

Human Rights System and the Principle of Legal Security: An Integrative Approach to the Concept of Legal Protection

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Abstract:

This study aims to analyze the integrative relationship between the human rights system and the principle of legal security, by elucidating the conceptual and legal foundations of each, and highlighting the aspects of interaction between them. This topic is considered a fundamental pillar of the rule of law, as legal security ensures stability and clarity in legal rules, enabling individuals to anticipate the consequences of their actions and limiting arbitrariness. Respect for acquired rights constitutes an essential element for protecting legal positions and maintaining trust in the legal system. The study further demonstrates the interactive and integrative relationship between legal security and human rights; legal security provides practical protection for rights, while human rights define the scope that guarantees this security. The article concludes that legal security and human rights form an integrated system that ensures legal stability, safeguards rights, and achieves justice within the framework of the rule of law.

Keywords: Human Rights; Legal; Security; Protection; Stability; Justice.

Introduction:

In the modern era, the human rights system has become one of the fundamental pillars of building the rule of law, due to its pivotal role in protecting rights and freedoms and ensuring human dignity. In the same context, the principle of legal certainty has emerged as a core principle underlying contemporary legal systems, as it is a necessary condition for achieving legal stability, enhancing individuals' legitimate trust in legal rules, ensuring their predictability and clarity, preventing arbitrariness in their application, and advancing the state of law.

It is impossible to view the human rights system and the principle of legal certainty as separate or conflicting domains. On the contrary, their relationship is interactive and integrative; legal certainty serves as a fundamental guarantee for the effective enjoyment of human rights, while human rights provide a central normative framework that consolidates this certainty and defines its scope and limits. The greater the respect for fundamental rights and freedoms, the more it positively affects the stability and justice of the legal system, and vice versa.

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This integrative relationship becomes even more significant considering the rapid legislative and judicial transformations occurring in states, sometimes accompanied by legislative inflation and continuous changes in legal rules, which may undermine the principle of legal certainty and negatively affect the protection of human rights. Therefore, there is a need for an in-depth study that highlights the aspects of integration between the human rights system and the principle of legal certainty, while identifying the limits of this integration and the challenges to its implementation at both legislative and judicial levels.

Based on this premise, and to address the practical issues related to the application of this integration, the following research question was posed:

What is the nature of the relationship between the human rights system and the principle of legal certainty?

To answer this question, the study is structured as follows:

- *Section One: Conceptual Foundations of Legal Certainty*
- *Section Two: The Relationship between Legal Certainty and Human Rights*

Section One:

Conceptual Foundations of Legal Certainty

The concept of security is no longer limited to its traditional connotations related to social, political, or economic security, nor to its environmental, food-related, or international dimensions. Its scope has expanded to encompass the legal rule itself, which has led to the emergence of the concept of legal certainty. Legal certainty is understood as the legal framework capable of ensuring the stability and firmness of legal rules, as well as achieving order and continuity throughout the entire legal system.

I. The Concept of Legal Security:

Given the difficulty of establishing a single, precise definition of legal certainty, considering the plurality of jurisprudential approaches and the variation in definitions proposed, a significant portion of legal scholarship agrees on the inherently indeterminate nature of the concept. This indeterminacy stems from the broad scope of its applicability, which leads to differences in perceptions and theoretical foundations. In this study, we will attempt to delimit the concept of legal certainty within the framework of the adopted scientific specialization.

Some define it as “the precise, certain, and clear knowledge that individuals have of their legal positions, enabling them to know their rights and obligations, which allows them to act with confidence based on this knowledge, without fear or anxiety about the consequences of their actions in the future.”¹

Legal security represents a multidimensional and multilayered concept, fundamentally centered on respecting a set of rights and principles that ensure the validity and effectiveness of legal rules. This principle entails an obligation on public authorities to guarantee a certain degree of stability in legal

*relationships and to provide a minimum level of security for legal positions, enabling individuals to act with confidence and assurance in accordance with existing rules and legal frameworks, Legal security also aims to allow individuals to organize their legal affairs based on these rules without facing sudden measures that could undermine their legitimate expectations or destabilize their legal positions.*²

