



The Constitutional Status of the National Assembly

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Abstract: The legislative authority encompasses two primary institutional structures, namely the unicameral system and the bicameral system. The latter entails the delegation of legislative authority to two chambers, which jointly undertake the responsibility of legislation. This arrangement is predicated on the fundamental principle of differentiation between the two chambers in terms of their composition and jurisdiction. The adoption of the bicameral system was not a fortuitous occurrence but rather a product of a comprehensive rationale comprising multiple justifications.

The inclusion of a second chamber within the Algerian parliament is not a novel concept derived solely from the Algerian constitutional system. Instead, the origins of the bicameral system can be traced back to historical antecedents. It has been adopted by numerous countries, and its applications continue to evolve. The rationales underlying the establishment of a bicameral system are intertwined with objectives such as enhancing representation, fostering legislative efficacy, and attaining an optimal equilibrium between the legislative and executive branches. These justifications reflect a concerted effort to ensure a harmonious functioning of the parliamentary structure and to achieve overarching societal goals.

Keywords: National Assembly - two-chamber system - legislative authority – Parliament.



Introduction :

Nowadays, the evaluation of states' policies is often measured based on the democratic principles embedded within their constitutions. The exercise of sovereignty by the people stands as a paramount achievement in the historical struggle for democracy undertaken by nations and societies. Constitutional law scholars have expressed optimism regarding the enduring legacy of this struggle, which has been immortalized in history. The theory of sovereignty, coinciding with the revolutionary movements that marked the end of the Middle Ages, ushered in a new era for societies, giving birth to prominent democratic regimes worldwide and opening a new chapter in the collective aspirations of nations.

The historical conflict arising from the colonial race for dominance, particularly evident in the French colonization of our country, and the subsequent constitutional changes that significantly influenced our legal system, can be understood as an outcome of the concept of sovereignty. This concept, developed by numerous philosophers and influenced by neighboring countries such as Germany and Britain, found its embodiment in legal thinking. The theory of sovereignty, central to the study of constitutional law, exerted a profound influence on the principles and structures adopted within the framework of constitutions.

Sovereignty, since its inception, found its embodiment in the nation, but it was through the evolution of states towards a republican character that the concept of popular sovereignty emerged. This form of sovereignty is practiced through a council elected by the people, which holds the authority in governing alongside the National Assembly. Initially, the People's Assembly did not possess the same level of significance as it does today. Both chambers, the first and second chambers, now form a unified parliament with the primary objective of legislative production while also exercising oversight over government actions. The unified parliament operates as an expression of the democratic will of the nation.

Despite a delay in establishing the National Assembly in Algeria due to constitutional considerations during the country's independence, the democratic transition that began in the late 1980s marked a significant turning point. This transition reflected the progressive realization of the rule of law and the manifestation of Algeria's modern constitutional experience. The constitution gained strength through the introduction of prestigious political institutions, most notably the National Assembly, following the constitutional amendment of 1996. Further



reinforcement was achieved through the subsequent amendment of 2020, solidifying the role and importance of the National Assembly as a cornerstone of Algeria's constitutional framework. The bicameral system and the single-parliamentary system are the two basic forms that the legislative power is familiar with; ¹ in the first system, the legislative power is vested in a single parliament consisting of a number of deputies who are elected as a general rule by the people according to the electoral system approved by the constitution. Concerning the second system, it is intended that the legislative power be vested in two chambers that share the task of legislation, in which this system has adopted the principle of contrast between the two councils in terms of formation and competence

While the two-chamber system is characterized by the presence of two distinct chambers as a fundamental principle, the reasons for adopting this system vary from one country to another. Furthermore, the implementation of the system varies in different countries, leading to diverse forms of its application. Consequently, there is no universally applicable standard that can be used to gauge the success or failure of the system in all contexts. The justifications for adopting the two-chamber system are contingent upon specific national circumstances and are influenced by unique political and historical factors.

The implementation of a two-chamber system in any country is driven by a range of motives, justifications, and reasons, encompassing political, historical, and social factors. While the specific motivations may vary, the adoption of this system is generally regarded as a fundamental characteristic of modern states and a pivotal concept for the advancement of robust democratic systems. The two-chamber system is perceived as an essential framework that facilitates the development and functioning of major democratic systems, aiming to enhance governance and ensure better representation of diverse interests within society.

