the Constitution, especially Article 98, where he granted the President of the Republic the power to determine the state of exception under specific conditions,³¹ and the power to take extraordinary measures to preserve the independence of the nation and the constitutional institutions, including the possibility of legislating by orders to be taken in the Council of Ministers. after the expiration of the state of emergency, it shall be submitted to the Constitutional Court for its opinion, and therefore it shall be a subsequent control of the issuance of legislative orders.

The second requirement: The role of the Constitutional Court after receiving the mandatory notification from the President of the Republic

The constitutional founder assigned the authority of mandatory notification to the Constitutional Court to the President of the Republic, as he is the protector of the Constitution and the one who ensures its respect, which is what is called limited notification³², in addition to the specificity of the laws specified in the mandatory notification and the vitality of their areas in the constitutional system of the state, such as organic laws and the internal regulations of the two chambers of Parliament, as they complement the Constitution and extend it.

The Constitutional Court does not exercise its constitutional oversight automatically, but rather takes action after being notified by the constitutionally designated authorities, including the President of the Republic, the protector of constitutional rules. After being notified, it examines the extent to which the formal and substantive conditions for notification are met and then issues oversight decisions.

Section One: Considering the extent to which mandatory risk controls are respected

The notification mechanism is one of the basic guarantees for preserving the principle of the supremacy of the Constitution, ensuring its respect and protecting its provisions. It is also one of the components established by the Constitution in order to work on evaluating legislative work and controlling its quality. It is the engine that drives the Constitutional Court to activate constitutional oversight. When notified, it must consider the extent to which the conditions and controls are met, whether formal or substantive, in accordance with the texts of the articles of Organic Law No. 22-19³³ According to the work system of the Constitutional Court.³⁴

First: Formal controls for mandatory notification

Mandatory notification letter: Articles 09 and 10 stipulate that "the President of the Republic shall notify the Constitutional Court pursuant to a letter attached to the text of the organic law that is the subject of the notification, and with regard to the internal regulations pursuant to a letter attached to the text that is the subject of the notification"³⁵.

The conditions of the notification letter are:

- 1/ **Writing:** The constitutional founder did not stipulate a specific formality and left room for the authority that carries dangers. Writing is that material work that produces for us a written text that expresses the desire of its author.³⁶
- 2/ **Comprehensive of the text:** It must be in the entirety of the text with all its articles, from a formal and substantive standpoint, because it is a previous oversight of the issuance of organic laws, or the entry into force of the parliament's internal regulations.

3/ **Registration:** with the Secretariat of the Constitutional Court in the notifications register, which is a fundamental procedure as it is the beginning of calculating and the validity of the deadlines from the date of notification of receipt.

/4**Signature:** Considering the notification letter as an editor

Second: Objective controls for mandatory notification

Granting the constitutional founder a notification mechanism with the aim of ensuring respect for the provisions of the Constitution and protecting the fundamental rights and freedoms guaranteed under it. Therefore, the mandatory notification must be constitutional and achieve its purpose by meeting the objective conditions, which are:

1/ **Failure to justify the letter:** The President of the Republic shall notify the Constitutional Court by letter stating that it has extended its oversight and considered the extent to which the organic law or the internal regulations of Parliament are consistent with the Constitution, without the need to state reasons, reasons or grounds, since oversight is comprehensive of the notified text in form and substance and is not published³⁷. Otherwise, parallel constitutional oversight involves justification of the notification, because presenting the arguments and reasons for the appeal contributes to the seriousness of the appeal³⁸. Although the appellant seeks to protect the constitution, rights and freedoms.

2/ **Linking to areas of conformity control:** by the President of the Republic specifying the scope of the organic law to be monitored and its conformity with the provisions of the Constitution³⁹, i.e. it is one of the organic laws specified exclusively in the Constitution.

After fulfilling the formal and substantive conditions for the mandatory notification to the President of the Republic, the Constitutional Court shall exercise conformity control in accordance with procedures and deadlines for adjudicating and deciding on the notification sent to it by written letter.

Section Two: Decisions to dismiss the Constitutional Court regarding conformity control

In the absence of the Constitutional Court's automatic movement to exercise oversight, it must receive an obligatory notification regarding oversight of conformity with the Constitution from the President of the Republic to begin its work, provided that the formal and substantive controls previously presented are available, and then the work of the Constitutional Court begins to extend its oversight.

The Constitutional Court must be notified in the field of conformity control after Parliament's approval by an absolute majority of representatives and members of the National Assembly regarding organic laws, and after the internal

regulations of the relevant chamber of Parliament are prepared and approved. Then the subject of the notification is studied, and the date of its registration regarding conformity control constitutes the beginning of the validity of the deadlines specified for adjudicating it by a decision. The President of the Constitutional Court shall appoint one or more rapporteurs from among the members of the Constitutional Court to prepare a report and draft resolution on notifications without restrictions⁴⁰. He must determine the duration of studying the issue of notification, in compliance with the deadlines of Article 194 of the 2020 Constitutional Amendment. To grant a period for the Constitutional Court to deliberate and decide on it in accordance with Article 44 of the specific system of the Constitutional Court's working rules

After studying the notification file by the rapporteur and preparing a report and a draft decision on the notification, the Secretary-General is assigned, under the authority of the President of the Constitutional Court⁴¹, to prepare the deliberations of the Constitutional Court. The court shall meet based on a summons to its members by the President and shall be in a closed session, provided that the number of attendees is not less than 9 members.

Given the specificity of organic laws in the legal hierarchy, the Constitutional Court issues its decisions by an absolute majority of its members as a whole, while it issues decisions regarding monitoring conformity with the internal regulations of the two chambers of Parliament by a majority of its members present only, and the president's vote prevails in the event of equality.