*Regarding the judicial definition, the French Council of State addressed the concept of legal security in its 2006 annual report: "A principle requiring that citizens, without undue effort, be able to determine what is permitted and what is prohibited by the applicable law, to achieve this, the established rules must be clear, understandable, and not subject to frequent or unexpected changes over time."*³

*The principle of legal certainty is defined as a set of rules and safeguards that ensure stability within the legal system, allowing individuals to anticipate the legal consequences of their actions under clear, stable, and predictable legal norms that are not subject to sudden change.*⁴

*Legal certainty also refers to enabling the subjects of the law to be confident in their rights and legal positions, through the clarity and stability of legal rules, their predictability, and their protection against retroactive or arbitrary application.*⁵

*Legal certainty is considered a principle that requires the legislator and public authorities to issue clear and understandable legal rules and to apply them consistently, thereby ensuring the protection of legitimate trust and the achievement of legal justice.*⁶

II. The Legal Foundations of the Emergence of the Concept of Legal Security:

This concept of legal security did not emerge suddenly; rather, it developed gradually through stages that accompanied the evolution of law and its interaction with societal transformations.

*The first indications of the idea of legal security appeared in Europe during the 1960s, when the German Constitutional Court adopted this principle in 1961, The case law of the European Court of Justice also contributed to consolidating this concept, deriving it from the principle of legitimate expectations, which aims to limit sudden changes to legal rules by the competent authorities to ensure the stability of rights and protect individuals' legal expectations, Regarding the European Court of Human Rights, the judges emphasized in 1979 that legal security is one of the fundamental principles that must be upheld within European law.*⁷

As for the French Constitutional Council, it has previously recognized the principles of legal security, gradually emphasizing in its rulings that laws must

be clear in their meaning, predictable, normative, and free from retroactivity or legal ambiguity, thereby ensuring the protection of fundamental rights and freedoms,⁸ The French Court of Cassation did not differ from the approach of the Constitutional Council, even though it did not explicitly mention the concept of legal security. However, the French Council of State was bolder in this regard, as it affirmed in its decision of March 24, 2006, in the case of *Société KPMG et autres*, the principle of legal security, considering it a human right and emphasizing the necessity of incorporating this principle when amending legislation to protect existing legal positions⁹. The 2006 annual report of the French Council of State also emphasized the importance of legal security as a key element ensuring the clarity and stability of legal rules.¹⁰

1- Legal Guarantees of Legal Security:

They refer to the fundamental foundations on which this principle is based, as a general principle, encompassing a set of subsidiary principles derived from it, these guarantees draw their legitimacy from constitutional provisions and aim to enhance the effectiveness of the state's legal system and develop it,¹¹ Among the most prominent of these guarantees are the following:

A. Legal Stability:

Legal stability is considered one of the fundamental components of legal security, as every legal system seeks to move legal relationships from a state of randomness and disorder to one of clarity and stability. The aim of this is to enable individuals to know their rights and obligations in advance, thereby enhancing confidence in the legal system and reducing disputes. It should be noted that this stability is not absolute but relative, requiring the avoidance of frequent amendments to legal provisions that directly affect the stability of legal positions and acquired rights, thus ensuring the protection of individuals' legal gains, and balancing the flexibility and firmness of the law.¹²

B. Non-retroactivity of Laws:

This principle is one of the most important pillars of legal security, as it ensures the protection of individuals' acquired rights and prevents imposing obligations or penalties for actions committed before the law enters into force, according to the rule of non-retroactivity, legislative provisions apply only to current and future situations and do not affect past events, this reinforces individuals' trust in the legal system and upholds the principle of legal justice, observance of this principle requires that the texts and legislation of the state be clear and predictable in their legal effects, exceptions to the non-retroactivity rule occur only when the law explicitly provides for retroactive application of certain provisions, proper implementation of this principle constitutes a fundamental guarantee for balancing the law between flexibility in amendment and stability in protecting acquired rights.¹³

