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**A Comparative Analysis of the Codification of Non-Judicial
Administrative Procedures in Algeria and France**

Sami BERBACHE*

University of Ljubljana (Slovenia), sb05581@student.uni-lj.si

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***Sami BERBACHE**

Abstract:

This paper investigates the codification of non-contentious administrative procedures in France and Algeria, assessing its impact on the citizen-administration dynamic. It explores the pros and cons of codification from global and EU viewpoints, reviews the evolution of administrative procedures, and introduces the notion of "travelling" general principles. Analysis shows that France's CRPA of 2015 prioritises citizen rights while using an "à droit constant" approach. In comparison, Algeria's decree 88-131 demonstrates a lack of robustness in its codification and warrants updating. The variations reflect distinct institutional cultures. Future research could analyse case law shaping these legal systems.

Keywords: codification, administrative procedures, citizen-administration relationship, France, Algeria.

INTRODUCTION

Good governance sets the stage for positive citizen-administration relations by promoting transparency, accountability, and efficiency. Administrative procedures are pivotal in regulating this relationship, providing a clear legal framework that delineates citizen and administration rights and duties, thus mitigating arbitrariness and corruption risks. However, different legal systems use different approaches to codify these principles. While existing studies often compare closely related legal systems from a substantive perspective, they frequently overlook normative aspects.

In the aftermath of Algeria's independence in 1962, the nation embarked on administrative reform, culminating in Decree 88-131¹. This decree aimed to redefine the administration-citizen covenant, addressing growing discontent towards bureaucratic inertia. However, many scholars questioned the scope, means of implementation, and unforeseen ramifications that surpass traditional administrative confines. The persistent unresolved inquiries, spanning four decades, demand attention and cannot be ignored any longer.

Despite the colonial legacy of French law, Algeria pursued an alternative path in codifying non-judiciary administrative procedures. While France opted for standardisation through the adoption of the Code des relations entre le public et l'administration (CRPA) in 2015² under the influence of the EU³, Algeria pursued constitutional codification and fragmentation, enacting separate laws for different administrative matters. This disparity underscores the need for a critical comparative analysis of administrative procedure codification in France and Algeria. Such an analysis serves as a crucial tool for evaluating different codification strategies, understanding external influences, and informing future policy decisions.

This study seeks to explore and compare the codification of general principles governing administrative procedures across these two countries. The research aims to illuminate potential disparities arising from their distinct legal traditions and historical contexts.

ADMINISTRATIVE PROCEDURES: CODIFICATION OR NOT?

Scholars like Bermann (2013) and Barnes (2021) have observed a shift in the role of administrative law towards emphasizing procedural aspects over mere judicial review in recent decades. This transition reflects governments' increasing adoption of judicial-like tasks, necessitating procedures to mirror judicial processes, as noted by Barnes (2021, p. 839). Barnes (2021, p. 834) terms this

trend "proceduralization," indicating a growing specification of how administrative decisions are made, especially in fields like environmental protection.

Codification, the process of consolidating administrative procedures into a unified code, has become prevalent, particularly in Europe, where the EU advocates for good governance principles (Bermann, 2013). However, variations exist among countries, reflecting its complexity (Barnes, 2021, p. 835). Sources of principles of codes include global standards, self-imposed procedures by administrations, and non-binding rules from international organizations.

Barnes (2021, p. 837) illustrates how the law governing administrative procedures has evolved worldwide, with more countries enacting laws to regulate a broader range of government actions. These laws have become more detailed over time, covering legal rights, different procedures, and good government practices. For instance, Barnes (2021, p. 853) cites the example of Spain (1888) to underscore the need for updating Administrative Procedure Acts (APAs) to align with evolving legal realities.

Barnes (2017, 2021) introduced a classification of administrative actions into three generations, coexisting in modern administrative systems. These generations group procedures based on how they are conducted rather than on the specific outcome, with each having distinct goals. Barnes (2021) identifies the first generation as prioritising individual rights protection through quasi-judicial processes, emphasising fairness and due process akin to court proceedings. The second generation focuses on top-down rule and regulation creation, often with limited public involvement, exemplified by executive orders. In contrast, the third generation prioritizes collaboration among various stakeholders to achieve outcomes, emphasizing problem-solving and creative solutions. Barnes (2017) highlights the benefits of this collaborative model, which assesses existing procedures and informs the development of new ones to better suit their goals.

While all three generations remain relevant in contemporary administrative systems, Barnes (2021) underscores the specific functions of elements within each generation's approach to governance. Barnes (2021) further differentiates between applicative procedures, which involve following established laws and creative procedures, which require independent judgment for situations not explicitly addressed by current laws. This underscores the significance of collaborative procedures in developing effective governance solutions. Barnes (2021) also distinguishes administrative procedures into two perspectives: the narrow, traditional view focusing on formal decision-making processes, and the broad, contemporary view encompassing all rules guiding administrative actions, including informal practices.

The terms "procedure" and "process" lack universal definitions in administrative contexts, with "procedure" emphasizing transparency and legal rights, while "process" encompasses the entire sequence of administrative activities (Ziekow, 2021; Barnes, 2021; Dragos, 2023). Specifically, Kovač (2022) categorizes administrative procedure principles into classical and modern groups. Classical principles emphasize legality, equality, the right to be heard, legal protection, and efficiency, while modern principles focus on transparency, responsiveness, and cooperation.

Balogh-Békesi and Pollák (2017) delve into how practical experiences and societal needs have shaped administrative procedure principles. Judicial precedent defines these principles that reinforce constitutional integrity and complement procedural regulations. Advocates of standardization argue that it promotes clarity, consistency, and access to justice, serving as gap fillers where specific rules are lacking. However, opponents raise concerns about potential rigidity and inefficiency, preferring a more flexible approach. There is also debate about whether these principles can stand alone in court, with proponents advocating for their inherent legal force and opponents complaining about potential conflicts with sector-based laws.

The global adoption of (GAPAs⁴) is increasing, recognized as essential for upholding the rule of law (Dragos, 2023, p. 364). Barnes (2021, p. 853) underscores GAPAs as fundamental to ensure the functioning of administrations, safeguard rights and promote informed decisions. However, their implementation poses challenges, requiring investment in time and resources (Dragos, 2023, p. 264). Despite these hurdles, GAPAs are transformative within administrations, though outdated laws risk becoming obsolete (Barnes, 2021, p. 853).

