



The Right to Retirement in Algerian Law: Between Restriction and Suspension

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Received: 25/01 /2026

Accepted: 16/03 /2026

Published: 31/03 /2026

Abstract:

In light of changing economic and social conditions, the rapid increase in the number of retirees, and the inability of the National Pension Fund to disburse pensions and allowances that ensure a secure income, the legislator amended Law No. 83-12 on retirement through Law No. 16-15, with the aim of adopting measures to restore the Fund's balance. This amendment maintained only ordinary retirement, abolished both proportional retirement and retirement without age condition, and suspended early retirement. Consequently, the scope of the right to retirement was narrowed, restricted, and workers were deprived of their annulled rights.

However, in 2025 the legislator rectified the matter and introduced the right to reduced-age retirement in the field of education by enacting Law No. 25-09, which applies to teaching staff under new conditions. Despite this, the right to retirement remains restricted and limited in scope due to the predominance of economic considerations over social ones. The retirement system lacks flexibility, and the worker ultimately bears the consequences of being deprived of the benefits of his annulled and suspended rights.

Keywords: Right to retirement; Pension; Reduced-age retirement; Proportional retirement; Early retirement.

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Introduction:

Old age, like disability, is one of the life risks that deprives the individual of the ability to work and earn, which makes all systems consider it a burden that must be borne through social security to provide income security for the elderly and preserve their dignity. The right to income security in old age includes the right to an adequate pension. Nevertheless, most of those who have reached the age of entitlement to a pension do not receive one, and those who do often find it inadequate, as the majority of elderly men and women lack income security in most countries of the world¹.

Therefore, states must take appropriate measures to establish social security schemes that provide benefits for the elderly and guarantee their right to retirement, beginning at a certain age stipulated by national law. States parties must determine a retirement age that is consistent with national circumstances and takes into account the nature of the profession, particularly hazardous occupations and the capacity of the elderly to work².

Referring to paragraph (d) of Article 5 of Social Security Recommendation No. 202, it is required to provide basic income security, at least at the nationally defined minimum level, for elderly people. This constitutes a fundamental guarantee included in social security floors. The right to retirement is the natural conclusion of a worker's professional life and is one of the fundamental rights of workers in comparative legislation. It falls within the social rights of workers, aimed at protecting against poverty during old age and disability and preserving the dignity of the elderly. It is a right recognized and directly guaranteed to workers, employees, and wage earners whenever the legal conditions are met, which underscores the importance of studying this right³.

With regard to the right to retirement in Algerian law, it has been affected by economic and social circumstances, particularly due to the National Pension Fund's deficit in recent years amounting to 590 billion dinars. The state decided to cover this deficit through the National Investment Fund, which is itself financed by the public treasury. Currently, there are 2.2 workers for each retiree, whereas balance requires 4 to 5 workers for every retiree. This situation necessitates the creation of 1 million new jobs, or at least 500,000 as an initial stage, through economic recovery. The imbalance in the budget of the National Pension Fund is not due to negligence, mismanagement, or lack of resources, but rather stems from objective factors, including the increase in the number of retirees, especially in 2016, and the decrease in the number of contributing workers (subscriptions).



The purpose of studying the right to retirement is to identify its content, scope, and development under the changing economic and social conditions of the state. Accordingly, the following problem was raised: How have the changing economic and social circumstances affected the right to retirement in Algerian law? This question was addressed by adopting a descriptive method and a three-part plan.

First Section: The Concept of the Right to Retirement

Retirement is one of the social and professional rights of the worker, recognized both internationally and domestically. Article 18 of Law No. 78-12, the General Statute of the Worker issued in 1978, explicitly provides for it. The right to retirement is influenced by the social philosophy of the state, as its provisions and rules vary from one country to another depending on the extent to which the state assumes responsibility for the social affairs of workers. A state may adopt a unified retirement system applicable to all workers, or it may establish multiple retirement systems that differ from one sector to another and from one activity to another⁴. Accordingly, the following discussion addresses the definition of the right to retirement, its subject matter, and the holder of the right to retirement, in order to achieve a proper understanding of this right.