C. Respect for Acquired Rights:

Respect for acquired rights means that no state authority may revoke or infringe upon rights that individuals have legitimately acquired through lawful means, these rights derive their legitimacy from existing laws and enforceable regulations, ensuring the protection of individuals' interests and the stability of their legal positions, this principle encompasses both public freedoms and fundamental rights enshrined in the constitution, respecting acquired rights is a core component of legal security, as it safeguards individuals' legal gains from retroactive measures or arbitrary changes that could undermine them, strengthens confidence in the legal system, and maintains a balance between state authority and citizens' rights, all authorities are obliged not to interfere with acquired rights, which contributes to the continuity and stability of the legal order, respect for acquired rights carries high constitutional importance due to its direct impact on protecting fundamental rights and freedoms, legal scholars widely agree that respecting acquired rights constitutes a fundamental guarantee for achieving legal security and serves as a shield against any violations affecting individuals established legal positions.¹⁴

D. Legal Certainty:

Legal certainty is a fundamental pillar of legal security, it requires that the legal system be clear and predictable, enabling those subjects to its provisions to know their rights and obligations in advance, this principle is realized when legal rules are characterized by clarity, relative stability, and official promulgation through established mechanisms of publication and notification, ensuring that access to legal texts is available to citizens, the principle of legal certainty serves to protect individuals from being surprised by unexpected legislative changes, thereby enhancing trust in the legal system, and reducing disputes arising from ambiguous legal provisions, this principle is closely linked to the non-retroactivity of laws and respect for acquired rights, as it ensures that individuals can anticipate the legal consequences of their actions based on the rules in force at the time they occur, thus, legal certainty goes beyond mere access to legal texts; it encompasses ensuring their understanding and the ability to foresee their effects, which directly contributes to achieving legal security and the stability of legal relations between individuals and state authorities.¹⁵

E. Legitimate Expectation:

The principle of legitimate expectation requires that the State refrain from surprising individuals through the enactment of laws or regulatory measures that conflict with their reasonable expectations, this obligation extends to all State institutions, which must, prior to adopting any legal provision, signal their legislative intent by providing preliminary data or activating legal

indicators, in a manner aligned with societal realities and public needs, the principle aims to safeguard citizens from legal surprises that could undermine their legitimate interests, thereby reinforcing their sense of legal certainty, the European Union, through the European Court of Human Rights, affirmed in its judgment of 24 April 1990 that the establishment of rules governing the monitoring of telephone communications without transparency, or without notifying citizens of their content, constitutes a violation of legitimate expectation, protecting fundamental rights and freedoms necessitates that citizens be fully informed of laws that affect their daily lives, consequently, the principle of legitimate expectation represents a fundamental cornerstone of rights and freedoms, and its effective implementation is essential for ensuring legal security and maintaining stability in the relationship between the State and its citizens.¹⁶

Legal security constitutes a fundamental pillar for the stability of the legal system and the protection of rights and freedoms, and it is manifested through several interrelated guarantees, legal stability ensures that legal relationships achieve a relative clarity and consistency, thereby enabling individuals to be aware of their rights and obligations, protecting legal positions and acquired interests, the principle of non-retroactivity of the law safeguards acquired rights and prevents individuals from being subjected to obligations or penalties for past actions, respect for acquired rights prohibits the deprivation of such rights and protects public freedoms and constitutionally guaranteed fundamental rights, legal certainty ensures the clarity of legal texts, facilitates access to and understanding of the law, enhances legal predictability, and reduces disputes arising from ambiguity, the principle of legitimate expectation obliges the State not to surprise individuals with laws or decisions that contradict their reasonable expectations, while requiring the provision of preliminary information and the indication of legislative intent in a manner consistent with societal realities.