Barnes (2021) notes the diversity of decisions made by public administrations, necessitating tailored procedures. Initially focused on individual decisions, administrative procedures now encompass a wider range of legal acts, reflecting the evolving complexity of public administrations (Barnes, 2021). Codified procedures ensure fairness, transparency, and legitimacy in government decision-making (Dragos, 2023). While a universally applicable code remains elusive, there is potential for the development of shared principles incorporated into national administrative procedures exemplified by the EU (von Arnould, 2022). Auby (2013) highlights that Administrative Procedure Acts are often reformed to align with changing governance and social dynamics. This highlights the necessity for continual comparative analysis. However, codification is not the sole approach to managing administrative procedures. Some countries successfully navigate with procedures dispersed across laws, ensuring they adhere to fundamental principles and protect citizens' rights (Dragos, 2023).

THE CODIFICATION OF ADMINISTRATIVE PROCEDURES IN THE EU:

Balogh-Békesi and Pollák (2017) highlight the consolidation of procedural laws in post-World War II Europe, emphasizing the role of human rights recognition and Constitutional Courts. Procedural rights outlined in international human rights instruments and national constitutions serve as principles in Administrative Procedure Acts, bridging primary EU legislation with secondary legislation (such as regulations and directives) in the EU framework. Kovač (2016) discusses a shift in power dynamics towards the EU and private actors, leading to a dual role in administrative procedure law. While the EU sometimes lags behind member states in legal developments, there is ongoing debate regarding the need for a unified EU Administrative Procedure Act (APA) and the balance between general regulations and specific rules.

Derđa and Jerčinović (2020) point out the challenge of scattered and sector-specific secondary law within the EU legal system. Efforts led by the European Parliament, involving organizations like ReNEUAL, aim to create an EU APA drawing upon member states' best practices and theoretical principles to establish core procedures. Despite these efforts, there is no universally agreed-upon set of basic principles for administrative procedures within the EU (Kovač, 2022).

The ReNEUAL draft, outlined by Hofmann and Schneider (2017), consists of 30 articles organized into seven chapters, ensuring clarity and coherence. Dragos (2023) notes that these Model Rules have been formally introduced to the European Parliament, signifying a significant advancement in European administrative law. Galetta and Hofmann (2015) emphasize the European Parliament's Committee on Legal Affairs' call for a comprehensive examination of fundamental principles governing EU administrative procedural law. These principles, drawn from various sources, including EU Treaties and international pacts, exhibit variations in scope and wording. The report suggests embedding these principles within the introductory recitals of a regulation to align administrative procedures with EU constitutional values. Recitals serve both legal and informational purposes, aiding in interpretation and facilitating a seamless transition from constitutional ideals to practical administrative practices.

Hofmann et al. (2011) delineate the hierarchical structure of EU administrative law, comprising fundamental principles like the rule of law, democracy, and human rights, which underpin more specific principles, such as transparency and legal certainty. These principles, some enshrined in treaties and

others unwritten, guide the application of EU law and hold member states accountable.

Kovač (2016) highlights challenges in codifying the Administrative Procedure Act (APA), including rigidity and the need to balance general principles with specific sectoral rules. Pluralism within limits is deemed important, ensuring integration while allowing for diversity. Kovač (2022) further underscores the disparity between principles and enforcement, emphasizing the need for effective legal remedies and clear justifications in administrative decisions.

Barnes (2021) stresses that achieving true convergence in administrative procedures requires a nuanced comparative analysis beyond adopting similar legal forms. The complexity of comparing procedures arises from their inherent variation, diverse sources, evolving nature, and differing governmental roles. Barnes suggests considering broader governance models for effective comparisons and highlights the value of "peer-group comparison" to learn and improve administrative procedures across nations.

von Arnould (2022) discusses how general principles, particularly those rooted in values, facilitate normative integration within EU legal systems. Normative integration involves converging and harmonizing legal elements into a cohesive whole. The author explores two approaches to creating a unified legal system: retrospective harmonization, which identifies shared legal rules and institutions, and prospective harmonization, which entails creating new shared legal rules. Axiological principles offer flexibility for adaptation while maintaining consistency.

The European Semester further pressured states to align administrative laws for enhanced government efficiency and market competitiveness. De Donno (2017) particularly highlights the influence of the European Convention on Human Rights and the Charter of Fundamental Rights in shaping European administrative law, promoting principles like the right to be heard and access to documents. Implementing good administration fosters democratic legitimacy, emphasizing dialogue and exchange between citizens and administrations, broadening the scope of administrative procedures to include adversarial principles and bolstering procedural rights.

The European Court of Justice (ECJ) and the European Court of Human Rights (ECtHR) strategically employ general principles (*juris generative*) to unify legal elements, bridge gaps, and address new situations. Key general principles

include equality, proportionality, legal certainty, and legitimate expectations. While EU general principles may not directly apply to domestic law, they can exert persuasive influence over time through cross-fertilization. The erosion of the divide between EU standards and domestic law is driven by the costs of inconsistency within the legal system and challenges to its legitimacy. As the scope of EU law expands, general principles apply more broadly, inspiring solutions for domestic legal issues. However, von Arnould (2022) warns that adoption of foreign legal principles depends on compatibility with existing domestic concepts.

Legal harmonization through general principles involves a nuanced process influenced by both international and national legal systems. While international principles may guide harmonization efforts, national legal traditions shape their interpretation and application. For instance, the German Constitutional Court cautiously integrates judgments from the European Court of Human Rights (ECtHR), recognizing their constitutional significance but adapting them to align with German law. Similarly, within the EU, the emphasis is on achieving equivalent outcomes and effective implementation of EU law, rather than strict uniformity (von Arnould, 2022). This approach acknowledges the importance of local legal frameworks while striving for coherence and consistency in legal harmonization efforts.

TRACING THE CODIFICATION OF CITIZEN-ADMINISTRATION RELATIONS IN ALGERIA AND FRANCE: A HISTORICAL ANALYSIS.

According to Mallat (2021, p. 97), the concept of "legal transplants" is evident in the Algerian legal framework, along with Egypt and Lebanon, where legal institutions are borrowed from other systems and adapted. Colonial influence, particularly from the French Conseil d'Etat, has played a significant role in shaping administrative law systems in Algeria. The Algerian judiciary system is dual, featuring separate courts for administrative and regular legal matters, with appeals directed to a dedicated highest court (Conseil d'Etat) instead of the supreme court. Despite Islamic institutions like the Diwan al-Mazalim considered historically early forms of administrative courts in the region, modern administrative judges often lack knowledge of these historical Islamic concepts (Mallat, 2021, p. 97).