The constitutional amendment enacted on November 28, 1996, and further amended in 2020, aimed at implementing significant legal and institutional reforms to strengthen pluralistic democracy and advance the establishment of the rule of law. Among the key changes introduced, particular attention was given to the legislative authority, both in terms of its composition and jurisdiction. Notably, the establishment of a second chamber within the Parliament, referred to as the "*Majlis al-Ummah*" in the constitutional text, alongside the National People's Assembly,



represents a transformative development that merits a comprehensive examination of its position and role within the constitutional framework.

The first topic: the backgrounds and justifications for the two-chamber system

The National Assembly has assumed various constitutional functions, with a primary focus on enhancing legislative productivity that was previously concentrated within the National People's Assembly. Through its exclusive authority to enact organic legislation, the National Assembly has effectively modernized the legislative process, drawing legitimacy from the constitutional principles it upholds. Its significant role in advancing legislative progress necessitates a historical investigation to uncover the historical context and rationale behind the adoption of the two-chamber system.

The first requirement: Historical background of the two-chamber system

Bicameralism, also known as the bicameral system or parliamentary dichotomy, refers to a political system characterized by the presence of a parliament consisting of two distinct chambers. This system, originating in countries such as Britain, the United States of America, and France, has been adopted and transmitted by numerous nations, making it an essential aspect of comparative law. The prominence of the two-chamber model in various legal systems compels us to acknowledge its significance and consider it in our analysis.

The historical development of constitutional law reveals an intriguing fact regarding the House of Lords, the second chamber in the British parliament, which preceded the establishment of the first chamber. Prior to the twelfth century AD, the monarch held all powers, including legislative authority, with the assistance of an advisory council known as the Queen's General Council. However, during the reign of King John Saint Terre, whose oppressive rule posed a threat to the English populace, a revolt was staged by the nobility in 1215 after which King John was forced to restore freedoms under the Grand Charter known as *Carta Magna*² on January 20, 1265, according to which the imposition of the tax was prohibited, except after the approval of Parliament, which is made up exclusively of nobles, barons, and the clergy, the British Parliament split into two chambers: the House of Commons, which has 659 elected members serving five-year terms, and the House of Lords, which has a same number of members (i.e.,



659), but is made up of a different group of people. Six hundred sixteen, 616 individuals count as its members.

Legislative production has historically remained resilient against constitutional infringements, as it has been rooted in the principles of national sovereignty and subsequently the sovereignty of the people. The parliamentary systems that exist today are a testament to the ongoing pursuit of upholding these principles. The British model, in particular, stands as a pioneer in this regard, with legislative mechanisms aligning with the primary executive mechanisms of Parliament, alongside the secondary mechanisms associated with the Prime Minister. This harmonization has contributed to the effective functioning of the legislative process.

The French perception, especially since the inception of the Fifth Republic in the 1950s, has been marked by a sense of disillusionment. The French people have been consulted on various constitutional matters, including significant amendments incorporated into the constitution. However, some of these amendments have had a detrimental impact on legislative production, leading to consequences that were unforeseen and irreparable. This has resulted in the erosion of essential principles such as freedoms and representation, which have become marginalized within the French societal framework. Article 37 of the constitution stands as an example of a provision that has significantly influenced the French political landscape, despite its implications not being fully comprehended by the people.

The inclusion of Article 37 in the French Constitution introduces a constitutional mechanism that appears to undermine the legislative authority. This provision introduces a novel and unfamiliar concept to the executive authority, whose primary responsibility is to govern and implement the will of the people. The extensive powers vested in the executive body grant the President of the Republic a normative authority that operates independently of the legislative authority embodied in Parliament. Consequently, Parliament's role has been reduced to that of a mere national committee, raising concerns about the balance of power between the executive and legislative branches.

The second requirement: Justifications and Foundations of the two-chamber system

The adoption of a bicameral system in any country is influenced by a range of political, historical, and social factors that are unique to that country. The establishment of the bicameral system can be traced back to its initial implementation in Britain during the early 13th century.



Subsequently, the bicameral system gradually spread to numerous countries worldwide ³.