2- The Constitutional Basis of the Principle of Legal Security in Algeria

Although the concept of legal security is relatively recent and scholars differ in their views on whether it constitutes a constitutional or statutory principle, the need for legal security has become an urgent necessity driven by recent developments, Algeria is among the few Arab countries that have elevated legal security to the status of a constitutional principle, while elements of this principle could be inferred from previous constitutions, the 2020 constitutional amendment explicitly established legal security in its preamble, stating: “The Constitution guarantees the separation of powers and their balance, the independence of the judiciary, legal protection, oversight of the public authorities’ work, and the assurance of legal and democratic security.”¹⁷

And in explicit terms, Article 34, paragraph 4 of the Constitution provides: "In order to ensure legal security, the State shall, when enacting legislation concerning rights and freedoms, guarantee its accessibility, clarity, and stability."¹⁸

With this constitutional provision, it is evident that the constitutional legislator emphasized the State's responsibility to ensure the clarity, stability, and accessibility of legislation for citizens, thereby transforming legal security from a theoretical principle into a concrete constitutional obligation. Consequently, these elements constitute an integrated framework for the protection of rights and freedoms, the reinforcement of the balance between State authority and individual rights, and the achievement of legal stability and public confidence in institutions.

Legal scholars concur that the effective application of these principles ensures legal security, safeguards acquired legal rights and maintains the stability of legal relationships between the State and its citizens.¹⁹

Section Two:

The Relationship Between Legal Security and Human Rights:

In this section, the study will focus on the relationship between legal security and human rights, and on the extent to which it can be considered a right in its own right, prior to being a means for ensuring the enjoyment of rights and freedoms, the characteristics and legal nature of this right will be clarified, followed by an examination of the role of legal security in the protection of human rights, through the mechanisms and instruments it provides to guarantee the clarity of the law, its stability, and the security of acquired rights, furthermore, the study will explore the impact of adherence to the principles of legal security on the effectiveness of protecting fundamental rights and achieving a balance between State authority and individual rights, accordingly, legal security is considered an essential condition for ensuring the exercise of rights and freedoms in a guaranteed and secure manner.

I. Legal Security as a Safeguard for the Protection of Human Rights:

Jurisprudential approaches have varied in defining the concept of a right, depending on the theoretical foundations adopted by each school of thought, proponents of the personalist approach consider a right to consist of a legal authority or volitional capacity granted by law to a specific individual, enabling them to act or claim the performance of a particular duty within the limits established by the legal system, provided that this authority is afforded the necessary legal protection to guarantee its exercise, this perspective reflects a clear focus on the personal element of the right, viewing it as an expression of the holder's will and a sphere for the exercise of their legal freedom.²⁰

In contrast, the objective school adopts a different perspective, defining a right as a legitimate interest recognized and protected by law, irrespective of the individual will of the right-holder, according to this approach, the concept of a right does not rest solely on personal authority, but rather on the existence of an interest worthy of legal protection, these understanding positions the law as an instrument for achieving a balance between conflicting interests within society.²¹

This jurisprudential divergence assumes critical importance in the context of consolidating legal security, adopting either of the two conceptual approaches—the personalist school, which emphasizes the individual authority of the right-holder, or the objective school, which focuses on the protection of legitimate interests—directly influences the scope of rights and ensures their stability while protecting them from arbitrariness or legal uncertainty, the clearer and more precise the notion of a right, and the more it contributes to harmonizing legal authority with the protected interest, the stronger the public confidence in the legal system, and the more effectively legal stability and the rule of law are achieved, this is particularly evident in modern legal systems, which attach significant importance to the principle of legitimate expectation as a fundamental pillar for the protection of rights.²²

In law, a right is also defined as the legal recognition of an individual's ownership of a particular thing, whether in their personal capacity or in the capacity they represent.²³

In law, a right is defined as a legal authority held by an individual over a specific object, which allows them to exercise control or act upon it within the limits established by the legal system,²⁴ modern jurisprudence has identified a set of fundamental conditions that ensure an individual's enjoyment of their legal rights:²⁵

- **Legal Authority as the Basis of a Right:** *A right cannot exist without a pre-existing legal provision that recognizes it and defines its scope.*
- **Existence of Persons:** *A right must be linked to specific individuals who either exercise it or are the object of it.*
- **Legal Benefit or Value Attached to the Right:** *Every right must be accompanied by a benefit or a value that the law can recognize, to ensure the protection of that right.*

Based on the foregoing, it can be stated that the right to legal security possesses all the characteristics of a traditional legal right and may even exceed them in terms of its effects, the right to legal security can contribute to the realization of a range of other legal rights, from this perspective, the recognition of legal security as a legal right requires the authorities, and state institutions to respect this right by establishing the guarantees, and mechanisms necessary for its protection, this particularly includes ensuring

the highest possible degree of stability, and continuity in legal provisions, individuals' legal positions, and their economic transactions, thereby enhancing the stability of the legal system and public confidence in it.