After the independence in 1962, in a series of reforms leading up to Decree 88-131, the Algerian government aimed to improve the relationship between citizens and the administration through circulars, such as the groundwork laid in 1982 by the Secretary of State for civil service and reform. According to

(Bennadji, 2000, p. 24), the establishment of an administrative reform commission in 1984 (Decree 84-104) marked a shift in priorities. The findings of a government report from 1987 revealed a rise in discontentment towards the overly bureaucratic and unresponsive administration (Bennadji, 2000). The report proposed a multifaceted approach to reconcile the administration with the public. It included short-term actions to finalize existing reforms and mid-term measures focused on building trust, streamlining procedures, legal and structural reviews, and improved administrative practices and personnel. The report emphasized the importance of a code of conduct for the administration, which would guarantee new rights for citizens, protect existing rights, and provide non-judicial avenues to challenge unfair decisions.

Following the 1987 report, the Algerian government issued four sets of instructions to address local administration, citizen engagement, improved administration image, and open-door initiatives. Proposals for an "Administrative Mediator" were implemented later in 1996 with a presidential decree n 96-113. More specific instructions followed in December 1987, some of which were incorporated into Decree 88-131. Notably, Decree 88-131 coincided with deep public economy reforms, and it preceded a major social unrest (Bennadji, 2000).

De Donno (2017) observes that France, Spain, Portugal, and Italy underwent administrative procedure reforms around 2015, primarily influenced by the vertical impact of the EU rather than inter-country exchanges. Despite varying national strategies, these reforms shared common goals, including administrative simplification, citizen participation enhancement, expedited permit issuance, and digital administration implementation. This convergence aimed to align member states' procedural autonomy with common European legal values, beyond just implementing specific EU laws.

Auby (2023) notes two factors justifying the of codification in France. First, French administrative law historically emphasized procedural aspects within administrative courts over general administrative procedures. Second, the Conseil d'État consistently opposing such efforts.

Chevalier (2020) further explains that the reception of administrative procedure principles in France has been selective, despite the country's involvement in the Council of Europe. This selectivity is attributed to France's deeply ingrained and ancient administrative law system, with numerous laws predating the EU focus on specific matters. However, there has been a subtle yet notable impact on the codification of individual rights in administrative procedure and discourse surrounding local self-government. The influence of the EU is

sometimes seen as overly disruptive to national administrative law, but Chevalier (2020) emphasizes the crucial role of the administrative judge in integrating pan-European principles of good administration.

The debate over codification of administrative procedures in France involved academics advocating for it and opponents, including judges and the government, resisting it for decades. Factors contributing to this resistance included the parliament's reluctance to regulate administrative procedures typically overseen by the executive branch, the government's preference for the status quo, and the Council of State's fear of a diminished role in legal development (De Donno, 2017, p. 225-226). However, recent trends in European countries, including France, have seen crisis-response measures affecting the alignment of administrative procedures with EU recommendations. The economic crisis slowed legislative changes for administrative reform, prompting a shift towards "soft law" recommendations promoting good administration.

The codification of administrative procedures in France has been a long and winding road (De Falco, 2018). The Napoleonic Era (1799-1814) saw the establishment of the Conseil d'État and a separation of administrative and judicial functions, laying the groundwork for a new system. Codification efforts began then, fueled by a recognition of the need for control over the burgeoning administrative state (Braconnier, 2013). However, these efforts were soon overshadowed by debates about flexibility (case-law) versus rigidity (code-based systems), the appropriate control mechanisms (courts vs. separate system), handling quasi-judicial tasks, and organising the administration itself.

The post-Napoleonic period (1814-1870) saw the founding of the Société de Législation comparée in 1822, hinting at a potential future influence of foreign systems on codification (Mestre, 2021, p. 23). However, codification efforts continued to grapple with balancing foreign influence with a strong national identity. Ultimately, a preference for a case-law based system led to the abandonment of codification efforts in the late 1800s.

The Third Republic (1870-1940) witnessed the rise of judge-made administrative law. In 1872, the Conseil d'État gained the authority to issue binding judgments (justice déléguée), although review was limited by the "Ministre-juge" doctrine, which allowed government involvement in certain cases. Landmark cases like Blanco (1873) and Cadot (1889) further solidified the judge-made nature of the system. The early 1900s saw some partial codification efforts focused on specific sectors (Barnes, 2021, p. 840).

Following World War II, France lagged behind other countries in codifying administrative procedures. This was partly due to "French Exceptionalism," a preference for focusing on their own well-established system rather than adopting "elitist" comparative law approaches. The late 20th century, however, saw a renewed interest in codification. The first wave (1970s) focused on statutory and regulatory changes aimed at increasing transparency in procedures (Custos, 2017, p. 291). The second wave (1980s-2000s) shifted the emphasis to promoting administrative dialogue with the establishment of the Commission Supérieure de Codification in 1989. The commission favoured a "restatement" approach (codification à droit constant) aiming to organise existing law with minor improvements (Custos, 2017, p. 292).

The 1990s saw renewed efforts to codify, but these attempts stalled twice. These efforts were criticized for being superficial and nationalistic. This period also exposed a "French Disconnect," where French scholars received greater recognition abroad for their expertise in comparative law (Mestre, 2021, pp. 37). The 2000s brought increased collaboration, with the Council of State, legislators, and judges all incorporating aspects of comparative law into their work. The Act 2000-321 reflected this trend, focusing on citizen rights in their interactions with administrations.

The Treaty of Lisbon in 2009 ushered in a third wave of codification efforts in the 2010s. This wave prioritised simplifying procedures to make them less time-consuming for citizens. The Superior Commission of Codification in 2011 proposed a complete overhaul based on new foundations, and in the following years saw renewed discussions on codification within government bodies. Finally, in 2013, a government push combined with a change of heart within the Conseil d'État led to introducing key measures like tacit acceptance, electronic requests, and formalised "inter-administrative cooperation." This culminated in the landmark achievement of the 2015 French Code of Administrative Procedure (CRPA). While the CRPA represents a significant step forward, it reflects the preference for a restatement approach rather than a more fundamental transformation of the system (Custos, 2017, p. 287).