The Constitutional Court's decision on conformity control occurs in two cases:

First, by conformity: A decision is issued stating in form that the procedures for adopting the text subject to the notification are in conformity with the Constitution, and in substance that the articles of the text are so, and the text is issued in the Official Gazette by the President of the Republic⁴².

Secondly, non-conformity: It shall be subject to conformity control according to the text and according to the cases we have mentioned as follows:

1/ Organic law that does not comply with the provisions of the Constitution: It can be in two forms:

A/ The organic law contains one or more provisions that do not conform to the Constitution, and cannot be separated from the rest of the provisions of the organic law. In this case, the text is returned to the notified authority, and the constitutional

authorities are informed of the decision of the Constitutional Court, and the President of the Republic refrains from issuing this organic law⁴³.

B/ The organic law contains one or more provisions that do not conform to the Constitution, and can be distinguished from the rest of the provisions of the organic law. The President of the Republic can issue it as an exception to the rest of the provisions that violate the Constitution. The constitutional authorities are informed of the decision of the Constitutional Court, and the President of the Republic issues it in the Official Gazette⁴⁴.

2/ The internal regulations of the Parliament Chamber are not in accordance with the Constitution: One or more provisions are in possession that do not conform to the Constitution and cannot be separated from the rest of the provisions of the internal regulations. The text is returned to the notified body, and the relevant parliamentary chamber cannot implement it. Rather, it amends it and re-presents it again to the Constitutional Court to consider the extent of its conformity with the Constitution, until conformity so that it becomes effective and enters into force⁴⁵.

The decisions of the Constitutional Court are final in nature, and therefore may not be appealed in any way, according to the text of Article 198 of the 2020 Constitutional Amendment, which states that the decisions of the Constitutional Court are final and binding on all public, administrative and judicial authorities. The Algerian constitutional founder did well to elevate the Constitutional Court's rulings from mere opinions under the former Constitutional Council to binding decisions to establish the Constitutional Court in an effort to achieve constitutional justice and preserve the rights and freedoms enshrined in the Constitution.

To carry out its work with complete neutrality and independence, the constitutional founder included it with a set of guarantees that it would not be subject to any authority and considered it an independent institution charged with ensuring respect for the constitution. He assigned it the task of exercising conformity control, which is characterized by being mandatory and not automatic, but rather by a limited and restricted notification to the President of the Republic in view of his constitutional position in the state and his constitutional duty to protect the constitutional rules from any violation or imbalance that affects the most important principles of the state of law, which is the principle of the supremacy of the constitution.

This was the scope and scope of the mandatory notification to the President of the Republic, the protector of the Constitution, and his role in moving and activating conformity control, and it also has other areas for passport notification.

Section Two: Passport notification by the President of the Republic is an engine for constitutional oversight

In addition to the mandatory notification specified exclusively for the President of the Republic and his monopolization of it, he also exercises the authority to notify the Constitutional Court of his passport regarding the remaining legal texts in accordance with the text of Article 193 of the 2020⁴⁶ Constitutional Amendment. The passport notification relates to treaties before their ratification, ordinary laws before their issuance of any previous oversight, and regulatory orders within one month from the date of their publication as subsequent oversight. Constitutional oversight is considered optional oversight based on the authority to harmonize risks, and it is less stringent than conformity oversight and is not comprehensive of the text in general, but may focus on it in its entirety⁴⁷.

The first requirement: Areas of optional notification to the President of the Republic

According to the text of Article 193, the President of the Republic is considered the first party mentioned by the constitutional founder to be granted the authority of passport notification, within a specific scope and area through which the President of the Republic can passport to use the notification mechanism.

Section One: Legitimacy Control

First: Oversight of the constitutionality of international treaties

The rules of international law have witnessed remarkable development, and the international treaty is one of the most important means of organizing cooperation between members of the international community. It is known as "the international agreement concluded between states in written form and regulated by international law, whether it is included in one document or two or more related documents, regardless of its specific name."⁴⁸

Considering the legal value of the international treaty within the Algerian legal hierarchy, as it is higher than legislation and lower than the basic law, which is the Constitution⁴⁹, in application of the principle of the supremacy of international agreements over domestic law.

Article 190/2 of the Constitutional Amendment stipulates that "the Constitutional Court may be notified of the constitutionality of treaties before ratifying them." The President of the Republic is constitutionally authorized to passport the Constitutional Court to consider the constitutionality of an international treaty and its non-violation of constitutional principles and the provisions of the Constitution⁵⁰. The Constitutional Court considers the extent to which the conditions and procedures taken by the authority concerned with ratifying it are observed in form, while in substance it considers the extent of overlap between the provisions of international law and domestic national law⁵¹.

Second: Monitoring the constitutionality of ordinary laws

Article 114 of the Constitution states that "legislative power is exercised by a bicameral parliament, the National People's Assembly and the National Assembly. Each chamber of Parliament has sovereignty in preparing and voting on the law." Therefore, ordinary laws are defined as those legislative texts prepared by both chambers of Parliament according to a series of procedures, stages and areas specified in the Constitution from Article 139 et seq.

As for the parallel constitutional oversight, Article 190/2 of the 2020 Constitutional Amendment defines it by saying, "The Constitutional Court may be notified of the constitutionality of treaties before they are ratified, and of laws before they are issued." Therefore, it is a prior oversight and is not subject to subsequent oversight, as once they are issued, it is immune to oversight, whether mandatory or optional⁵².

Third: Oversight of the constitutionality of organizations

Regulations are defined as "a set of regulations issued in the form of decrees, which include rules that primarily aim to regulate areas not covered by legislation, including Article 141 of the 2020 Constitutional Amendment, which states that "the President of the Republic exercises regulatory authority in matters not covered by law."

The application of laws falls within the regulatory area that belongs to the Prime Minister or the Head of Government, as the case may be."

The regulatory authority of the President of the Republic is an organization independent of the legislative text, while the regulatory authority of the Prime Minister is of an executive nature and linked to the legislative or regulatory text itself, and it comes to explain the methods of implementation⁵³.