Firstly: Definition of the Right to Retirement

The right to retirement is defined as “the legal status of the natural person who ceases to exercise his professional activity and enjoys a pension, provided that a set of legal conditions are met.” It is considered one of the ways or causes of termination of the employment relationship, whereby the retiree benefits from pensions or allowances once the required conditions are fulfilled. This pension is transferred to the beneficiaries who were under the care of the deceased retiree during his lifetime, and the state periodically reviews and adjusts this pension.

Slimane Ahmia defines it as “the situation of termination of the employment relationship due to the worker reaching a certain age, at which the worker benefits from social guarantees entitling him to receive an allowance in return for contributions paid throughout his professional life.” It represents one form of termination of the employment relationship, whether initiated at the request of the worker or by the employer, since the decisive factor is the fulfillment of the legal conditions, in accordance with Article 66 of Law No. 90-11⁵.

Furthermore, according to Law No. 83-12, the right to retirement is “a personal right of a monetary nature, from which the worker benefits for life.”⁶ It is



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guaranteed by the National Pension Fund, which is financially and administratively independent from other funds. The right to retirement encompasses the freedom to cease working and the right to receive a lifelong pension (Article 5 of Law No. 83-12)⁷, in addition to the right to healthcare and social assistance.

This right, however, evolves with the development of legislation, shifting from the determination of a mandatory retirement age to justifying continued employment or early retirement. It is noteworthy that the right to retirement balances the individual's desire to stop working with societal needs and financial realities, with increasing emphasis on flexibility and individual choice.

In addition to the above, the right to retirement is recognized for all professional categories regardless of their field of activity, whether wage earners or non-wage earners, provided that they exercise their activity legally and formally. This includes workers, employees, as well as professionals such as lawyers, merchants, and doctors who practice self-employment without being salaried. From an examination of the laws governing retirement, it becomes clear that this right is based on three principles enshrined in Law No. 83-11, namely:

- The principle of linking the retirement age to the circumstances of each sector (Article 192 of Law No. 83-11).
- The principle of non-gratuity of the right, meaning it is granted in return for compulsory contributions throughout the worker's professional life (Article 193 of Law No. 83-11).
- The principle of proportionality in calculating the retirement pension according to the worker's wage (Article 195 of the same law)⁸.

Secondly: The Subject Matter of the Right to Retirement

1) The Right to a Pension

The retirement pension is "a personal right of a monetary nature" from which the worker benefits for life. It exists in several forms and is granted only when certain conditions are met, as outlined below.

A.Types of Pension:



Algerian law defines two types of pension:

1. Direct Pension: Granted and calculated on the basis of the worker's own activity, with the addition of the rights of the spouse under his care⁹.

2. Transferred Pension: It is the pension transferred from the deceased retiree to the beneficiaries. It includes: the pension of the surviving spouse, the pension of the deceased worker's children (orphans), and the pension of ascendants, as detailed in Article 6 of Law No. 83-12 on retirement, as amended and supplemented, as follows:

- **The spouse of the deceased insured**, provided that the marriage was documented by a lawful marriage contract.

- **The dependent children, namely:**
 - Dependent children under 18 years of age.
 - Daughters without income, regardless of age.
 - Third-degree dependents under care.
 - Children under 25 years of age who have entered into apprenticeship contracts granting them wages less than half the guaranteed national minimum wage.
 - Children under 21 years of age continuing their studies.
 - Children of any age unable to engage in paid activity due to disability or chronic illness.

- **Ascendants who were under the care of the deceased insured**, provided that the personal income of each does not exceed the minimum retirement pension¹⁰.

This law aims to establish a unified retirement system, focusing on harmonizing the rules related to rights, benefits, and financing across different professional categories, regardless of their field of activity, provided they are legal and formal. It also seeks to unify the calculation of retirement pensions and the conditions for entitlement to the right to retirement (age and length of service)¹¹.

B. Conditions for Granting the Right to a Pension

The conditions for granting the right to retirement, as well as benefiting from the related privileges, have undergone numerous amendments over a period of 31 years, starting from 1994 until the end of 2025, the latest amendment affecting the retirement law in Algeria. These amendments took place in five stages through: Legislative Decree No. 94-10, Ordinance No. 96-18, Ordinance No. 97-13, Law



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No. 99-03, Law No. 16-15 on retirement, and the most recent Law No. 25-09. These amendments focused on retirement conditions, and the ordinary retirement pension is mandatorily granted to the worker who meets the following conditions according to Article 6 of Law No. 83-12:

1 – The condition of legal age: This is the age at which the worker or employee permanently withdraws from the workforce and ceases his productive effort. It is the age prescribed by law, upon reaching which the worker is retired regardless of his health or ability to work. However, the determination of this age varies according to the nature and fields of work, the state's perspective and philosophy on labor issues, its planning policies, and gender.