Braconnier (2013) discusses the multiple motivations behind the codification of administrative procedures in France. A key aim was to simplify complex regulations, thereby fostering public understanding and accessibility of laws. Another goal was to address the increase in administrative litigation. Furthermore, it was necessary to merge fragmented regulations into a cohesive structure. The

existing code only covered tribunals procedures, leaving other administrative procedures without a unified structure.

Despite its continual presence on the national agenda, attempts to codify general administrative procedures have encountered significant hurdles (Balogh-Békesi & Pollák, 2017, pp. 33-35). French legal tradition, as highlighted by De Falco (2018) highlights that the French legal system distinguishes between "la procédure administrative contentieuse" (judicial administrative proceedings) and "la procédure administrative non contentieuse" (non-contentious administrative procedures).

According to Braconnier (2013), the France CRPA builds upon several earlier regulations including the Law on Rights of Citizens in Relations with Public Administrations (2000), which focuses on transparency, improvement measures, and the legal status of decisions. Other laws include the Law on Relations Between Administration and Public (1978), the Law on Statement of Reasons for Administrative Acts (1979), and the Law on Democratization of Public Inquiries (1983). These laws address various aspects but lacked a cohesive theme, hindering the development of a unified code for a significant period.

Legal scholars have advocated for the codification of general administrative procedures in France, drawing inspiration from the German model. However, these efforts have faced resistance and stalled. Custos (2017) outlines several factors contributing to this resistance. One concern was the potential impact on the leading role of the Conseil d'État, France's supreme administrative court. Evidence suggests that resistance to codification likely originated from both the Conseil d'État itself and the broader French bureaucracy. The court's influential position within the Superior Codification Commission and its advisory functions gave it significant control over the codification process and legislation shaping (Custos, 2017, p. 297).

French exceptionalism, stemming from early scholars' perception of their administrative law system as a model, also played a role in resisting external influences (Custos, 2017). De Falco (2018) argues that France's approach to administrative procedures differed from Austria's codified model due to historical, structural, and philosophical reasons. French administrative law primarily focused on the ultimate administrative decision, unlike Austria. Additionally, France developed a robust system of legal principles governing administrative actions, with the Conseil d'État playing a crucial role in limiting bureaucratic power through key concepts like "abuse of power" and "erreur manifeste d'appréciation".

Traditionally, French administrative law relied heavily on jurisprudence, with court decisions shaping legal principles (Custos, 2017, p. 285). However, in recent decades, there has been a notable shift towards codification, aligning with global and European Union trends. This shift aims to empower citizens through enhanced procedural safeguards (subjectivization) and ensure administrative accountability and predictability (proceduralization). The codification process began in the 1940s with substantive law and culminated in the enactment of the Code of Administrative Procedures (CRPA) in 2015.

Despite its modernization, Custos (2017, p. 290) notes that the CRPA represents a compromise between codification and preserving the French tradition of judge-made law. The involvement of the Conseil d'État in its creation suggests ongoing influence. (De Donno, 2017, p.227) claims that the CRPA does not introduce any revolutionary changes, but it maintains the influence of the Council of State. The Code consolidates existing case law principles, akin to Italy's approach, avoiding the radicalism of Germany's code. It maintains a pragmatic stance, focusing on essentials and avoiding excessive codification to preserve flexibility and user-friendliness (De Donno, 2017, p. 228). Additionally, it integrates sectoral laws to prevent redundancy while ensuring manageability. Parliament's limited delegation ensures the Code addresses lawmakers' concerns, reducing the judiciary's role in legislation and enhancing legal certainty for citizens (De Donno, 2017, p. 230).

COMPARATIVE ANALYSIS OF ALGERIA'S DECREE 88-131 AND FRANCE'S CRPA OF 2015:

The evolution of administrative law in Algeria and France highlights the complexities of blending historical legal traditions with modern reforms. Colonial history, and the push for harmonization with supra-national standards, shape the direction of codifying administrative procedures in these countries. This study aims to identify trends of convergence and divergence, acknowledging the difficulty in pinpointing universal principles. It offers a comprehensive analysis of how administrative procedure codification reflects national specifics and global influences.

Method:

This study employs a qualitative comparative content analysis method involving meticulous analysis of relevant textual content from the General Administrative Procedures Acts of Algeria and France. Identifying fundamental

principles enshrined within these legal codes pertaining to administrative procedures is the focus of the analysis.

The method adopts a two-step approach. The first stage entails a holistic comparison informed by a review of relevant literature. This initial analysis aims to identify the characteristic features, strengths, and weaknesses within each country's code of administrative procedures. The second stage delves deeper through a more analytical approach, specifically exploring the level of codification for each of a set pre-selected principles of administrative procedures within the respective legal codes.

One of the key strengths of this approach lies in its systematic nature. Pre-established principles guide the coding process, ensuring consistency throughout the analysis. This method also facilitates cross-country comparisons by enhancing comparability within sub-principles. However, the chosen principles may not encompass the entirety of administrative procedure codification. Focusing solely on codified procedures, as opposed to actual practices, might lead to potential discrepancies or misinterpretations.

Several factors ground the selection of the fourteen principles. Prominent administrative law principles, insights gleaned from EU charts and case law, and a consideration of both traditional and modern principles identified within the reviewed literature all informed this selection process. The qualitative analysis strives to identify relevant principles within the codified texts, even if they are not explicitly labeled. Transparency in coding is maintained by adhering to established criteria, such as clarity and detail.

The rationale behind selecting these specific cases stems from a desire to investigate potential global convergence in administrative law principles. Both Algeria and France belong to the civil law tradition, characterized by a reliance on codified law, supplemented by judicial interpretations. The analysis process is easier because both codes are written in French. Algeria's unique position as a non-EU member state, with a unique blend of French civil law and Islamic legal traditions, presents a valuable opportunity to understand how such countries navigate alignment with EU standards. In contrast, France, a founding member of the EU with a well-established legal system, serves as a benchmark for comparison.

Holistic Analysis of Administrative Procedures Codes in Algeria and France:

Bennadji (2000, p. 31) has identified six general principles outlined in Decree 88-131, which encompass legality and the duty to provide reasons for

refusal decisions. Decree 88-131 introduces the principle of legality by requiring circulars to comply with existing laws and regulations (Bennadji, 2000). This key innovation serves to limit the power of circulars in creating new regulations. While Articles 4, 9, and 37 partially address this issue, they don't go as far as stricter control recommendations from a 1987 Ministry of Interior report.