If legal security is recognized as a legal right, it necessitates the provision of adequate protection to enable all individuals to enjoy it, and to ensure stability and continuity across various aspects of their lives, it is the duty of the State to uphold this right through the enactment of laws, and the establishment of mechanisms that achieve the intended objectives of this right, the elements of legal security imply that legal rules should be clear, understandable, predictable, and standardized, allowing individuals to regulate their behavior in accordance with the law while ensuring a balance between their rights and obligations.²⁶

II. Legal Security as Human Right:

In addition to being a stable legal right, protected by the State for all individuals, the principle of legal security, in its broader dimension, constitutes an inherent human right shared universally, without distinction, due to the stability it provides in legal positions, and the consolidation of legitimate trust in the legal system, constitutional scholar "Dominique Rousseau" goes so far as to consider legal security a practical declaration of human rights, given its close connection to ensuring the predictability, clarity, and continuity of legal rules,²⁷ This conception finds its historical basis in Article 2 of the French Declaration of the Rights of Man and of the Citizen of 1789, which included security among natural rights alongside liberty, and property, considering them fundamental rights inherent to human existence, these rights cannot be regarded as supplementary or secondary but constitute a necessary condition for the effective enjoyment of all other rights, and freedoms, contemporary legal scholarship further emphasizes that the recognition of legal security as a human right contributes to strengthening the rule of law, and ensuring respect for individuals' fundamental rights.²⁸

The right of humanity to security constitutes an inherent, and fundamental right, manifested in enabling human beings to live within a safe environment under a stable political, economic, religious, and social order, free from manifestations of violence, and instability, although the military dimension long dominated the concept of human security, the doctrinal and intellectual evolution of this concept has revealed additional dimensions that transcend the traditional understanding, extending to encompass economic, social, and food security, ultimately reaching legal security as one of the essential, and core components of human security.²⁹

In this context, legal security contributes to the realization, and effective implementation of the various dimensions of human security, insofar as it

provides stability to human life by preserving the consistency of legal rules, and the stability of legal positions governing lawful conduct on the one hand, and, on the other hand, by ensuring the continuity, and stability of state institutions, legal security also provides a legitimate and lawful framework for interaction, and contracting among individuals across different fields, thereby enhancing confidence in the legal system, and entrenching the rule of law.³⁰

Legal security constitutes one of the highest objectives of any established system, particularly within a legal framework that, in turn, contributes to the realization of all dimensions of human security, it functions to stabilize human life by preserving the consistency of legal rules, and the stability of legal positions governing lawful conduct, while also contributing to the steadiness of state institutions, and providing a legitimate, and legal framework for interaction, and contracting among individuals across various domains, contemporary legal studies have widely recognized security as a fundamental value in modern legal thought, with legal security serving as the essential means to achieve this value, and protect individuals' fundamental rights, Consequently, it is closely, and inextricably linked to human security in general.³¹

The relationship between the principle of legal security, and human rights is integrative, as legal security ensures the protection of rights, and freedoms, while human rights delineate the scope of this security, and prevent arbitrariness.³²

III. The Contribution of Legal Security to the Reinforcement of the Human Rights Framework

Legal security is a principle derived from the natural right to safety, as such, it constitutes an inherent right of every individual to enjoy a sense of security, and stability within the framework of the legal system, it also serves to protect individuals from any sudden changes that may occur in legal rules or their application, from this perspective, the protection, and effective enforcement of human rights cannot be ensured without the existence of laws, and legislation that regulate these rights, guarantee their exercise, and protection, and safeguard them from infringement, since the foundational moment of the Universal Declaration of Human Rights, law has been established as the instrument for realizing these rights, scholars, legal practitioners, and philosophers have affirmed that the legal system is the true foundation of rights, as it ensures the existence of organized laws that allow for the practical, and sustainable application and protection of human rights.³³

The existence of law contributes to defining the precise terms used, to distinguish between fundamental, and non-fundamental rights, between personal and public rights, and among other legal classifications necessary for understanding, organizing, and systematically applying rights.