According to the text of Article 190/3⁵⁴, the constitutional founder subjected the organizations, without specifying their type, to constitutional oversight within a month from the day of their publication.

Thus, the Algerian constitutional founder worked to embody the principle of the supremacy of the constitutional rule and the rule of law by recognizing constitutional oversight in its mandatory and permissible forms, and granting several state bodies to expand the process of oversight and scrutiny of legal texts and to address violations and non-compliance with the provisions of the constitution, as it is the basic and supreme law in the state, and at the head of the authorities is the President of the Republic, the key to the dome of the Algerian political system.

In addition to the oversight of legitimacy by the Constitutional Court, the Constitution enabled it to exercise oversight of a judicial nature after being notified of its permissibility by the President of the Republic, the protector of constitutional rules.

Section Two: Oversight of a judicial nature after notification to the President of the Republic

First: Notifying the President of the Republic to resolve the dispute between constitutional institutions

The President of the Republic is one of the entities authorized by the constitutional founder to notify the Constitutional Court in the event of a dispute between constitutional institutions, which is justified given the constitutional status of the President of the Republic through his control and dominance over constitutional institutions and ensuring their functioning. He is the protector of the Constitution and supports the constitutional judiciary in establishing a balance between the constitutional authorities in the state. This jurisdiction is new to the Constitutional Court in the 2020 Constitutional Amendment, in Article 192 thereof, which states the following: The Constitutional Court may be notified by the parties specified in Article 193 below, regarding disputes that occur between constitutional authorities, "the President of the Republic coming at the forefront of the parties".

The meaning of the constitutional authorities covered by the jurisdiction of the Constitutional Court in the event of a dispute between them, whether by conflict of jurisdiction or otherwise, varies according to the systems and the direction viewed. Some of them expand their concept between an extended dispute between a central and local authority, or all the authorities covered by the Constitution. Whether in a federal state like Germany or a simple one like Greece⁵⁵. Some of them narrow it to the three powers in the state: executive, legislative and judicial.

Algeria, like the countries of the world, may have a dispute between its constitutional authorities. It may be between a local authority and a central authority over a conflict of jurisdiction in light of decentralization and lack of focus, which will require the intervention of the constitutional judiciary to resolve it⁵⁶.

Pictures of disputes between constitutional authorities:

The dispute between constitutional authorities takes two basic forms:

- 1/ Regulating the jurisdiction of the authorities in comparison with the Constitution: It is called vertical oversight through the oversight of the constitutional judge not to exceed the powers of each authority with what is specified in the Constitution⁵⁷.
- 2/ Regulating the jurisdiction of the authorities among themselves: This is called horizontal control. The constitutional judge seeks to regulate the boundaries between the authorities through the principle of distributing constitutional powers with flexibility and balance⁵⁸.

Second: Notifying the President of the Republic regarding the interpretation of constitutional provisions

Constitutional interpretation plays a prominent role in the field of enforcement and protection of constitutional rules, by removing ambiguity from them to avoid distorting or violating them, by revealing the true will of the constitutional legislator. The 2020 constitutional amendment is a decisive turning point as it constitutionally and explicitly enshrined constitutional interpretation, and gave its mandate to the Constitutional Court, which has the original jurisdiction over constitutional interpretation. The latter is defined as "researching the content of the constitutional rule and knowing the meaning behind it as a source of law. Constitutional rules occupy a higher rank in the legal pyramid of the state, and include organizing the system of government, its form and powers, determining rights and ensuring their protection, which requires their accurate and proper implementation and removing any ambiguity that may surround them."⁵⁹

While Professor Saeed Boualchaier defined it as "the legal adaptation of an anomalous situation to establish a solution to a specific dispute. Abstract interpretation aims to know the normative content expressed explicitly or implicitly in a text that is a source of law, without its reference being linked to a specific situation."⁶⁰

Given the importance of constitutional interpretation represented in the accurate and complete enforcement and protection of constitutional provisions, and considering it a guarantee for the constitution by limiting the random interpretation of the constitutional rule, in addition to its specificity⁶¹ and controls⁶², the Algerian constitutional founder, in the 2020 constitutional amendment, placed the President of the Republic at the forefront of the passport notification bodies of the Constitutional Court, regarding the interpretation of one or more constitutional provisions to express its opinion on it, based on the fact that he is the protector of the constitution and the one who ensures its respect⁶³.

What is credited to the recent constitutional amendment is its control of the issue of constitutional interpretation, through its explicit consecration and the identification of the body authorized to carry out the interpretation process in the constitution, i.e. the Constitutional Court, even if it only expresses an opinion, unlike what was previously, where the issue of interpretation was not raised forcefully in light of the circumstances surrounding each constitution and its stage, but the constitutional founder was in line with the developments taking place in the constitutions in order to consecrate a constitution that adapts to new developments. It is reinforced by effective mechanisms and constitutional guarantees to ensure that its rules are protected and respected.

Third: Monitoring the compatibility of laws and regulations with treaties

The constitutional founder has established the principle of the supremacy of treaties over laws since the Constitution of February 23, 1989. However, he did

not subject laws and regulations to oversight of their compatibility with treaties⁶⁴, and he added to this in the 2020 constitutional amendment, where he assigned consensual oversight to the Constitutional Court, through the text of Article 190/4, which states: "The Constitutional Court shall decide on the compatibility of laws and regulations with treaties, within the conditions specified respectively in paragraphs 2 and 3 above".

Thus, a new technical oversight called international treaty compatibility oversight was created, defined as "that situation in which the Constitutional Court extends its oversight to the extent that ordinary laws before their issuance and regulations are consistent and not violated within a month from the date of their publication with the content of ratified treaties, based on their supremacy over the law⁶⁵." The goal is to strengthen the status of Treaties within the state's internal legal system⁶⁶.