Accordingly, the most important reasons and justifications for adopting the two-chamber system can be summarized as follows:

The first section: promoting legislative work

The bicameral system of parliament offers a framework that promotes careful deliberation and facilitates the implementation of comprehensive, long-term strategies in the legislative process. This system serves as a prudent parliamentary mechanism for effective legislative oversight and codification. Furthermore, it serves as a constitutional avenue to address gaps and refine legislative texts that are passed by the lower chamber. By incorporating two chambers with distinct roles and perspectives, the bicameral system enhances the quality and integrity of the legislative decision-making process ⁴so the passage of the legislative text over two debates must be more accurate. The second chamber plays a significant role in preventing the first chamber from making irresponsible decisions because it typically includes among its member's expertise and competencies that would enrich the council's Parliament and increase the level of its efficiency.

The presence of a bicameral system provides a stronger safeguard for legislation by enhancing and advancing the functioning of the legislative authority. The consideration of bills in two separate chambers ensures a more thorough and meticulous legislative process, resulting in the enactment of laws that are well-studied and conscientious. Moreover, this system helps to minimize legal ambiguities and reduce the potential for undue political influence in legislative outcomes. By subjecting proposed laws to the scrutiny of both chambers, the two-chamber system promotes transparency, accountability, and the delivery of more robust and effective legislation. ⁵

Section Two: Improving Parliamentary Representation

The bicameral system of government ensures a comprehensive and accurate representation of various classes, strata, and diverse interests within the state. It recognizes the importance of regional group representation, as exemplified by the Algerian constitutional amendment enacted on November 28, 1996. This system is widely regarded as the most capable,



effective, and robust mechanism for representing regions, states, and even smaller entities within complex and geographically extensive nations, particularly those with federal structures. Its inherent capacity to accommodate the unique needs and perspectives of different regions and sub-national entities makes it an inclusive, fair, and democratic approach to parliamentary representation.⁶

In federal states, the composition of parliament typically includes two chambers. The first chamber represents the entire population and adheres to the principle of proportional representation, ensuring that each member state's representation is proportional to its population within the federation. On the other hand, the second chamber represents the member states of the federation, with an equal number of deputies allocated to each state regardless of their respective populations.

Section Three: Achieving a balance between the legislative and executive powers

One of the key justifications for the establishment of a second chamber is to foster harmony and cooperation between the legislative and executive branches, ensuring that each authority operates within its designated powers and maintains independence with its respective apparatus. The two-chamber system is regarded as an embodiment of the principle of separation of powers, as it disperses power among multiple entities. The creation of a second chamber serves as a safeguard against the absolute rule in the context of political pluralism, as it prevents the domination of the majority and provides a platform for minority representation and influence.⁷

The National Assembly serves as an institutional mechanism to restore equilibrium between the legislative and executive powers. It plays a crucial role in ensuring stability and representing the enduring values and profound interests of the nation, independent of political and electoral fluctuations. Its establishment aims to prevent impasses that may arise between the government and the National People's Assembly, which could disrupt the supreme interests of the state. Additionally, the National Assembly endeavors to limit the intervention of the President of the Republic, who holds the authority to dissolve the National People's Assembly.



The two-chamber system mitigates conflicts between Parliament and the government, particularly between the first chamber and the government, as it enables the government to be held politically accountable while providing the possibility of dissolving the first chamber. Consequently, the second chamber assumes a ruling and stabilizing role, both institutionally and politically.

The second topic: justifications for the National Assembly and its effects

The significance of Article 98 of the 1996 Constitution, prior to the amendment, lies in its role as a foundational document for the establishment of the bicameral system. This article explicitly states that legislative power is vested in the Parliament, which consists of two chambers: the National People's Assembly and the Council of the Nation. The Parliament holds sovereignty in the formulation and approval of laws. Consequently, this marked a historic moment in Algeria's political history, as it introduced a system of dual power and restored national sovereignty since the country's independence.⁸

First: justifications for the establishment of the National Assembly

Algeria approved the decision to create the Council of the Nation, the second chamber of parliament, as provided for in the constitution of November 28, 1996. It was formally established on January 4, 1998.⁹

Section one: political justifications

For a period of 34 years, Algeria operated under a single-chamber system until the introduction of the 1996 constitution, which brought about a significant legislative reform by establishing the National Assembly alongside the National People's Assembly. This move aligned Algeria with the prevailing trend in most international constitutional systems. The decision to adopt the dual legislative system in the 1996 constitution was a deliberate choice made in response to the challenging crisis that Algeria faced in various aspects during the early 1990s. It marked a notable milestone in Algeria's constitutional history, as it introduced the National Assembly as a second chamber alongside the National People's Assembly. It is



important to note that the adoption of this system in Algeria was not accidental or arbitrary, but rather stemmed from specific historical circumstances and underlying factors.