According to Bennadji (2000, p. 32), Decree 88-131 emphasizes administrative and personal responsibility through measures like allowing compensation for citizens harmed by administrative abuse (Article 5) and holding civil servants accountable for failing to fulfil their obligations (Article 30). Bennadji (2000, p. 35) argues that introducing the principle of "opposability" in the Decree (Art. 37) moves beyond the 1987 report's Limited emphasis on moral responsibility.

Bennadji (2000, p. 36) highlights how Decree 88-131 strengthens citizen rights by allowing them to challenge the administration using its own internal measures and by limiting the administration's ability to dismiss requests on technical grounds. Historically, Algerian citizens faced challenges in contesting administrative decisions due to Limited access to relevant documents held by the administration (Chaib & Karadji, 2003, p. 51). Additionally, it limits the authority of the administration to summon individuals, safeguarding citizens against potential administrative abuse.

Albeit with limitations, the decree marked a shift from secrecy towards openness in administrative practices (Chaib & Karadji, 2003, p. 54). It promoted transparency by requiring identification of officials interacting with citizens (Art. 16 and 29), informing citizens about regulations (Article 8), and mandating a response to citizen requests, letters, and complaints (Art. 34). This transition from anonymity to accountability grants citizens the opportunity to lodge complaints against specific individuals and departments, a capability previously unavailable.

Despite the innovations outlined, Bennadji (2000, p. 33) points out the existence of limitations, such as the requirement to publish pertinent instructions and circulars solely in official publications, potentially impeding access for some citizens. The author also criticizes the decree for not addressing the scenario of "administrative silence." Bennadji (2000, p. 28) further highlights ambiguities and the target audience of Decree 88-131 on citizen-administration relations in Algeria. Bennadji (2000, p. 28) notes the difference in terminology between the Arabic and French versions of the decree, with the Arabic using "citizens" and the French using "administered", and questions if this is a design difference or simply a translation issue. Bennadji (2000, p. 30) suggests the Arabic version using

"citizen" implies a legal subject with rights, while the French "administered" suggests a more passive role. This reinforces the idea that the decree might target a broader range of public entities than just the administration. The author also acknowledges that, despite mentioning "civility" and "courtesy," the decree primarily uses the stronger term "obligation." Since the decree applies to "public institutions" and "bodies" (unclear scope), are these entities also subject to sanctions for non-compliance? This raises concerns about the legal implications and potential unintended consequences for public institutions beyond the core administration.

Chaib & Karadji (2003, p. 56) advocate for a law explicitly recognizing a more general right for public access to administrative information, extending access beyond "administered" individuals to include private service providers could create. Exercising the right of access to administrative documents in Algeria requires initiative from citizens (Chaib & Karadji, 2003, p. 58). The onus falls on them to submit specific requests targeting existing documents, rather than placing the research burden on the administration. Access can be granted through on-site inspection or copies, depending on document preservation needs. However, limitations exist. Citizens struggle to locate relevant documents due to the absence of clear guidelines from the administration.

The absence of a clear definition of "communicable administrative documents" in the 1988 decree is another hurdle (Chaib & Karadji, 2003, p. 58). This vagueness allows the administration to claim ambiguity and withhold information. While the decree excludes classified documents, those protected by professional secrecy, and those containing personal data, the right to secrecy takes precedence over the right to access in Algerian law. Furthermore, Decree 88-131 envisioned creating a structure to handle access requests, but none materialized (Chaib & Karadji, 2003, p. 59). Establishing a dedicated commission similar to France's Commission for Access to Administrative Documents would be beneficial. Limited judicial review options further restrict citizens' ability to challenge access denials, as regular court procedures may be complex and costly. The authors recommend several improvements. A law explicitly recognising the right of access would elevate it to a fundamental right. A cultural shift is needed within the public service, where citizens are viewed as "customers" entitled to explanations and justifications, not just passive information seekers (Chaib & Karadji, 2003, p. 60).

Decree 88-131 positions reform as an obligation not just for the administration itself, but also for the citizens it serves (Bennadji, 2000, p. 38).

Article 33 compels citizens to contribute by submitting suggestions through grievance registers. This establishes them as active stakeholders, not just passive recipients of public services. Reform, as envisioned by Article 6, is an ongoing process of adapting the functions and structures of the administration to better meet the changing needs of citizens. The goal of delivering high-quality services is characterized by user-friendly procedures, clear communication (Art. 21), and even a spirit of innovation by adapting to modern techniques (Article 21). Decree 88-131 establishes specific requirements to achieve this goal. These measures include streamlining procedures by reducing required documents (Article 22), assisting citizens in navigating interactions with other administrations (Articles 22 & 23), standardizing processing times (Article 24), ensuring prompt delivery of documents (Article 25), favoring accessible communication channels (Article 26), and delegating document certification tasks (Article 27).

Decree 88-131 establishes a two-pronged approach to strengthening oversight of the Algerian administration (Bennadji, 2000, p. 40). Internally, Article 7 mandates rigorous self-monitoring, ensuring that civil servants fulfill their duties while respecting citizens' rights. Externally, the decree acknowledges oversight mechanisms that include grievance registers, legal remedies mentioned (Art. 39), and a follow-up system for citizen requests (Art.34). The decree also introduces "gracious appeals" (Articles 36 & 38). However, the use of "gracious appeals" has caused confusion in Algeria (Bennadji, 2000, p. 41). In administrative law, it refers to non-hierarchical appeals made directly to the decision-maker, often as a last resort. This latter interpretation could contradict the existing system in Algeria, which prioritizes hierarchical appeals through the 1966 code of civil procedure.

Despite the confusion surrounding "gracious appeals," Decree 88-131 offers potential benefits for citizen rights and potentially fosters a more active civil society (Bennadji, 2000, p. 42). Article 39 guarantees citizens full legal remedies, including compensation for damages. Article 36 obligates the administration to inform citizens about appeal procedures and relevant bodies whenever a decision affects them. Article 38 encourages citizens to join associations to defend shared interests.

In Algeria, the duty to reason administrative decisions is slowly evolving towards greater transparency in administrative decision-making (Karadji & Chaib, 2005, p. 110). While there's no general legal requirement yet, courts are increasingly demanding justifications in two key scenarios. The first involves decisions directly harming the recipient, like disciplinary actions or permit

denials. The second category refers to derogatory decisions that are in favour of the recipient but diverge from standard procedures, potentially affecting others negatively.