In order to implement the control of compliance with treaties, conditions must be met, the most important of which is the notification mechanism by the parties constitutionally authorized to do so in Article 193, foremost among whom is the President of the Republic, the protector of the constitution and the one who ensures respect for its rules. He is the one whom the constitution has designated to conclude and ratify international treaties⁶⁷ and issue laws. It is even more appropriate to entrust him with a passport notification mechanism to enable the Constitutional Court to extend its mandate and monitor the compatibility of laws and regulations with international treaties. This is a constitutional basis for consensual monitoring. As for its legal basis, the legislator stipulated consensual oversight in Organic Law 22-19 specifying the rules for the work of the Constitutional Court within Part Two, Chapter One, entitled in the field of constitutional oversight and compatibility with treaties, and Article 3 thereof stipulated the parties authorized to notify the Constitutional Court⁶⁸, which is an emphasis on the gradation of international agreements after Constitution, and that all state laws be identical to it⁶⁹.

The second requirement: The work of the Constitutional Court after its optional notification from the President of the Republic

Section One: Considering the extent to which optional risk controls are respected

/1 Availability of formal controls:

After registering the passport notification by the President of the Republic with the Secretariat of the Constitutional Court to exercise its constitutional oversight, the study phase begins from the formal aspect, where the Constitutional Court ensures that the notification whose subject is constitutional oversight is about the constitutionality of treaties, laws, regulations, adjudication of disputes between constitutional institutions, interpretation of constitutional provisions, and the extent to which laws and regulations are compatible with international treaties That is, according to the subject of the notification sent by written letter by the

President of the Republic, as he is one of, or even the first, mentioned in Article 193 of the bodies constitutionally and exclusively authorized to notify the Constitutional Court, and therefore the notification is acceptable in form.

/ 2 Starting with the objective aspect:

The President of the Constitutional Court shall assign one or more members of the Constitutional Court to investigate the subject of the notification, for the purpose of preparing the final decision or opinion. The rapporteur shall prepare a report on the investigated file within a period of time specified for him by the President of the Court for the decision, while granting him broad powers for the investigation, such as collecting documents and seeking the assistance of experts. After the rapporteur completes his work, he shall submit a copy of his report to the President of the Constitutional Court and to each of its members. The President of the Court may summon the members of the Constitutional Court for deliberations and issue either a decision or an opinion depending on the subject of the notification sent to the Constitutional Court for consideration⁷⁰.

Section Two: Decisions to dismiss the Constitutional Court regarding constitutional oversight

The decisions of the Constitutional Court differ according to the text subject to constitutional oversight and are in two forms:

First: The Constitutional Court's decision stipulates the constitutionality of the legal text

After completing the formal controls and issuing the Constitutional Court's decision to accept the notification in form regarding constitutional oversight, and in substance in terms of the constitutionality of the text subject to the notification, the effect of the decision varies according to the text. If it is:

1/ Treaty: It becomes immune from all forms of oversight and is ratified⁷¹.

2/ Ordinary Law: It is issued by the President of the Republic and published in the Official Gazette.

3/ Regulation: It remains in effect and continues to be implemented.

4/ Order: It is presented to Parliament by the President of the Republic at the beginning of the first subsequent session for approval.

Second: First: The Constitutional Court's decision declares the legal text unconstitutional

1/ Treaty: It is not ratified in accordance with Article 198/1, becomes ineffective and has no effect on the internal legal system of the State⁷².

2/ Ordinary Law: It is not issued by the President of the Republic⁷³, according to the text of Article 198/2, with the Constitutional Court being satisfied with the

articles notified to it without addressing other articles that were not notified regarding it.

/3 Order and organization: It loses its effect from the day the Constitutional Court issues a decision declaring it unconstitutional, which is what Article 198/3 states, for the purpose of preserving the rights acquired after its issuance. Therefore, it applies to the present and the future and does not extend to the past⁷⁴.

Third: The Constitutional Court's decision regarding the dispute arising between the constitutional authorities

The constitutional founder did not decide on the nature of the ruling after the Constitutional Court's oversight: is it a decision or just an opinion? This is considered ambiguous in the text of Article 192, and this is due to the difficulty of determining the dispute and conflict between the constitutional authorities. The same applies to the mandatory nature of the ruling issued on the dispute. If it is a decision, it is binding according to the text of Article 198/5⁷⁵ of the Constitutional Amendment. However, if it is only an opinion, the Constitution did not specify the extent of its obligation. Therefore, the question remains about the seriousness of confronting and ending the conflict and controlling the balance between constitutional powers.

Fourth: The Constitutional Court's decision on constitutional interpretation

The Constitutional Court issues an opinion, which is what Article 192/2⁷⁶ stipulates. It would have been more appropriate for the constitutional founder to have the ruling be a decision instead of an opinion, to give it a mandatory character according to the text of Article 198/5, given the importance of the constitutional interpretation of the rulings, and the sole authority exclusively for interpretation is for the Constitutional Court. Which enhances its position in ensuring respect for constitutional rules and gives absolute authority to its constitutional interpretation.

Fifth: The Constitutional Court's decision regarding monitoring compliance with international treaties

The constitutional founder ignored the decision to monitor the compatibility of laws and regulations with treaties, and was satisfied with stipulating the decisions taken by the Constitutional Court regarding the constitutionality of laws and regulations⁷⁷.