The adoption of parliamentary bipartisanship in Algeria was driven by several factors that highlighted the need for robust and stable institutions to facilitate a democratic transition. It aimed to ensure the credibility of the state, enhance national representation, and guarantee the stability and continuity of the nation. This decision was made in response to a tumultuous period marked by significant political changes, including the transition from a one-party system to a multi-party system. Additionally, the country faced serious challenges posed by acts of violence that threatened the institutional fabric of the state. In light of these exceptional circumstances, the establishment of a two-chamber system emerged as a viable solution, addressing the shortcomings of the previous system and providing a way forward.

The constitutional amendment of November 28, 1996, in Algeria, was prompted by a critical juncture characterized by a significant deterioration across various dimensions, including institutional, social, economic, and political security. The resignation of the President of the Republic in January 1992, coupled with the dissolution of the Parliament, resulted in a constitutional vacuum. In response to this, the establishment of a second chamber aimed to address potential vacancies in the presidency of the republic. By having this chamber, the continuity of the political system and institutions in the country could be ensured, as it would be immune to dissolution. Moreover, in the event of the death or the resignation of the President of the Republic, the president of this chamber would assume the role, effectively bypassing the issue of constitutional vacuum that the country had experienced before.

Furthermore, the establishment of the National Assembly in Algeria is significant for preserving stability and defending the executive branch, particularly in the event that one of the parties wins the majority of seats in the National People's Assembly. Through the National Assembly's makeup and the presidential third's appointment ¹⁰. In the case that an opposition party takes office, as happened in the early 1990s, this third will help to restrain the National People's Assembly's despotism over the executive branch.

Another justification for the existence of the National Assembly is the detachment from political affiliations and loyalties of its members, as they are not directly elected by the citizens but rather by members of local councils or through appointment. This helps overcome any



deficiencies or imbalances that may arise from direct legislative elections. It ensures the representation of various groups, including those with scientific and social expertise, who might not be adequately represented through direct elections. Additionally, the National Assembly allows for representation on a regional level, considering that a majority of its members, about two-thirds, are elected by local elected officials. This reinforces the belief that while the National People's Assembly represents the people, the National Assembly represents the region. Furthermore, the equal representation of states in the National Assembly disregards the demographic dimension, making political representation independent of population size.¹¹ Hence, it can be observed that political representation in both the National Assembly and the National People's Assembly encompasses both a demographic dimension and a regional dimension, albeit with variations in the geographic scope. In the National Assembly, the electoral district is based on the state, whereas the National People's Assembly typically includes multiple constituencies within a state, determined by factors such as population density and proximity to the state capital. Consequently, the National Assembly represents the people through their local groups, which are initially elected by the individuals comprising these local groups. Given the structural connection between the National Assembly and the local groups, particularly for elected members, it is expected that they would be closer to the citizens and the local administration, fostering a stronger link between the representative and the constituents which constitute the National Assembly an impenetrable barrier, and in the event that a single Legislative Council is affected by the dominance of the majority, then the second chamber is formed as the opposite, and its covenant in the longer term, its contribution is necessary to achieve a kind of balance and preventing disagreements, and this is what is in line with the thought of " *Montesquieu* " regarding the distribution of power and separation between them, especially his famous saying ¹² "*Le pouvoir arrête le pouvoir*" which is translated to "*power stops power*".

likewise, the Council of the Nation was established as a governing council, a safety valve for the country and the Algerian state in the event of political or constitutional conflicts amongst state institutions, as well as in times of need or extraordinary circumstances. ¹³ Especially in



terms of the specifics that distinguish the Council of the Nation from the National People's Assembly in terms of the term of membership (06) years, and its indissolubility. The majority system in which it operates on the occasion of the ratification of laws, as well as status is enjoyed by its president, who is considered the second ruler in the state after the President of the Republic.