The policy of determining the legal age is considered one of the important means of achieving the proper balance between supply and demand in the labor market, and therefore it must be based on precise scientific and practical foundations¹². In Algerian law, the worker must have reached the age of 60 for men and 55 for women (65 for non-wage earners and 60 for female workers); this is the legal age required for retirement¹³.

There are exceptions to the age requirement:

- **A female worker has the right to retire at the age of 55 upon her request**, and she also benefits from a reduction of one year from the legal retirement age for each dependent child, up to a maximum of three children.

- **No age requirement is imposed:**

- For the veteran who receives a pension at 100% (he retires upon reaching the age of 55).
- For the worker who has suffered total and permanent disability preventing him from working.
- For workers employed in positions characterized by particularly harmful conditions.

2 –The condition of length of service

It is the period qualifying for retirement or the period entitling the worker to a retirement pension, defined as “the period of actual services performed starting from the date on which the worker or employee joined the retirement system until the date on which he is retired.” The condition of service is generally linked to the condition of contributions paid monthly or annually for each year the worker or employee spends in service to the retirement fund, and regularly.



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It is not sufficient for a person to complete a qualifying period of several years for retirement; rather, his contributions must continue at least to the minimum required, otherwise his request for retirement will be rejected, or the value of the retirement pension will be reduced if there is a disruption in the payment of contributions, except in cases of illness or unemployment that entitle the insured to compensation, with the interruption period counted¹⁴.

Therefore, the worker must have worked at least 15 years, and to benefit from a retirement pension he must have completed 7 and a half years of actual work with contributions paid. This is the general rule in the retirement system, classified as legal retirement, which remained in effect until 1994, the year early retirement was introduced¹⁵.

Each period of work must be recorded in the retirement application and supported by the necessary documents. As for periods not documented due to the dissolution of the institution, absence of the employer, or lack of archives, the fund's services and inspectors must verify and confirm them when preparing the professional career statement. The minimum required period corresponds to the type of retirement, as follows:

- Ordinary retirement: 60 quarters (15 years)
- Early retirement: 80 quarters (20 years)
- Retirement without age condition: 128 quarters (32 years)
- Proportional retirement: 80 quarters for men (20 years) and 60 quarters for women (15 years)¹⁶
- For veteran workers, the 15-year period is reduced by half, meaning 7.5 years (the minimum declared years), to which are added years of work in Algeria or France and years of participation in the War of Liberation.

It is noteworthy that the years considered as years of activity for calculating eligibility for retirement pension differ depending on whether the request is submitted under Law No. 83-12 or Ordinance No. 97-13, as the conditions for entitlement vary.

The minimum pension amount cannot be less than 75% of the guaranteed national minimum wage (2.5 times the guaranteed national minimum wage for veterans), regardless of the pension amount resulting from contribution rights. If the worker has not completed 15 years of activity but has justified at least 5 years



or 20 quarters of work, he may obtain a retirement allowance calculated under the same conditions applied to the retirement pension. The beneficiary of a pension or retirement allowance is also entitled to an additional benefit for a dependent spouse¹⁷.

Once the worker or administrative employee reaches retirement age – the retirement system is unified for everyone and managed by the National Pension Fund – the employment relationship ceases but does not end completely, since retirement cannot be approved¹⁸ until the pension award decision is communicated, and the employer must undertake the necessary procedures with the Pension Fund before terminating the employment relationship¹⁹.

3- Estimation of the Pension Amount:

The gross amount of the retirement pension is calculated either on the basis of the average monthly wage received during the last five years prior to retirement, or on the average monthly wage based on the five years in which the worker earned the highest salary during his professional life. The retirement pension has both a minimum and a maximum limit:

❖ **The maximum is set at 80%**, and for a worker with the status of veteran, this limit is raised to 100% of the wage used to calculate the pension amount.

❖ **The minimum** cannot be less than 75% of the guaranteed national minimum wage; for veterans, the minimum cannot be less than 2.5 times the guaranteed national minimum wage.