Conclusion:

At the conclusion of this study, which focused on protecting the pyramid of the legal system in the state, that is, the constitutional rules, which are distinguished from other rules by their sublimity in form, given the source of their rules established by the original founding authority, and in substance given the importance of the topics regulating them, such as the form of the system in the

state and the organization of the constitutional authorities and the relationships between them. Fundamental rights and freedoms, this status must be met with protection and a guarantee of respect and actual embodiment. This comes through an excellent constitutional center, which is the President of the Republic, as the constitutional founder entrusted him with the task of protecting the constitution, and granted him constitutional mechanisms to do so, the most important of which is notifying the Constitutional Court in its mandatory forms within specific journals to activate conformity oversight, the most important of which are organic laws in view of their specificity, and the internal regulations of the two chambers of Parliament, in view of the position of the legislative authority within the constitutional institutions and the task of enacting laws for the state. And the less stringent optional passport notification to activate constitutional oversight of treaties, laws and regulations within specific deadlines, and to settle disputes between constitutional institutions and interpret rulings and monitor compatibility between laws, regulations and international treaties. Then the work of the Constitutional Court begins after the presidential notification to consider the availability of formal and substantive controls for the notification submitted by the President of the Republic, and to meet and deliberate to decide on it and issue decisions or opinions according to the case and the subject of the notification addressed to the Constitutional Court.

We reached a number of results, including:

- Choosing the President of the Republic among the entities notified to the Constitutional Court is in line with the constitutional status of the President of the Republic and his playing a fundamental constitutional role, which is to protect the Constitution.

The President of the Republic is the basic building block of the Algerian constitutional system and is the representative of the people. One of the most important powers entrusted to him is to notify the Constitutional Court, whether obligatorily or permissibly, depending on the case, to activate conformity oversight and constitutional oversight.

The President of the Republic monopolizes the obligatory right to notification, given the importance of the laws allocated to it, such as the organic law and the internal regulations of the two chambers of Parliament.

The notification submitted by the President of the Republic to the Constitutional Court is characterized by continuity through successive constitutions until the latest constitutional amendment of 2020. It is a constitutional mechanism for the President of the Republic to confront any violation of the constitutional rule and a guarantee of respect for rights and freedoms.

One of the most important positives of the 2020 constitutional amendment is that presidential orders are subject to constitutional oversight.

- Controlling the functioning of the parliamentary institution through the philosophy of rational parliamentarism by subjecting the internal regulations of the two chambers of Parliament to conformity oversight, and limiting them to the mandatory notification of the President of the Republic to the Constitutional Court.

Conformity oversight is a more stringent mandatory oversight than constitutional oversight, and it includes the entire text, as it examines the formal and substantive aspect of the text subject to oversight, and it is limited exclusively to the President of the Republic, which is obligatory, compared to the oversight of the Constitutional Court.

Constitutional oversight is partial oversight of one or more rulings. It is less stringent than conformity oversight, and less effective in mobilizing constitutional oversight by considering the permissive nature of its notification.

- The necessity of approving the functioning and work of the legislative authority as a constitutional institution charged with legislating constitutional rules as the reference for laws in the state.

Resolving disputes between constitutional institutions is a new technique in the 2020 constitutional amendment, and raises several problems for the constitutional judge on the occasion of his adjudication of the dispute between the authorities. The ambiguity of the constitutional text regarding the nature of the ruling separating decision and opinion, and the extent of its binding force on the constitutional authorities.

- Failure to specify the exact meaning of the three traditional constitutional powers, or whether they are limited to the executive and legislative powers.

- Resolving disputes between constitutional institutions regulates the balance and interaction between constitutional institutions and a mechanism for completing the institutional structure of the state and consolidating

- . - Monitoring the compatibility of laws and regulations is a constitutional mechanism created in the 2020 constitutional amendment to raise the status of international treaties in the legal pyramid of the state, and to enshrine the supremacy of international law over domestic legislation. It is linked to the passport risk of the constitutionally defined entities, headed by the President of the Republic, concluded and ratified

- The silence of the constitutional text regarding the provisions of the Constitutional Court's dismissal to monitor consensus and interpretation.

We also proposed a number of recommendations, including:

- Expanding the scope of notification from the executive and legislative authorities to the judicial authorities through referral, as well as to the heads of constitutional institutions and bodies.

- Activating the role of the legislative authority in exercising the right to notify the Constitutional Court through the people's representatives and parliamentarians, in parallel with notifying the representatives of the executive authority, in order to consolidate the balance of powers.

- Restricting the judges of the Constitutional Court to limit the arbitrariness of their rulings, especially when deciding to resolve disputes between constitutional authorities.

- Liberalizing the work of the Constitutional Court from being subject to notification to constitutionally specified authorities to automatic notification to exercise constitutional oversight.

- **Reference list:**

- **/1Books:**

- -Saeed Balouchair, Algerian Constitutional Council, Office of University Publications, Algeria, 2012, p. 263.
- -Ibrahim Shiha, General Constitutional Principles, Knowledge Facility, Alexandria, Egypt, 2006
- -Yousef Issa Al Hashemi, Constitutional Oversight of Laws and Regulations and Their Applications in the Kingdom of Bahrain and Arab and Foreign Countries, Modern University Office, 2019
- -Gharibi Fatima Al-Zahra, Principles of Constitutional Law and Political Systems, Dar Al-Khaldouniya for Publishing and Distribution, Al-Qubba, Algeria, 2016 edition.
- -Adel Al-Tabtabaei, The Legislative Authority in the Arab Gulf States, Gulf and Arabian Peninsula Magazine Publications, Kuwait, 1985.
- -Masrati Salima, The System of Oversight of the Constitutionality of Laws in Algeria, Dar Houma, Algeria, 2012.
- -Amin Atef Saliba, The Role of the Constitutional Judiciary in Establishing the State of Law (A Comparative Study), Modern Book Foundation, Lebanon, 2002