The second section: legal justifications

One of the legal justifications for the implementation of the bicameral system in Algeria is its alignment with the principle of separation of powers. By adopting this system, the aim is to prevent the concentration of absolute power in a single authority. The presence of two chambers helps alleviate tensions and conflicts between the executive and legislative branches. It recognizes that laws hold significance only when power is divided among various entities that work toward promoting the public interest. Moreover, this system serves as a mechanism to check and balance each other's actions, ensuring that no authority encroaches upon the jurisdiction of another ¹⁴.

The principle of separation of powers relies on the allocation of functions and the division of competencies among three entities: the legislative, executive, and judicial branches. The two-chamber system is considered an embodiment of this principle, aiming to prevent the concentration of power in the hands of a single individual or body, which can lead to tyranny. The presence of the National Assembly plays a crucial role in ensuring a more effective separation of powers. It serves to moderate and reduces the intensity of positions held by the first chamber, which often arise from the fervor and impulses of the majority resulting from direct voting. The National Assembly transforms into a governing body and an institutional stabilizing factor, particularly in situations of disagreement between the government and the National People's Assembly. It acts as a mediator between the two parties and assumes the responsibility of settling such disputes. Furthermore, the National Assembly enjoys constitutional immunity and cannot be dissolved by the executive authority.

The executive branch holds significant importance as one of the key organs of the state. It has undergone numerous reforms, with a notable emphasis on redefining its role to align with the principles of good governance. The reformulation of executive mechanisms aims to ensure their compatibility with the principles of good governance and enhance their effectiveness.



The concept of governance is centered around effectively managing state affairs while striving to represent the national interests in the relationship between the governing authority and the citizens. As a result, administrative mechanisms serve as the fundamental framework for governance, acting as essential components that cannot be separated from other mechanisms, particularly legislative mechanisms. However, a contradiction arises when attempting to reconcile the notion of legislative policy with the concept of good governance, posing a challenge in harmonizing these two seemingly contradictory elements.

The constitutional amendment aimed to establish the National Assembly as an additional entity that contributes to maintaining a balance of power and ensuring adherence to constitutional principles. It assigned the National Assembly the responsibility of examining and deliberating on the legislative texts passed by the National People's Assembly, granting it the authority to raise objections and subsequently approve or reject them. Moreover, the amendment introduced a system of oversight by the National Assembly over the actions of the executive authority, following the National People's Assembly's decision-making process.

besides contributing to the legislative authority delegated to it by the constitution, the constitutional amendment of November 28, 1996, as amended for the year 2020, provided the National Assembly the right to monitor the actions of the government. This allows it to perform parliamentary and political oversight in accordance with the Constitution. This competence is described as the authority granted to oversee the executive authority's actions, which are embodied in "studying the actions carried out by the government and the policies it follows in a subsequent study, with the right of the representative body to issue rulings that may lead to punishment." ¹⁵

The oversight mechanisms and procedures were established by the Algerian constitutional founder through the constitutional amendment of 2020, along with the enactment of Organic Law No. 16-12 on August 25, 2016. This law defined the structure and functioning of the National People's Assembly and the Council of the Nation, as well as their working relationship with the government. Additionally, the internal regulations of the Council of the Nation were established through a separate decree on August 22, 2017. These legal instruments collectively govern the operation and interplay between the legislative bodies and the government in terms of oversight and control.



The provisions related to the legislative power and parliamentary oversight were included in Articles 114 and 115 of the constitutional amendment of 2020. Article 114 explicitly states that the legislative power is vested in a two-chamber parliament, namely the National People's Assembly and the National Assembly. Each chamber has the authority to draft and vote on laws. On the other hand, Article 115 specifies that Parliament is responsible for monitoring the activities of the government, subject to the conditions outlined in Articles 106, 111, 158, and 160 of the Constitution. These articles outline the criteria and mechanisms by which parliamentary oversight of the government is conducted.

In fulfilling its oversight role, Parliament utilizes various control methods, which include:

- Discussion method: Regarding the presentation of the government's program for the annual general policy statement of the Finance Law and the State Budget,
- Hearing members of the government through council committees,
- Government questioning
- Asking oral and written questions to members of the government
- Parliamentary inquiry
- Financial control.