In all cases, the gross maximum amount of retirement pension may not exceed 15 times the value of the guaranteed national minimum wage. If the worker has not completed the required period of service, he may benefit from a retirement allowance if he proves 20 quarters, i.e., five years of actual work. The retirement allowance is granted starting from the age of 60 and is subject to the same rules as the retirement pension, except with regard to the minimum limit.

Thirdly: Beneficiaries of the Right to Retirement

According to Article 4 of Law No. 83-12, as amended by Ordinance No. 96-18 dated July 6, 1996, the persons mentioned in Articles 3, 4, and 6 of Law No. 83-11 on social insurance, as amended and supplemented, benefit from retirement privileges²⁰. These are the following persons and categories:



1) Workers: Whether wage earners or affiliated with wage earners, regardless of the sector of activity to which they belong.

2) Natural persons who are non-wage earners: Those who actually practice self-employment in an industrial or commercial activity.

3) Persons working within the national territory: Regardless of nationality, whether working in any capacity and for the benefit of an individual or group of employers, and regardless of the amount or nature of their wage, the form, nature, or validity of their employment contract or relationship²¹.

Second Section: Retirement Systems in Algerian Law

The retirement system is defined as²² “the system imposed by the state on public service workers, including employees and staff, to provide them with a pension or compensation upon dismissal or withdrawal from service after a certain period, during which they pay specified contributions from their salaries to pension funds established for this purpose. The contributions and the amounts of pensions and compensations are determined as a percentage of the salaries of the persons covered by this system, with the aim of enabling them and their families to secure their livelihood when they leave their jobs and are deprived of their salaries for various reasons determined by law.”²³

The Algerian legislator has established a retirement system that is legally independent from the social insurance law, with its own specific features in several aspects, such as expanding the circle of beneficiaries, setting the maximum pension rate (80%), and introducing several types of retirement, among others²⁴. The current national retirement system was established under Law No. 83-12, effective from January 1, 1984, which brought about a complete change in the retirement system through:

- Unifying the rules related to the assessment of rights for all beneficiaries, with exceptions for self-employed workers.
- Unifying financing by establishing a comprehensive unified contribution rate to cover all social security expenses.
- Unifying organization and management through the creation of national funds.
- Raising the level of benefits.



- Granting retirement as a right to the employee once the legal conditions are met.
- Considering retirement as a natural cause for ending the employment relationship between the employee and the administration, since the employee enjoys a professional life that begins from the date of joining the job in youth and ends with retirement in old age.

The management and supervision of the retirement system is entrusted to a fund completely independent from the social insurance fund, endowed with legal personality, called the National Retirement Fund²⁵.

Firstly: Ordinary Retirement

The retirement system in Algeria has a special and distinctive character. Initially, there was only one type of retirement, namely ordinary retirement. From 1962 until 1994, the Algerian legislator applied the same conditions and consequences for retirement, meaning the system was unified. After the issuance of Legislative Decree No. 94-10 dated May 26, 1994, concerning early retirement, along with other laws²⁶.

The legislator later introduced the proportional retirement system and retirement without age conditions. Subsequently, in 2016, with the enactment of Law No. 16-15, the early retirement system, the proportional retirement system, and the retirement without age conditions were abolished due to economic circumstances and the deficit of the National Retirement Fund. The differences between these types of retirement stem from the conditions required for entitlement in terms of age and years of service, as well as the method of calculating the retirement allowance and transferring it to beneficiaries²⁷.

In ordinary retirement, the right to a pension is granted only to the worker who is formally retired. This retirement is effected through an administrative decision, either upon the request of the concerned worker or at the initiative of the employer. In both cases, this decision remains a mandatory procedure in form, and an administrative decision issued by the appointing authority in substance. By virtue of this, the concerned worker may benefit from pension rights once the required conditions stipulated in Retirement Law No. 83-12, as amended and supplemented, are met.

The new Retirement Law No. 16-15, in its Article 2, which amends and supplements Article 6 of Law No. 83-12, stipulates that “the worker’s entitlement to a retirement pension is strictly conditional upon meeting the following two



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requirements: reaching at least sixty (60) years of age; however, a female worker may retire, upon her request, starting from the age of fifty-five (55) years, after completing at least fifteen (15) years of work.”