Likewise, the law functions to regulate the enjoyment of rights in a lawful, and legitimate manner, by establishing clear boundaries regarding what is permissible for individuals, and by ensuring that the rights of others are not infringed upon, thereby achieving a balance between individual freedom, and the protection of society.

From this standpoint, the rule-of-law state bears the responsibility to adhere to the requirements of the legal norm, and the legal system, to consolidate the principle of legal security, and ensure the protection of human rights, this includes establishing the necessary foundations, and procedures that guarantee the clarity of legal rules, their stability, and their fair application, so that rights are secured for all individuals without infringing upon the freedom of others or the stability of society, among the most prominent of these requirements, the following can be noted:

- **Legal Requirements:**

The foundational legal provisions ensuring the realization of the principle of legal certainty, and the effective protection of human rights, rest upon a coherent framework of essential constitutional and legal principles, including: the equality of all individuals before the law; the clarity, precision, and intelligibility of legal norms; the existence of unequivocal and well-defined provisions; the internal coherence and consistency of legal texts; the stability and integrity of the legal system; the predictability and foreseeability of legal rules; and the accessibility of legal sources, these guarantees are further reinforced by adherence to the principles of non-retroactivity of the law, and transparency in both the enactment and application of legal norms.³⁴

- **Judicial Requirements:**

All these provisions fall under what is known as judicial security, which is manifested in a set of fundamental rights and procedures, such as: the right to a fair trial, the right of defense, judicial independence, the publicity of hearings, the presumption of innocence, the prompt adjudication of cases, reasoned judgments, and the right to appeal judicial decisions, these principles constitute some of the most important elements of legal security, as they ensure the protection of human rights, and guarantee that they are not infringed upon or violated without due cause, thereby enhancing confidence in the legal system, and achieving justice for all individuals.³⁵

In parallel with ensuring the availability of a secure legal norm, it is observed that it establishes a set of legal mechanisms that facilitate the enforcement of human rights from a legal perspective, and provides an effective framework to guarantee the protection, and systematic, continuous application of rights, thereby enhancing legal security, and achieving a balance between individual freedom and the protection of society, these

*mechanisms revolve around a set of fundamental constitutional principles, such as:*³⁶

- ***The Principle of the Hierarchy of Legal Norms:***

*This principle, sometimes referred to as the principle of the supremacy of law, emphasizes the necessity of a legal authority that ensures the continuity and stability of society, in any rule-of-law state, the law prevails over both individuals, and authorities, with the rule of law serving as the actual regulator of relationships, and dispute resolution, the principle of the hierarchy of legal norms guarantees the existence of a constitution as the supreme law within the legal system, to which all authorities, whether legislative or executive, are subject when issuing new legislation or regulations, this principle also provides sufficient flexibility to accommodate societal developments without undermining the legal foundation of the system, thereby achieving a balance between the stability of the law, and its responsiveness to the needs of society.*³⁷

*Furthermore, the principle of the hierarchy of legal norms requires that the legal system be structured hierarchically, so that lower-level rules are subject to the authority of higher-level rules, this sequence begins with constitutional norms, followed by ordinary laws, and then regulations, and other administrative provisions, ensuring that every lower-level legal norm conforms to the higher-level norm, in the event that any lower-level rule violates the principle of the hierarchy of legal norms or the constitution, it may be invalidated, thereby reinforcing the protection, and stability of the legal system, this hierarchical structure enhances the principle of legal security by safeguarding legal positions, and ensuring that all rules, and actions remain consistent with the supreme principles of the legal system.*³⁸