Furthermore, it should be noted that during the Prime Minister's presentation of the government's action plan and its subsequent discussion and approval by the National People's Assembly, the role of the National Assembly is restricted to reviewing the plan without engaging in substantive discussions. However, in contrast, the constitutional provision grants the Council of the Nation the opportunity to express its position and opinion through the issuance of a statement. This arrangement is outlined in the final paragraph of Article 106 of the 2020 Constitutional Amendment, which is regarded as an exceptional and noteworthy mechanism for evaluating the government's performance.¹⁶

Although the impact of the National Assembly's oversight of the government's work may primarily serve as a means of drawing the government's attention to specific issues, the establishment of the National Assembly expands the scope of parliamentary oversight practices. This expansion is evident in the increased number of oral and written questions directed at government officials and the extended duration of discussions, which occurs due to the dual practice of oversight in both chambers.



Moreover, the National Assembly assumes various constitutional roles, the most significant being the activation of legislative productivity. Previously, legislative production was predominantly limited to the National People's Assembly, represented by the People's National Assembly. However, with the introduction of the National Assembly, ordinary legislation has been extended to include organic legislation. By establishing its legitimacy on constitutional foundations, the National Assembly plays a crucial role in driving the legislative process forward.

The second requirement: the influence of the National Assembly in legislation

The introduction of a second chamber in the Algerian parliament by the constitutional founder was not solely aimed at enhancing the quality of legislation, broadening national representation, and ensuring the stability of the state. The impact of this decision can be observed in the following aspects:

1- The effect of the algorithm for voting

The Algerian constitutional founder introduced a revised voting mechanism in the National Assembly through the 2016 constitutional amendment, which was further reinforced in the 2020 amendment. This new mechanism eliminates any legislative influence for the appointed third of the National Assembly, thereby facilitating the process of legislation. Article 145 of the Constitution specifies that the National Assembly approves the text passed by the National People's Assembly by a majority of its present members for ordinary draft laws, or by an absolute majority for draft organic laws. This differentiation in the ratification process emphasizes the principle of gradation between ordinary and organic texts, with a simple majority required for the National Assembly's approval ¹⁷ of the members present in the ratification session with regard to the regular laws ¹⁸, Therefore, extensive consultation is not necessary for the approval of ordinary laws. However, for organic laws, an absolute majority of Council members is required, which means a minimum of 50 + 1 votes, taking into account the total number of Council members and not just those present. This demonstrates the intention to balance the two chambers and ensure the flexibility and efficiency of parliamentary proceedings based on the requirements of the legislation. It aligns with the new role assigned to the National



Assembly, which serves as the initial platform for drafting texts related to local organization, regional preparation, and the division of the country into regions.¹⁹

2- The effect of initiating legislation

The 2020 Constitutional Amendment has enhanced the authority of the Second Chamber to propose legislation.²⁰ Which is meant by his role in examining texts related to the field of competence determined for him in Article 144 of the Constitution²¹, whether those texts were presented in the form of draft laws submitted by the government, or in the form of a law proposal submitted by members of the National Assembly, or in the form of an amendment to an existing text.

As per the mentioned article, the National Assembly is granted the right to be involved in all phases of the legislative process. This includes participation in the preparation and initiation of legislation, as well as engaging in discussions, proposing amendments, and ultimately voting and ratifying the laws.²² The country's regional, which are initially areas related to ordinary laws, not organic laws.

It is important to note that the procedures for issuing legislation by the National Assembly are similar to those applied to the National People's Assembly. Both chambers have the authority to introduce amendments to the proposed texts. A mechanism for resolving disputes between the two chambers was established, which underwent a modification through the 2016 constitutional amendment and was further strengthened in the 2020 amendment. In addition to the joint committee composed of members from both chambers, the government also has the option to request the final decision from the National People's Assembly based on the text prepared by the joint committee or the last version approved by the National People's Assembly.²³

3- The effect of oversight on the constitutionality of laws

According to the 2020 constitutional amendment, Parliament is entrusted with additional responsibilities aimed at ensuring the constitutionality of laws. The Speaker of the Council or its



members have the authority to notify the Constitutional Court of any potential violations.