- **/2Articles:**

- -Samia Ocean, The Constitutional Court Notification Mechanism: An Analytical Study of the 2020 Constitutional Amendment and Organic Law No. 22-19, Journal of Legal and Political Thought, Volume Seven, Issue One, 2021.
- -Ahsan Gharbi, The Mechanism for Notifying the Constitutional Court in the Algerian Constitution, Devatler Al-Wasat Magazine, Volume Six, Issue 01, June 2021.
- -Adabir Abdel Qader, The Specificity of Organic Laws within Constitutional Provisions, Scientific Horizons Journal, Volume 13, Issue 04/2021.
- -Jamal Rawab, Jurisdictions of the Constitutional Court in the field of constitutional oversight and conformity oversight, Constitutional Council Magazine, Issue 17, 2021.
- -On the pace of, controls for monitoring the constitutionality of laws in light of the practices of the Algerian Constitutional Council, Journal of Parliamentary Thought, National Assembly, Algeria, Issue 05, 2004.
- -Fawaz Lakhtal, Sharmat Sayed Ali, Formalism in the Constitutional Council's Notification Letter, Ma'alim Journal of Legal and Political Studies, Issue 5, December 2018.
- -Zarif Qaddour, Methods of Work of the Constitutional Court in the Field of Constitutional Oversight and Conformity Under its Internal Regulations for the Year 2023, Journal of Legal and Political Research, Volume 05, Issue 01, 2023.

- -Gharbi Ahsan, Oversight of the Constitutionality of Laws in Light of the Constitutional Amendment 2020, Journal of Law and Political Science, Volume 13, Issue 04, 2021.
- -Boumediene Mohamed, Objective Criteria for Distinguishing between Conformity and Constitutional Oversight and Oversight of the Claim of Unconstitutionality in accordance with the Constitutional Amendment, Journal of Constitutional Law and Constitutional Institutions, Volume 04, Issue 01.
- -Mohamed Bousultan, Oversight of the Constitutionality of International Treaties in Algeria, Journal of the Constitutional Council, First Issue, Algeria, 2013.
- -Ibrahim Darraji, The Constitutional Court in Syrian Constitutions (A Comparative Historical Legal Reading), London School of Economics and Political Science, Citizenship and Legitimacy in the Arab World Programme, 2020.
- -Marzouki Abdel Halim, A Reading of the Strengths and Weaknesses of the Constitutional Court Institution Under the 2020 Constitutional Amendment, Journal of Rights and Freedoms, University of Biskra, Volume 10, Issue 01, 2022.
- -Ruwaibah Jahida, The Constitutional Court in the Constitutional Amendment 2020, between political and judicial oversight, Journal of Political and Legal Sciences, Volume 13, Issue 01, April 2022.
- -Ben Siddiq Fatiha, Ben Siddiq Zoubida, Establishing the legal status of treaties through the oversight of the Constitutional Court, Numeros Academic Journal, Volume 04, Issue 1, 2023.
- -Mohamed Oumayouf, Monitoring the compatibility of laws and regulations with treaties in the Algerian Constitution, Critical Journal of Law and Political Science, Volume 19, Issue 02, Faculty of Law and Political Science, University of Tizi Ouzou, Algeria, No. 2024.
- **/3Memoirs:**
- -Nabali Fatta, The role of the Constitutional Council in protecting rights and public life is an extended field and a limited role, PhD thesis, specializing in law, Mouloud Mammeri University of Tizi Ouzou, July 2010.
- -Jamal Ben Salem, Constitutional Judiciary in the Maghreb Countries, PhD Thesis in Public Law, Faculty of Law, University of Algiers, 2014-2015.
- -Amalou Nabil, The Specificity of Finance Law and Organic Law in the Algerian Legal System, Master's Thesis in Law, State and Institutions Branch, Algeria, 2007
- -Jafal Nour El-Din, Internal Regulations of the Two Chambers of the Algerian Parliament, Master's Thesis in Law, Branch of Public Administration and Finance, University of Algiers, 2004.
- -Blair Saber Ibrahim Khoshnar, The Role of the Constitution in Establishing the State of Law, Master's Thesis in Public Law, Dar Al Fikr Al Jami', 1st ed., Alexandria, Egypt, 2010.
- **/4Laws:**
- -Order No. 76-97 dated 30 Dhu al-Qi'dah 1396 corresponding to November 22, 1976, containing the Constitution of the People's Democratic Republic of Algeria.
- -Presidential Decree No. 20-442 dated 15 Jumada al-Ula 1442 corresponding to December 30, 2020, regarding the issuance of the constitutional amendment approved in the referendum of November 1, 2020.
- -Order No. 21/01 dated 03/10/2021 containing the organic law related to the election system, Official Gazette No. 17 dated 03/10/2021.
- -Organic Law No. 22-19 specifying the procedures and methods of notification and referral followed before the Constitutional Court.
- -Presidential Decree No. 22-93 defining the rules of work of the Constitutional Court issued on: 09/05/2022.

the margins:

Said Boualchair, Algerian Constitutional Council, Office of University Publications, Algeria,

¹ .2012, p. 263.

² Order No. 76-97 dated 30 Dhu al-Qi'dah 1396 corresponding to November 22, 1976, containing the Constitution of the People's Democratic Republic of Algeria.

³ Presidential Decree No. 20-442 dated Jumada al-Awwal 15, 1442, corresponding to December 30, 2020, regarding the issuance of the constitutional amendment approved in the referendum of November 1, 2020.

⁴ Article 193 of the Constitutional Amendment 2020 "The Constitutional Court shall be notified by the President of the Republic..."

⁵ Nabali Fatta, The role of the Constitutional Council in protecting public rights and lives is an extended field and a limited role, PhD thesis, specializing in law, Mouloud Mammeri University of Tizi Ouzou, July 2010, p. 260.

⁶ The Algerian constitutional founder used the term request instead of notification in Article 64 of the 1963 Constitution.

⁷ Masrati Salima, The system of oversight of the constitutionality of laws in Algeria in light of the 1996 Constitution, and the jurisprudence of the Algerian Constitutional Council (1989-2010), p. 09.

⁸ Jamal Ben Salem, Constitutional Judiciary in the Maghreb Countries, PhD Thesis in Public Law, Faculty of Law, University of Algiers, 2014-2015, p. 343.