The same Article (2) stipulates that “in order for the worker to benefit from the retirement pension, he/she must have performed actual work for a period of at least seven and a half (7.5) years with payment of social security contributions.”²⁸,

Article 10 of Law No. 83-12 further provides that “a worker who meets the conditions set out in Articles 6, 6 bis, 7, and 8 of this law has the right to retire before the notification of the pension award decision. However, a worker who has reached the legal retirement age as defined in Article 6 but does not meet the required conditions of work and contributions under Article 6 shall benefit from credited insurance years up to a maximum of five years, according to the following modalities:

- Up to 5 years if the worker is 60 years old.
- Up to 4 years if the worker is 61 years old.
- Up to 3 years if the worker is 62 years old.
- Up to 2 years if the worker is 63 years old.
- Up to 1 year if the worker is 64 years old.

The credited insurance years in this manner entail the payment of compensatory contributions and a lump-sum contribution borne by the employer. The compensatory contribution rate is equivalent to the amount of pension contributions normally payable by the worker or employer. The basis for calculating the contribution is the wage subject to contribution that the worker received during the last month of work. The contribution is assessed at 12 monthly payments for each year subject to compensatory contribution, while the lump-sum contribution equals three times the monthly wage subject to contribution for each year covered by the compensatory contribution.

To benefit from these provisions, the worker must have been registered on the list of workers for at least two years and cannot be retired by the employer unless he/she undertakes to pay the compensatory contribution and the lump-sum contribution to the body responsible for managing retirement²⁹.



Article 5 of the same Law No. 16-15, which amends and supplements the provisions of Article 10 of Law No. 83-12, stipulates that “the worker who has fulfilled the conditions set out in Articles 6, 7, 7 bis, and 8 of this law has the right to retire; however, retirement cannot be approved before the notification of the pension award decision.” In other words, the approval of retirement is conditional upon the notification of the pension award decision.

The retirement age in liberal professions is linked to the nature and type of work, particularly the physical strength required and the risks involved. Moreover, a worker may continue his/her activity beyond the legal retirement age in accordance with the provisions of Executive Decree No. 20-107 dated April 30, 2020, which specifies the modalities for continuing activity after the legal retirement age.

Secondly: Early Retirement

Early retirement, as provided for in Legislative Decree No. 94-10 dated May 26, 1994, concerning early retirement, was abolished in 2016 for all sectors of work. The provisions relating to this early retirement apply only to employees in the economic sector, according to Article 2 of the decree, who may lose their jobs involuntarily and for economic reasons, either within the framework of workforce reduction for economic reasons, the legal cessation of the employer's activity, or the adjustment of employment levels decided by the government³⁰.

The legislator introduced early retirement as a means of protecting employees who lose their jobs involuntarily and for economic reasons. Economic transformations and the closure of institutions affected the retirement field, leading Algeria to adopt other types of retirement³¹ within its labor and retirement system. This type of retirement could be granted up to 10 years before the legal retirement age, meaning retirement could be advanced by 10 years, provided a set of conditions were met, the most important of which are:

- Reaching at least 50 years of age for men and 45 years of age for women.
- Accumulating at least 20 years of work or equivalent periods eligible for retirement.
- Paying social security contributions for at least 10 full years, including the last three years preceding the end of the employment relationship, which establishes the right to early retirement.



Thirdly: Proportional Retirement

To absorb unemployment and create job opportunities, early retirement was extended to the administrative sector under Executive Decree No. 98-317 dated October 3, 1998, thus introducing proportional retirement. Benefiting from this type of retirement requires two basic conditions: reaching the age of fifty (50) for men and forty-five (45) for women and contributing to the National Retirement Fund (CNR) for at least twenty (20) years for men and fifteen (15) years for women. This type of retirement system is highly sought after by wage-earning workers, both men and women, regardless of their years of service, as it is considered the optimal retirement system in Algeria. Proportional retirement is granted upon the request of the wage-earning worker if the following conditions are met:

- Age of at least 50 years for men.
- Completion of at least 20 years of work and social security contributions.
- For female workers, the age requirement is reduced to 45 years and the work period to 15 years.

Fourthly: Retirement Without the Legal Age Requirement

In 1996, by virtue of Ordinance No. 96-18 dated July 6, 1996, certain provisions of the retirement law were amended to respond to economic and social developments. To continue the reform process in the retirement system, Ordinance No. 97-13 dated May 31, 1997, was issued, reducing the retirement age to 60 years for men and 55 years for women, while removing the age requirement for those who had completed 32 years of actual work. This was referred to as retirement without the age condition³².