- ***The Principle of Judicial Review of the Constitutionality of Laws:***

*This principle constitutes one of the fundamental pillars for ensuring the integrity of the legal system, and the protection of human rights, as previously noted, the constitution is the supreme law of the state, distinguished by its special nature that defines the prevailing system of governance, and clarifies the competencies of the various authorities, while also guaranteeing, and protecting the fundamental rights and freedoms of individuals, to ensure respect for these rights, and prevent their infringement, a mechanism for reviewing the constitutionality of laws has been established, aiming to prevent the enactment of any laws that conflict with the constitution, whether formally, in terms of the legislative process, or substantively, concerning the content of the law itself, this review serves to reinforce the stability of the legal system, protect legal security, and ensure that all legislation aligns with the supreme constitutional principles.*³⁹

In this context, two types of constitutional review of the constitutionality of laws can be distinguished, which are relied upon to ensure that legislation

*complies with the constitution, protects the fundamental rights, and freedoms of individuals, and provides legal security within the state.*⁴⁰

- **Political Review:**

Political review is a type of constitutional review carried out by specialized political bodies, to ensure that laws comply with the constitution, it is often conducted by institutions such as the Constitutional Council or, as previously practiced in Algeria before the 2020 constitutional amendment, the Parliament, this review aims to examine, and assess enacted laws from a constitutional perspective, ensuring that they do not violate fundamental rights, and freedoms, and enhancing legal security within the state.

- **Judicial Review:**

Judicial review is another type of constitutional review, carried out by independent judicial bodies, to examine the conformity of ordinary laws, and regulatory decrees with constitutional provisions, in Algeria, this review is exercised by the Constitutional Court, established under the 2020 constitutional amendment, the purpose of this review is to ensure that legislation respects the constitution, protects fundamental rights, and freedoms, enhances legal security, and guarantees the application of the supreme law within the state's legal system.

Conclusion:

In conclusion, it can be stated that the relationship between the human rights framework, and legal security is one of complementarity, and mutual interconnection, legal security constitutes a fundamental principle of human rights that must be ensured, and protected, human rights cannot be fully realized except through the existence of secure, and stable legal provisions that preserve existing legal positions, and guarantee the fundamental freedoms of individuals, the significance of this relationship lies in preventing any infringement by any party, as the principle of legal security serves as an effective legal mechanism for protecting human rights, by establishing a stable, and consistent legal framework that ensures the continuity, and durability of rights, within this context, it becomes clear that legal security is, above all, a fundamental human right.

Based on the foregoing analysis in our study, the following conclusions can be drawn:

- *Legal certainty, prior to being merely a principle pursued by states, constitutes a fundamental, and inherent human right.*
- *The principle of legal certainty is recognized as a human right, and occupies a constitutional status, thereby bearing the same normative weight as other constitutionally acknowledged human rights, as established by the Algerian constitutional framework.*

- *The recognition of legal certainty as a human right serves to affirm, and reinforce the protection of all other rights, as it guarantees the stability, consistency, and predictability of legal norms, by consolidating legal certainty, all other rights, irrespective of their nature, are thereby afforded comprehensive protection.*

Considering the foregoing analysis, the present research paper puts forward the following recommendations:

- *The principle of legal certainty should be upheld in a manner that avoids legislative rigidity, and does not hinder legal development or renewal, achieving this requires a careful balance, and flexibility in law-making, coupled with ensuring that individuals are duly informed of any amendments or repeals, furthermore, adherence to procedures, and conditions that safeguard public rights is essential to preserve legal stability, and prevent sudden or unlawful alterations of legal positions.*
- *Civil society organizations should be actively involved in the legislative drafting process, given their pivotal role in safeguarding human rights, and ensuring the observance of the principle of legal certainty.*
- *The role of human rights institutions, and bodies, particularly the Human Rights Council, should be strengthened to enable their active participation, and advisory input during the drafting, and enactment of legislation, this would allow them to provide recommendations, and opinions that contribute to the consolidation of the principle of legal certainty, and ensure the protection of human rights in accordance with international treaties.*

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