Decree 88-131, as cited by Bennadji (2000, p. 34), establishes the right to receive motivated decisions in cases where motions are denied or access to documents is refused. However, in practice, the duty to provide justifications has largely been disregarded. A new era started with a 1999 court judgment and is further supported by a 2020 constitutional amendment obliging the administration to provide reasoned responses to requests or for certain decisions (Karadji & Chaib, 2005, p. 111). The reasoning requirement applies to decisions made by state bodies and private entities with public service duties.

Karadji and Chaib (2005) further emphasize the importance of written and cohesive reasoning that combines legal principles with the specific facts of the case. Missing or incomplete reasoning can weaken the administration's case and potentially shift the burden of proof in litigation. This reasoning should be specific, citing relevant laws and factual details specific to the situation. Generic justifications or boilerplate explanations are insufficient. This is crucial for decisions affecting individual freedoms, where courts demand more thorough explanations.

While Algerian courts prioritize the substance of the reasoning over rigid formalities, Karadji and Chaib (2005) insist that some level of formality should be mandatory. Judges accept indirect forms of reasoning, such as referencing prior cases, as long as these references are clear, legally sound, and explicitly adopted by the administration. This "reasoning by reference" saves time and avoids duplicating explanations already documented elsewhere. However, even for brief justifications, the administration should use legal and factual details specific to the situation, not generic references. Karadji and Soraya (2005) advocate for a law mandating complete reasoning in all Algerian administrative decisions to empower citizens and hold the administration accountable.

Despite its potential to improve Algerian administration, Decree 88-131 suffers from a lack of dissemination and implementation. Public awareness remains low among both citizens and even public officials. The authorities have not updated the decree itself in the 36 years since its promulgation, and they only issued a few supplementary texts to clarify its provisions. Although Algeria ratified the African Charter⁵ on the values and principles of public service and administration, the decree 88-131 have not been adapted accordingly. This absence of political will for deep administrative reform suggests a preference for

a constitutional approach, yet without concrete application texts. As a result, Decree 88-131 potential as a foundation for a more transparent and citizen-centred administration remains unrealised. Algeria falls behind other countries in codifying non-contentious administrative procedures, opting instead to rely on judicial interpretations established through litigation.

Custos (2017, p. 288) outlines the comprehensive structure of the CRPA, emphasizing its procedural focus rather than the organization of the administration itself, contrary to initial plans. The CRPA is designed with the citizen in mind, presenting a user-friendly organization that follows the steps of interaction between citizens and administration. Comprising five books, it covers various stages of administrative procedures, from public requests to dispute resolution and provisions for overseas territories. Notably, the CRPA excludes certain areas, such as public contracts, tort liability, and procedures for lawsuits against the administration. It covers unilateral and individual acts, but excludes contracts and agreements. The CRPA concerns individuals, legal entities, and public employees. The entities subject to and exempt from its regulations encompass most government administrations and certain private companies providing administrative public services, while excluding public corporations engaged in commercial activities.

De Donno (2017, p. 232-233) identifies several key elements introduced by the Code to strengthen individual rights in administrative disputes. These include adversarial procedures, the right to be heard, public participation in the rule-making process, tacit decisions, withdrawals, and the abrogation of administrative acts. The codification of the adversary principle involves merging and clarifying previously scattered rules, simplifying the process, and expanding its reach to all personal and negative administrative decisions (as opposed to the former limited scope). While exceptions exist for urgent situations, public order concerns, or specific sectoral laws, the Code opens doors for potentially broader protections in the future. The wider definition of "decisions affecting an individual" could lead to including even favourable decisions for applicants and potentially involve other interested parties beyond the direct recipient (De Donno, 2017, p. 234).

According to De Donno (2017, p. 235), the CRPA of 2015 takes a broad approach on public participation, encompassing both individual actions and regulatory acts under the umbrella of "administrative acts." It emphasizes collaboration by using the term "association," reflecting the concept of "administrative democracy" that emerged in France during the 1960s. Notably, the Code primarily codifies existing practices as online consultations and advisory

commissions. However, it also introduces a new principle of general public participation (Article L. 131-1) that applies even beyond situations explicitly covered by legislation. This responds to recommendations from the Council of State and the 2011 Public Report "Consult differently, participate effectively" (De Donno, 2017, p. 236). This requires administrations to be transparent about the participation process, provide relevant information, allow for reasonable participation timeframes, and publicize the outcomes or planned actions. The provision applies to all administrations, including local authorities and public service providers. Due to the vagueness of Article L. 131-1, the Council of State has issued additional rulings based on existing case law to ensure proper consultation procedures (De Donno, 2017, p. 237).

The CRPA aims to streamline public inquiries previously governed by various sectoral laws. It establishes a general framework for conducting inquiries across different areas, while acknowledging the existence of specific regimes for sensitive topics like forced expropriation and environmental issues. However, De Donno (2017, p. 238) argues there are concerns that the CRPA might offer less protection compared to previous legislation in specific cases. According to critics, the Code reduces safeguards for public participation by introducing shorter timeframes and weaker powers for the inquiry official, potentially compromising impartiality and raising bias concerns (De Donno (2017, p. 238).

The introduction of tacit consent in the French CRPA reflects a shift towards European administrative law principles. This means that if the administration fails to respond to an application within two months, it is considered accepted (De Donno, 2017, p. 240). However, there are important exceptions to this new rule. The two-month deadline can be extended for urgent or complex procedures. Additionally, a list of exclusions published online specifies procedures not covered by tacit consent. These exclusions encompass a wide range of situations, including appeals, financial requests, matters of national security, and relations between administrations and their employees. Over 30 decrees have further added exceptions based on "good administration" justifications. The Code mandates the publication of applications and written confirmation of tacit consent to notify potentially affected parties and maintain transparency. De Donno (2017, p. 241) reports that despite the protections in place, critics believe that the many exceptions significantly limit the applicability of tacit consent to only a few cases.

The French CRPA clarifies the distinction between "retrait" (withdrawal) and "abrogation" (repeal) of administrative acts based on their temporal effects (De Donno ,2017, p. 242). Withdrawal nullifies the act from the very beginning

("ex tunc"), while repeal voids it only from the time of repeal onward ("ex nunc"). As a general rule, illegitimate acts can be withdrawn or repealed within four months of their adoption, regardless of whether they create rights ("décisions créatrices de droits") or not ("actes non créateurs de droits"). However, there are exceptions. Decisions creating rights can be withdrawn or repealed without a time limit in specific situations, such as revoking a subsidy due to ineligibility or at the beneficiary's request for a more favorable decision. Additionally, regulatory acts and non-rights-creating acts can be modified or repealed at any time. The Code also considers special factors: the origin of the initiative (administration or a third party) for decisions creating rights, and the type of measure (repeal or withdrawal) for non-rights-creating acts. When repealing regulatory acts, transitory measures may be necessary to safeguard legal certainty (De Donno, 2017, p. 244).