Said Balouchaer, Constitutional Council of Algeria, op. cit., p. 62.

¹⁰ Ibrahim Sheha, General Constitutional Principles, Maaref Facility, Alexandria, Egypt, 2006, p. 216.

¹¹ It was stated in the text of Article 193 of the 2020 Constitutional Amendment, and since the 1996 Constitution there has been a change in the notification bodies with another increase.

¹² Saeed Balushair, op. cit., p. 201.

¹³ Sumaya Ocean, The Constitutional Court Notification Mechanism: An Analytical Study of the 2020 Constitutional Amendment and Organic Law No. 22-19, Journal of Legal and Political Thought, Volume Seven, Issue One, p. 874.

¹⁴ The elevation of the position of the President of the Republic to an independent constitutional institution came in Chapter Three under the title of Organizing and Separating Powers, Chapter One: The President of the Republic, in contrast to Chapter One of the 2016 Constitutional Amendment entitled "Executive Authority".

¹⁵ ..". Article 84 states: "The President of the Republic, the Head of State, embodies the unity of the nation and, in all circumstances, ensures the unity of the national territory and national sovereignty. He protects the Constitution and ensures its respect."

¹⁶ Ahsan Gharbi, The Mechanism for Notifying the Constitutional Court in the Algerian Constitution, Devatler Al-Wasat Magazine, Volume Six, Issue 01, June 2021, p. 15.

¹⁷ Adabir Abdel Qader, The Specificity of Organic Laws within Constitutional Provisions, Scientific Horizons Journal, Volume 13, Issue 04/2021, p. 613.

¹⁸ Saeed Balushair, op. cit., p. 211.

¹⁹ Yousef Issa Al Hashemi, Constitutional Oversight of Laws and Regulations and Their Applications in the Kingdom of Bahrain and Arab and Foreign Countries, Modern University Office, 2019, p. 212.

²⁰ Amalou Nabil, The Specificity of Finance Law and Organic Law in the Algerian Legal System, Master's Thesis in Law, State and Institutions Branch, Algeria, 2007, p. 155.

²¹ Gharibi Fatima Al-Zahra, Principles of Constitutional Law and Political Systems, Dar Al-Khaldouniya for Publishing and Distribution, Al-Qubba, Algeria, 2016 edition, p. 277.

²² Jamal Rawab, Jurisdictions of the Constitutional Court in the Field of Constitutional Oversight and Conformity Oversight, Constitutional Council Magazine, Issue 17, 2021, p. 77.

²³ Article 135/3 of the 2020 Constitutional Amendment: "The National People's Assembly and the National Assembly shall prepare and ratify its internal regulations."

24 Adel Al-Tabtabaei, *The Legislative Authority in the Arab Gulf States*, Gulf and Arabian Peninsula Magazine Publications, Kuwait, 1985, p. 198.

25 Jafal Nour El-Din, *Internal Regulations of the Two Chambers of the Algerian Parliament*, Master's Thesis in Public Law, Branch of Public Administration and Finance, University of Algiers, 2004, p. 21.

26 ". Article 190/6 "The Constitutional Court shall decide whether the internal regulations of both chambers of Parliament conform to the Constitution, in accordance with the procedures mentioned in the previous paragraph."

27 Saeed Balushair, op. cit., p. 213.

28 Order No. 21/01 dated 03/10/2021 containing the Organic Law relating to the electoral system, Official Gazette No. 17 dated 03/10/2021, pp. 8-43.

29 The Constitutional Council exercised its constitutional oversight by virtue of its continued performance of its duties until the installation of the Constitutional Court

30 Resolution No. 16/21 dated 03/10/2021 relating to monitoring the constitutionality of the order containing the Organic Law on the Election System, No. 17 dated 03/10/2021, pp. 3-7.

31 Article 98/2 of the 2020 Constitutional Amendment: "Such action shall not be taken except after consulting the Speaker of the National Assembly, the Speaker of the National People's Assembly, the President of the Constitutional Court, and listening to the Supreme Security Council and the Council of Ministers."

On the pace of, controls for monitoring the constitutionality of laws in light of the practices of the Algerian Constitutional Council, *Journal of Parliamentary Thought*, National Assembly, Algeria, Issue 05, 2004, p. 57. 32

Organic Law No. 22-19 specifying the procedures and methods of notification and referral followed before the Constitutional Court 33

³⁴ Presidential Decree No. 22-93 defining the rules of work of the Constitutional Court issued on: 09/05/2022.

³⁵ Articles 09/10 of Organic Law No. 22/19.

³⁶ Fawaz Lakhtal, Sharmat Sayed Ali, *Formalism in the Constitutional Council's Notification Letter*, *Ma'alim Journal of Legal and Political Studies*, Issue 05, December 2018, p. 195.

In contrast, the French system has been publishing notification letters in the Official Gazette since 1983. 37

Masrati Salima, *The System of Oversight of the Constitutionality of Laws in Algeria*, Dar Houma, Algeria, 2012, p. 37.38

In its decision No. 02-03, the Constitutional Court rejected the notification in form, as it was issued by a group of parliamentarians regarding the extent to which the specific organic law regulating the work of the National People's Assembly and the National Assembly and their work, as well as the functional relationship between them and the government, as well as monitoring the conformity of Article 04 of the organic law related to Media to the Constitution, as they are exclusively specified for notification by the President of the Republic.39

Zarif Qaddour, *Methods of Work of the Constitutional Court in the Field of Constitutional Oversight and Conformity Under its Internal Regulations for the Year 2023*, *Journal of Legal and Political Research*, Volume 05, Issue 01, 2023, p. 14240

Article 14 of Presidential Decree No. 22-9341

Gharbi Ahsan, *Oversight of the Constitutionality of Laws Under the Constitutional Amendment 2020*, *Journal of Law and Political Science*, Volume 13, Issue 04, p. 39.42