This type of retirement system in Algeria is based on continuous contributions to the National Retirement Fund (CNR) for 32 years, which grants the worker the right to retire even if he has not reached the legal retirement age of sixty (60) years. Upon request, the worker may benefit from a full retirement pension provided that he has completed at least 32 years of work and insurance³³.

Article 7 of Law No. 16-15, which supplements the provisions of Article 61 bis of Law No. 83-12, states: "Without prejudice to the provisions of this law and during a transitional period of two (2) years, a retirement pension with immediate benefit may be granted if the wage-earning worker has completed a period of actual work resulting in contributions equivalent to at least thirty-two (32) years



and has reached or exceeded the minimum age mentioned below: fifty-eight (58) years in 2017 and fifty-nine (59) years in 2018.”

As stated in the same article, “retirement pension benefits in the cases mentioned above are granted upon the request of the wage-earning worker alone,” adding that “the age requirement provided for in Article 6 of Law No. 83-12 shall apply to the workers mentioned in this article starting from January 1, 2019.”³⁴

Fifth: Reduction of Retirement Age

The right to retirement may be influenced by the employment policy adopted in the country. When unemployment rates rise, the retirement age can be reduced to allow the hiring of unemployed workers. Since 2021, teachers’ unions have demanded a revision of the retirement law, considering the teaching profession as arduous. There have also been demands to include other categories (police, customs, health sector, and persons with special needs) within the scope of reduced retirement age or to classify their professions as arduous.

The new Algerian Retirement Law No. 25-09 (dated 23 Muharram 1447 AH, corresponding to July 19, 2025, Official Gazette No. 47) mainly concerns flexibility in retirement, amending Law No. 83-12 on retirement.

New measures were introduced to take into account the noble nature of the teaching profession and the difficulty of its performance, by reducing the retirement age by three years, in recognition of teachers’ efforts in training and preparing future generations, within a fair and sustainable approach. This amendment is part of a comprehensive vision that responds to the requirements of developing social protection systems and considers current economic and social transformations.

Currently, the reduction of retirement age in Algeria focuses on the education sector, allowing teachers and professors to retire three years earlier than the legal age (men at 57 instead of 60, women at 52 instead of 55), upon request and under specific conditions, with other exceptions for certain categories and arduous professions. **The new text prohibits combining this reduction with other reductions provided for in Article 8 of the retirement law, in order to avoid the accumulation of benefits and ensure the balance of the retirement system.**

The conditions for Reduced-Age Retirement are:

- **Optional nature and mutual agreement:** The employee has the freedom to choose between continuing work or retiring.



- **Freedom to continue activity:** The worker may continue working up to the age of 65.
- **Service requirement:** At least 15 years of service with contributions paid, in addition to a minimum of 7.5 years of actual work.
- **Eligible categories:** Teachers in the three levels of education, inspectors, supervisors, and school principals. This law grants them greater flexibility to voluntarily leave work based on professional, health, or social considerations.

Special Cases

There are exceptions for certain social categories in which the retirement age is reduced:

A – Female workers: They may retire at the age of 55 (or earlier) with a reduction of one year for each child (up to a maximum of 3 years). This reflects the legislator's concern for the social and professional specificities of women working in sensitive sectors such as education.

B – Workers in harmful or arduous positions: They benefit from a reduction in retirement age. In return, the employer pays additional contributions, with the rate determined by regulation. Workers may retire before the age of 60 if their position is characterized by particularly arduous conditions, after serving a minimum period in such a position. Article 3 of Law No. 16-15, which amends Article 7 of Law No. 83-12, states: "A worker occupying a position characterized by particularly arduous conditions may benefit from a retirement pension before reaching the age provided for in Article 6 above, after serving a minimum period in this position. The list of such positions, the appropriate ages, and the minimum period required shall be determined by regulation." This is the differentiated retirement granted to those working in dangerous, harmful, arduous, or unhealthy professions, i.e., jobs requiring special or significant biological capacities³⁵.

C – Persons with disabilities: No age requirement is imposed for workers suffering from total and permanent disability, subject to specific conditions.