However, there are certain limitations to this process, which include the following:

- The notification must be submitted by at least 25 members of Parliament²⁴
- Adhering to the procedural conditions
- Relating to the texts of ordinary laws ratified before their promulgation, treaties before their ratification, and regulations within one month from the date of their publication. It can also be notified about disputes arising between the constitutional authorities.
- Adhering to the procedural conditions required to exercise the right of notification²⁵

Conclusion

The evolving landscape in countries and governments, including Algeria, has prompted a reevaluation of the system of representation and sovereignty. Through the National Assembly, Algeria aims to embrace participatory democracy as a means of practicing good governance. This approach is crucial for upholding the integrity and significance of legislation.

Active involvement in legislative production serves as a reflection of a nation's advancement and meets the aspirations of its people. Legislative production, as one of the primary functions of parliament, becomes the yardstick by which the sovereignty of states is measured, as it signifies the authority of their legislative systems. To truly fulfill its purpose, legislative production needs to break free from constitutional challenges and overcome administrative constraints imposed by the executive authority. These two aspects shed light on the role of legislative production in the context of good governance.

The introduction of the bicameral system in Algeria, with the establishment of the second chamber called the "*Majlis al-Umma*," was part of the national evaluation and institutional modernization policy during a period of political unrest. The constitutional founder's main objective in implementing this system was to enhance the legislative and oversight functions within Parliament.

From its inception, the National Assembly has been committed to following the path outlined in the Constitution, which grants it legitimacy and emphasizes the importance of



adopting appropriate working rules for its success. The National Assembly derives its mandate from the Constitution, and it remains vigilant in upholding the principles that form the legitimate basis of state institutions and the exercise of power. This commitment extends to its parliamentary duties, as the National Assembly emphasizes the necessity of strict adherence to legal texts, relying on the discipline and responsibility of its members. They strive to overcome partisan loyalties and prioritize the rule of law and constitutional principles. Through the constitutional experience of the Algerian parliament, it has become evident that the upper chamber, alongside the lower chamber, plays an effective and recognized role in the parliamentary work. Both chambers hold important positions and contribute to the overall functioning of the parliamentary system.

The 2020 Constitutional Amendment further reinforced the role of the National Assembly and brought about improvements in legislative work, strengthening its functions. The constitutional founder recognized the significance of the National Assembly by granting it a more prominent position compared to the past. The National Assembly was given greater capacity and powers, particularly in areas related to local organization, regional preparation, and division.

The composition of the Algerian National Assembly reflects the vision of the constitutional founder of this institution. It was designed to grant the National Assembly a unique system that includes an opposition, allowing for effective participation in parliamentary and political activities. This contributes to the promotion of democratic processes and establishes safeguards for the defense of fundamental rights guaranteed by the Constitution.

Over time, the upper chamber of parliament has witnessed notable development in terms of expanding its parliamentary functions and powers, particularly in legislation and oversight. Its political standing has improved, and its status has been strengthened. Importantly, the parliament, including the National Assembly, cannot be dissolved, ensuring its continuity and stability.

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The Constitutional Status of the National Assembly

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¹ - Article 144 of the Constitution states : " Drafts of laws related to the local organization, regional preparation, and division shall be deposited The regional office of the National Assembly. Except for the cases



The Constitutional Status of the National Assembly

indicated in the paragraph above, all other bills shall be deposited with the Bureau of the National People's Assembly.

¹ Article 114 of the constitution stipulates that “the legislative power is exercised by a parliament consisting of two chambers, the National People’s Assembly and the National Assembly.” Each of the two chambers of parliament has sovereignty in preparing and voting on the law.

¹ - Najawi Abdel Hafeez, The legislative role of the National Assembly in light of the constitutional amendment of 2016, Ph.D. thesis in in-depth public law, Faculty of Law and Political Science, University of Djelfa - 2019-2020, pg. 91

¹ Article 145 of the Constitution

¹ - Article 193 of the Constitution

¹ - Khataf Boubaker, Notification as a mechanism to strengthen the role of the parliamentary opposition in

monitoring the constitutionality of laws in Algeria, Algerian Journal for Security and Development, University of Batna, Algeria, Volume 09, Issue 02, July 2020, p. 239