Article 198 of the 2020 Constitutional Amendment: "If the Constitutional Court decides that a law is unconstitutional, it shall not be issued.""43

Article 07/2 and Article 12 of the specific regulations for the work of the Constitutional Court 44

Qazlan Salima, *Oversight of the Constitutionality of Laws and Its Implications for Ensuring the Enforcement of Constitutional Rules in Algeria*, p. 13145

Article 193 of the Constitutional Amendment 2020: "The Constitutional Court shall be notified by the President of the Republic, the President of the National Assembly, the President of the National People's Assembly, the Prime Minister, or the Prime Minister, as the case may be." It can be notified to two quarters (40) of deputies or twenty-five (25) members of the Mother's Council⁴⁶

Boumediene Mohamed, Objective Criteria for Distinguishing between Conformity and Constitutional Control and Control of the Claim of Unconstitutionality According to the Constitutional Amendment, Journal of Constitutional Law and Constitutional Institutions, Volume 04, Issue 01, p. 39.⁴⁷

Article 02/1a of the Law of Treaties 1969 (Vienna Convention ⁴⁸

". Article 154 of the Constitutional Amendment 2020 "Treaties ratified by the President of the Republic, in accordance with the conditions stipulated in the Constitution, shall prevail over the law"⁴⁹

Masrati Salima, op. cit., p. 125⁵⁰

Mohamed Bousultan, Oversight of the Constitutionality of International Treaties in Algeria, Journal of the Constitutional Council, First Issue, Algeria, 2013, p. 41.⁵¹

In this case, the control of the plea of unconstitutionality is excluded, as it is subject to subsequent parallel control in accordance with the text of Article 195 of the Constitution.⁵²

Shawqi Yaish Tamam, The Regulatory Authority of the President of the Republic in Light of the 2008 Constitutional Amendment, Journal of Humanities, Volume 15, Issue 02, p. 42⁵³

". Article 190/3: "The Constitutional Court may be notified of the constitutionality of regulations within one month from the date of their publication."⁵⁴

Ibrahim Darraji, The Constitutional Court in Syrian Constitutions (A Comparative Historical Legal Reading), London School of Economics and Political Science, Citizenship and Legitimacy in the Arab World Programme, 2020, p. 95.⁵⁵

It is difficult for the constitutional judge in Algeria to resolve the dispute between the local and central authorities, because the constitutional founder limited the parties to danger in Article 193, and there is no conflict of powers between the two authorities, and the Constitutional Court is not able to expand its jurisdiction to resolve disputes between the authorities in order to preserve the unity of the state⁵⁶

An example of this is the President of the Republic's extension of the term of office of the President of the Algerian Constitutional Council, which ended in March 2001, to April 2002⁵⁷

Amin Atef Saliba, The Role of the Constitutional Judiciary in Establishing the State of Law (A Comparative Study), Modern Book Foundation, Lebanon, 2002, p. 197.⁵⁸

Blair Saber Ibrahim Khoshnar, The Role of the Constitution in Establishing the State of Law, Master's Thesis in Public Law, Dar Al-Fikr Al-Jami'i, 1st ed., Alexandria, Egypt, 2010⁵⁹

Said Balouchaer, Algerian Constitutional Council, op. cit., p. 120.⁶⁰

Constitutional interpretation is distinguished from other texts, given the importance of its topics regulating the authorities and the relationships between them, which requires a special methodology when interpreting the constitutional rule⁶¹

The most important controls of constitutional interpretation are: harmony with the will of the drafters of the constitution and the political orientation of the regime, in addition to not prejudice the principles that govern society in that country⁶²

Article 84/2 of the 2020 Constitutional Amendment "protects the Constitution and ensures its respect".⁶³

Consensus oversight was absent before the 2020 constitutional amendment, despite the constitutional founder's adoption of the principle of the supremacy of international treaties, which makes laws conflict with ratified treaties and creates heterogeneity within the legal system.⁶⁴

Marzouki Abdel Halim, A Reading of the Strengths and Weaknesses of the Constitutional Court Institution Under the 2020 Constitutional Amendment, Journal of Rights and Freedoms, University of Biskra, Volume 10, Issue 01, 2022, p. 357⁶⁵

Article 154 of the Constitutional Amendment 2020: "Treaties ratified by the President of the Republic, in accordance with the conditions stipulated in the Constitution, shall prevail over the law."**66**

Article 91/12 "Concludes and ratifies international treaties".**67**

They are the same entities specified in Article 193 of the 2020 Constitutional Amendment.**68**

Roibah Jahida, The Constitutional Court in the Constitutional Amendment 2020, between Political and Judicial Oversight, Journal of Political and Legal Sciences, Volume 13, Issue 01, April 2022, pp. 546-563.**69**

Ahsan Gharbi, op. cit., p. 29**70**

Ben Siddiq Fatiha, Ben Siddiq Zoubida, Establishing the Legal Status of Treaties through the Oversight of the Constitutional Court, Numeros Academic Journal, Volume 04, Issue 1, 2023, p. 105. **71**

Bin Siddiq Fatiha, Bin Siddiq Zubaida, previous reference, p. 107**72**

Article 198/2 of the 2020 Constitutional Amendment **73**

Gharbi Ahsan, Oversight of the Constitutionality of Laws in Light of the Constitutional Amendment 2020, previous reference, p. 41.**74**

". Article 198/5 of the 2020 Constitutional Amendment: "The decisions of the Constitutional Court shall be final and binding on all public, administrative and judicial authorities."**75**

". Article 192/2: "The Constitutional Court shall express an opinion on this matter."**76**

Mohamed Oumayouf, Monitoring the Compatibility of Laws and Regulations with Treaties in the Algerian Constitution, Critical Journal of Law and Political Science, Volume 19, Issue 02, Faculty of Law and Political Science, University of Tizi Ouzou, Algeria **77**