Sixth: Retirement for Special Categories

1) Retirement of Senior State Officials

This type of retirement is governed by special provisions under Executive Decree No. 83-617 dated October 31, 1983, concerning the retirement of senior



state officials, amended and supplemented by Executive Decree No. 94-133 of June 1994, Executive Decree No. 95-180 of July 1995, Presidential Decree No. 99-240, and Decree No. 01-199.

Retirement for this category is a special case, as the Algerian legislator did not set a specific age for ending service and retirement, but relied on two conditions:

- The employee must have completed 20 years of actual and genuine service in a public function by the end of his duties.
- The employee must have served at least 10 years within those 20 years as a senior state official.
- The retirement rate is 100% equivalent to the last monthly salary, plus allowances (excluding allowances paid outside the national territory), provided contributions are paid to the National Fund and a written retirement request is submitted³⁶.

2) Judges

Given the nature of their duties, type of activity, and the specific characteristics of the judicial sector, judges were granted a special retirement system under Executive Decree No. 05-267 dated July 5, 2005, which defines the conditions and modalities of the judges' retirement system³⁷.

3) Retirement of Veterans and Widows and Children of Martyrs

The provisions of veterans' retirement apply only to persons who meet the status of moudjahid (veteran) in accordance with Decree No. 70-79. A person acquires the status of veteran if, during the War of Liberation, he was a member of one of the following categories: A member of the National Liberation Army, members of the National Liberation Front organization who were detained or imprisoned for at least one year and permanent members of the civilian organization of the National Liberation Front, with membership lasting no less than one year. Verification of participation is carried out through a copy of the municipal register signed by the Ministry of Veterans.

Widows and children of martyrs also benefit from retirement rights under Law No. 91-01 dated January 8, 1991, and Law No. 99-07 dated April 5, 1999, relating to veterans and martyrs.



Conclusion:

Through our study of the new amendments to the Retirement Law No. 16-15 and Law No. 25-09, we find that the legislator prioritized economic interests over social ones, unlike previous amendments to the retirement law. This is evident in the abolition of the proportional retirement system, retirement without age conditions, and early retirement.

Opening the door to proportional retirement would mean welcoming one million new retirees, thereby inflating the deficit of the National Retirement Fund. Hence, it was deemed necessary to continue with ordinary retirement only. Proportional retirement and retirement without age conditions were exceptional measures and maintaining them would have worsened the deficit.

The issue of the pension fund deficit, considered by the government as the main reason for abolishing these three types of retirement, requires solutions to restore balance to the fund rather than denying workers the right to leave their positions after 32 years of service and depriving them of retirement that matches the nature of their work.

Proportional retirement and retirement without age conditions were established under Ordinance No. 97-13 and abolished under Law No. 16-15, despite the advantages they could have offered, such as creating job opportunities and absorbing part of unemployment. The rise in the number of retirees under these systems was seen as the main cause of the pension fund deficit.

But can this measure truly restore balance to the fund in the medium and long term? Undoubtedly, this measure reduces the flexibility of Algeria's retirement system, as it no longer grants workers the option of voluntary retirement before the age of 60, except in the case of reduced-age retirement for teachers under Law No. 25-09.

The problem remains: does abolishing proportional retirement, retirement without age conditions, and early retirement really restore balance to the National Retirement Fund? Or will this legislative measure negatively affect employment in Algeria, since these systems allowed for job creation by replacing retirees with new workers?

Proportional retirement is indeed a workers' right and also a solution to youth unemployment. It is unreasonable to force a worker who has completed 32 years of service to remain in his position until reaching the retirement age of 65. The return of retirement without age conditions would be an opportunity to address youth



unemployment, especially among university graduates, as retirees would vacate positions for new employees.

As for arduous professions, the legislator should have hastened to establish the list of such jobs, following comparative legislation, instead of leaving a legal vacuum since 2016. A total of 5,510 arduous professions have been identified but not yet disclosed, and the Law on Arduous Professions is expected to settle this matter.

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¹ International Labour Organization (ILO), “World Social Protection Report 2014–2015: Building Economic Recovery, Inclusive Development and Social Justice.” op. cit., p. 5.

² Economic and Social Council, Committee on Economic, Social and Cultural Rights, United Nations, “General Comment No. 19: The Right to Social Security (Article 9).” op. cit., pp. 5–6.