The influence of European law on the French Code of Administrative Procedure (CRPA) is a topic of debate (De Donno, 2017, p. 244). Some French commentators initially saw minimal influence from European law on the CRPA's. This is because the CRPA primarily codifies existing French law ("à droit constant") with few innovations. However, De Donno (2017, p. 244) reports two arguments against this thesis. First, French administrative law has historically influenced European law, especially concepts like public service and administrative contracts. Second, there have been tensions and reciprocity between French and European legal systems, such as the long dispute over "conventions d'aménagement" (development agreements) and competition rules. Even the 2011 French Council of State's acknowledgment of an "integrated legal order" with the EU highlights the interconnectedness of the two systems and suggests a more complex relationship than minimal influence.

De Donno (2017, p. 246-249) provides a handful of justifications for the EU influence on the CRPA codification. First, the codification aims to improve the relationship between public authorities and citizens through "exchanges and dialogue," not conflict. Second, France's codification came later than other European countries. Third, the CRPA was drafted at the same time as the EU's proposed Code ReNEUAL. Fourth, the CRPA's connection to European administrative law extends beyond a mere list of principles; Both implicit principles like legal certainty and legitimate expectations in French code, and explicit principles like neutrality, impartiality, and equal treatment, reflect the broader values of the EU. Fifth, the adoption of these principles resulted from a dialogue between European courts and the French Council of State. Sixth, the France's "choc de simplification" initiative, influenced by the EU's simplification and good administration directives, aligns with many measures introduced by the

CRPA, such as online consultations, electronic communication with authorities, tacit consent rule, streamlined public inquiries, and faster permit issuance.

Despite alignment with European principles, France retains its unique legal character (De Donno, 2017, p. 260). First, the French concept of simplification differs from some economic approaches that prioritize deregulation. The CRPA is linked to broader French legislative efforts aiming to streamline administrative processes without hindering the government's ability to regulate or act in the public interest. Additionally, the CRPA aims to balance the interests of the public and private sectors, as well as between statutory law and case law, while ensuring rules are consistent, accessible, and comprehensible. Third, the CRPA reflects a "rediscovery" of the French legal tradition through its constant law approach. Fourth, the CRPA strengthens citizen rights by creating new rules and expanding existent rules such as the right to defence.

Comparative Analysis of Codification of the General Principles of Administrative Procedure in Algeria and France: (size 14)

This comparative analysis explores how both countries address a selected number of principles to understand the strengths and limitations of each system in promoting fair, efficient, and transparent governance.

1- The Principle of Substantive Fairness

The principle of substantive fairness ensures that administrative decisions are neither arbitrary nor based on irrelevant or biased considerations. It encompasses the idea that similar cases should be treated alike, known as equal treatment. France's Code of Relations Between the Public and the Administration (CRPA) (Articles L100-2 & L113-1) explicitly codifies equal treatment and impartiality alongside substantive truth. Article L113-1 allows for compensation for damages resulting from discrimination, reinforcing the idea that substantive fairness prohibits favoritism or bias (*Nemo Judex in Sua Causa*) and ensures uniform standards for all.

In contrast, Algeria's framework is weaker. Presidential Decree No. 88-131 of 1988 does not mention substantive fairness. While the Constitution guarantees a constitutional right to equality through Articles 27, 37, and 82, it does not explicitly link this right to administrative procedures. As such, individuals have to challenge administrative decisions through the courts. Moreover, Presidential Decree No. 88-131 does not address compensation for discrimination. Although there may be potential recourse through the constitutional framework (Article 46),

it would not be specific to administrative procedures and would likely require litigation.

2- The Principle of Procedural Fairness

Procedural fairness aims to ensure that administrative decisions are made in a manner that is just, equitable, and respectful of the rights of individuals. It is a fundamental aspect of good governance and the rule of law, helping to maintain public confidence in administrative processes and decisions. It ensures that individuals are aware of the case against them and have the opportunity to respond. France's (CRPA 2015) explicitly guarantees this right through provisions for "assistance" (Articles L111-2 & L111-3). In contrast, Algeria's legislation is less explicit. Article 2 of Presidential Decree No. outlines the duty to protect rights, implying procedural fairness, although it is not directly mentioned in Algeria's legislation (Decree 88-131). Similarly, the right to access information is implicit in the Constitution's guarantee of the right to petition the administration (Article 34). France's CRPA (Article L213-1) explicitly grants access to relevant information, further strengthened by the requirement to make relevant reports accessible.

3- Duty to Give Reasons

The duty to give reasons requires that authorities provide clear, factual, and legal justifications for their decisions, allowing affected individuals to understand and challenge the decisions if necessary. France requires a written statement outlining legal and factual justifications for a wider range of procedures compared to Slovenia (e.g., Articles L211-1, CRPA 2015). These procedures include those affecting public freedoms, imposing sanctions, granting exemptions from regulations, and handling requests for documents and renewals (Articles L211-1, L211-3, R325-6, R323-2-2, CRPA 2015). However, French law does not explicitly mention the form in which reasons must be provided.

Algeria presents a more limited approach to the duty to give reasons. While the Constitution and Law No. 01/06 do not explicitly mention a right to reasoned decisions, Decree 131-88 implies a written format for responses (Articles 10, 16, 25). However, the right to access documents (Article 10 Decree 131-88) implies a justification for decisions that restrict this right. The Algerian system appears focused on transparency through access to documents, rather than a comprehensive duty to reasoned decisions. The content of these responses is not explicitly addressed, but presumably, they should provide justification for decisions affecting citizens (Law No. 01/06, Art. 11). There is an absence of

provisions similar to those in France that outline the specific elements that a reasoned decision must contain. Regarding exceptions to the duty to give reasons, French law allows exceptions for absolute urgency, social security, and agricultural benefits (CRPA Art. L233-6, L211-7, L211-8). Algerian law offers no statutory exceptions.