³ Abderramane Khalifi, *The Retirement and Pension System in Algeria*, Dar Al-‘Uloom Publishing, Annaba–Algeria, 2015, p. 99.



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⁴ Slimane Ahmia, *The Legal Organization of Labor Relations in Algerian Legislation (Individual Labor Relations)*, University Publications Office, Vol. 1, 1st Edition, 1998, p. 413.

⁵ Abderrahmane Khalifi, op. cit., p. 95, pp. 67–68.

⁶ El-Djilali Adja, *The Concise Guide to Labor Law and Social Protection: The General Theory of Social Law in Algeria*, Dar Al-Khaldounia, Algeria, 2005, p. 127.

⁷ Abderrahmane Khalifi, op. cit., p. 67.

⁸ El-Djilali Adja, op. cit., pp. 127–128.

⁹ El-Djilali Adja, op. cit., p. 128.

¹⁰ Website of the National Retirement Fund (CNR): CNR.dz.

¹¹ Abderrahmane Khalifi, op. cit., p. 112.

¹² Nasr Eddine Bou Naas, *Analysis of the Pension System Policy in Algeria with Focus on Law No. 16-15 of 2016*, Master's Thesis, Djilali Bounaama University, Khemis Miliana, Algeria, 2018–2019, p. 18.

¹³ In other types of retirement, the legislator linked actual service with the retirement age, with the possibility of benefiting from retirement without age requirement upon completing 32 years of actual work, as follows: Early retirement (Legislative Decree No. 94-10): 50 years for men and 45 years for women. Partial retirement (Ordinance No. 97-13): 50 years for men and 45 years for women. Retirement without age requirement: no age condition for retirement for both men and women. This was in effect before its abolition in 2016. Abderrahmane Khalifi, previously cited reference, p. 128; Nasr Eddine Bou Naas, op. cit., p. 18.

¹⁴ Abderrahmane Khalifi, op. cit., pp. 16–17.

¹⁵ Abderrahmane Khalifi, op. cit., p. 129.

¹⁶ Abderrahmane Khalifi, op. cit., p. 129.

¹⁷ Ministry of Labour, Employment and Social Security website, “National Social Security Policy.”

¹⁸ Retirement is carried out either upon the employee's request or automatically by the administration through submission of a retirement application, provided that the legal conditions for retirement are already fulfilled.

¹⁹ Abderrahmane Khalifi, op. cit., pp. 110–111.

²⁰ Before 1983, the Algerian retirement system was characterized by a multiplicity and diversity of funds, with the number of schemes reaching 11 distinct systems, 17 social security funds, and 11 complementary retirement funds.

²¹ Abderrahmane Khalifi, op. cit., p. 114.

²² France established a retirement system in 1776, while England officially adopted it in 1834 through retirement laws. In the United States, it was introduced in 1776 for disabled veterans and their families, and later extended to civilian employees in 1920.

²³ Abderrahmane Khalifi, op. cit., p. 94.

²⁴ Ibid., p. 126.

²⁵ Abderrahmane Khalifi, op. cit., pp. 69.

²⁶ Legislative Decree 94-05 and Ordinance 96-18 amending and supplementing Law 83-12, Ordinance 97-13 amending and supplementing Law 83-12, and Law 99-03 amending and supplementing Law 83-12.

²⁷ Abderrahmane Khalifi, op. cit., p. 95.

²⁸ Website of the Ministry of Labour, Employment and Social Security, “National Social Security Policy”.

²⁹ Abderrahmane Khalifi, op. cit., p. 107.

³⁰ Slimane Ahmia, op. cit., p. 160.

³¹ Abderrahmane Khalifi, op. cit., p. 67.

³² Ibid., p. 113.

³³ Meriem Ziane, “The Retirement System in Algeria According to the New Amendment to Law No. 16-15,” *Journal of Studies on the Effectiveness of the Legal Rule*, Vol. 4, No. 1, Algeria, 2020, p. 215.



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³⁴ Algerian Radio, “The New Retirement Law Enters into Force,” 14/01/2017. Accessed on 12/01/2021. Available at: <https://www.radioalg>

³⁵ Slimane Ahmia, op. cit., p. 153.

³⁶ Nasr Eddine Bou Naas, op. cit., p. 14.

³⁷ Abderrahmane Khalifi, The Retirement and Pension System in Algeria, op. cit., p. 127.