4- Principle of Citizen Participation

The principle of citizen participation in administrative procedures ensures that individuals have opportunities to engage in decision-making processes, fostering transparency, accountability, and democratic governance. France utilizes a variety of mechanisms, including online platforms, consultative commissions, public inquiries, and local referendums (CRPA 2015: Art. L131-1, L132-1 to L132-10, R133-1 to R133-15, L134-1 to L134-28, L135-1 & L135-2). Algeria's mechanisms are complaint registers, the right to association, and a National Observatory of Civil Society (Articles 33, 38 of the decree 131-88 & 213 of the Constitution). Algeria focuses on constructive contribution through proposals (Art. 33) and collaboration alongside maintaining public order (Articles 31 & 32).

5- The principle of Economy of Procedure

The principle of Economy of Procedure emphasises the efficient use of resources and streamlined processes in administrative procedures to minimise burdens on individuals and promote cost-effectiveness in governance. France does not have codified rules on cost allocation. France requires informing applicants about irregularities (Art. 1114-6). Algeria lacks explicit codification but mentions deadlines (Art. 25) and has provisions for expediting decisions (Articles 22 and 21 respectively), but did not codify streamlined decision-making.

13- The Principle of Effective Remedies

The Principle of Effective Remedies in administrative procedures ensures that individuals have accessible and efficient mechanisms to challenge administrative decisions, safeguarding their rights and promoting accountability in governance. French law (CRPA 2015) includes a broad definition of appeals, which includes requests to review a decision. It also has specific time limits and procedures for filing appeals. There is also a right to appeal for missing a deadline to file an appeal and a mechanism for discretionary or mandatory abrogation/withdrawal of decisions. Appeals can be made to the Commission for Access to Documents. French law defines appeals broadly to encompass requests

for review (L110). As for extraordinary remedies, France allows for reopening of procedure and annulment.

Algeria's approach is less codified. This makes it difficult to assess how appeals are handled in practice. The right to appeal is found in the Constitution (2020, Article 125) and Decree 131-88 allows for legal action against administrative decisions and actions (Art. 39). Algeria does not specify what extraordinary remedies are available. While Algeria mentions time limits for filing decisions (Art. 36), it does not specify deadlines for appeals.

Another difference lies in the grounds for appeal. French law allows appeals for broader reasons, including the merits of the case (L110). The grounds for appeal in Algeria are unclear. In terms of exceptions to the right to appeal, French law allows appeals of ministerial decisions only. Algerian law offers no statutory exceptions to the right to appeal; However, the Constitution does allow the reopening of procedures to address new findings or procedural irregularities (Articles 260-263).

The Algerian Constitution⁶ allows compensation for harm caused by abuse of power, however, the process for determining compensation is unclear. France's legal framework is unclear on the definition of abuse of authority and the compensation determination process.

Algeria (Art. 40) allows disciplinary actions for civil servants obstructing public administration relations. The decree mentions several mechanisms with no details, including a prohibition on public service officials enriching themselves (Art. 24), punishment for abuse of authority (Art. 25), and a Mediator of the Republic (Art. 135-137 of the Constitution).

In France, the law mentions pre-litigation mechanisms like conciliation. French law allows legal action before ordinary administrative courts and also offers an option for mediation in administrative disputes. France has time limits to appeal to an administrative decision. Algeria lacks codified alternative dispute resolution mechanisms for non-judicial administrative procedures.

CONCLUSION

While both countries show a commitment to core administrative principles, France provides more explicit and detailed codification and implementation across most principles. In terms of legality, France emphasises adherence to laws alongside secularism, which limits administrative discretion. Conversely, Algeria implicitly restricts discretion through the requirement for decisions based on

objective criteria. Substantive fairness, particularly concerning equal treatment and compensation for discrimination, is explicitly codified in France but lacks explicit mention in Algeria's framework. France adopts a comprehensive approach to legal certainty, while Algeria exhibits no specific provisions. In terms of the principle of proportionality, France and Algeria differ in their approach to balancing interests and flexibility mechanisms.

France places a strong emphasis on data sharing and oversight in inter-administration cooperation, whereas Algeria's approach lacks specificity in these aspects. Duty to give reasons is detailed in France but less comprehensive in Algeria. Regarding quality of service, France incorporates various aspects into its legislation, whereas Algeria presents a more comprehensive approach but lacks clarity in timeliness. France utilises various mechanisms for citizen participation, while Algeria focuses on constructive contribution but lacks detailed mechanisms. Both countries lack explicit codification on the economy of procedure, transparency, and openness. While France emphasises effective remedies with specific procedures for appeals, Algeria's approach is less codified, making it challenging to assess how appeals are handled. In terms of data privacy, France explicitly mentions transparency and accountability obligations, whereas Algeria's data privacy protections are less clear, with potentially weaker enforcement mechanisms despite having a dedicated law.

Although the Algerian Decree 88-131 has the lowest number of articles (only 42), it holds the distinction of being the oldest. Algeria attempted to ground its framework in the Constitution and special laws in the opposite direction of France's approach of consolidation of administrative procedures in a unified code. The absence of detailed administrative codification outside the judiciary means that individuals may have to pursue legal remedies, which can be costly, time-consuming, and effort-intensive. The variations in codification reflect different administrative cultures and priorities. While codifying principles in the constitution provides stronger legal protection and emphasises their fundamental nature, it also comes with limitations in terms of flexibility and adaptability. The choice between constitutional and legislative codification depends on context and the balance between stability and flexibility in governance. Algeria could adopt relevant practices from France and other legal systems to enhance its non-contentious administrative law. Despite it has ratified the African chart of good practice in administration in 2012, enacting an up-to-date general administrative procedures act in Algeria is of utmost urgency.

Future research could analyse qualitatively and empirically case law to check whether these principles are being enforced and in what ways they are interpreted. The discrepancies between France and Algeria result from historical, political, and cultural influences that have shaped their respective administrative law systems, which require future comprehensive examination.

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² Ordonnance n° 2015-1341 du 23 Octobre 2015 relative aux dispositions législatives du code des relations entre le public et l'administration.

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⁴ General Administrative Procedure Acts.

⁵ Décret n° 12-415 du 11 décembre 2012 portant ratification de la charte africaine sur les valeurs et les principes du service public et de l'administration, adoptée à Addis-Abeba, le 31 janvier 2011, Journal Officiel n° 27, le 16 décembre 2012, pages 10-11.

⁶ Décret n° 20-442 portant Constitution, Journal Officiel n 82 du 30 décembre 2020, page 04-49.