

Mechanisms and means for the protection of cultural heritage in Algerian law

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Abstract:

Algeria is considered one of the countries that enjoy a rich and diverse cultural heritage, which extends through many eras and civilizations, however, the challenges facing the protection of cultural heritage in algeria remain great, so the government and the local community pay great attention to preserving this precious heritage, and the ministry of culture in algeria considers responsible for the protection and maintenance of cultural heritage, as several measures have been taken to preserve it, including the classification and preservation of historical sites and monuments as national monuments, It also includes organizing awareness, and educational campaigns to raise awareness of the importance of cultural heritage and its protection.

key words: cultural heritage ,protection, Mechanisms, Algerian law, means

Introduction :

The protection of cultural heritage is of great importance in algerian law, It is a living record of national identity and culture, It reflects the legal interest in protecting cultural heritage and the State's commitment to preserving and promoting rich cultural heritage and providing, the necessary legal protection for tangible and intangible cultural property, This legal protection promotes awareness of the cultural and historical value of heritage, sustainable development and cultural tourism in the country.

Algerian law aims to provide, the necessary legal framework to protect cultural heritage from degradation, damage and destruction through the identification of rights and duties relating to cultural property, the law also includes the necessary procedures and mechanisms for the preservation of cultural heritage, such as the organization and preservation of historical buildings, and archaeological sites, the promotion of awareness-raising and the organization and implementation of cultural and artistic activities.

The legal protection of cultural heritage in algerian law also includes the regulation of acquisitions, restitution and expropriation of cultural property, and the determination of appropriate penalties for any violations of laws relating to cultural heritage.

Algerian law provides the necessary legal foundations for the preservation of the tangible, and intangible cultural heritage, as an integral part of the national identity through, this legal framework. algeria's cultural awareness and sustainable development are promoted, and a balance is struck between the preservation of the heritage and the development of society.

From this proposal we suggest the following problems:

How Algerian legislation regulated the protection of cultural heritage?.

To answer this problem, I proposed the following plan, which included four axes

Axis 01: the concept of cultural heritage and the stages of development of its protection in Algerian law

Axis:02: Mechanisms for the protection of cultural heritage in Algerian law

Axis:03: Organs for the protection of cultural heritage in Algerian law
Axis:04: Legal liability for violation of Algeria's cultural heritage protection rule.

Axis:01the concept of cultural heritage and the stages of development of its protection in Algerian law

The concept of cultural heritage and then the stages of the development of its protection are addressed in algerian law.

First, the concept of cultural heritage is:

1/Linguistic and terminological definition of cultural heritage:

cultural heritage compounded by two words: heritage and culture

a/Heritage means a language: "Inheritance means his money and glory, inheritance from him, inheritance from him, inheritance, inheritance and inheritance, inheritance from his father, inheritance from him, inheritance and inheritance from a man whose son is a good inheritance.".(Ben mandhour,p4808).

The term "legacy" means that heritage is the collection of cultural elements that are passed from one generation to another, and then replaced by the word "inheritance" to meet it in english and is intended to transmit customs and beliefs from one generation to another. (rababi mohamed,ben hmida meriem,2022,p121,122)

cultural heritage is defined as: "science which classifies and arranges the physical remnants of human communities on the basis of their functions its history and the framework of its civilization ". (oussama hocine abid,2008,p10)

It is also defined as "a set of values with cultural and civilizational dimensions, as well as scientific and industrial monuments that form an integral part of the nation's present and a starting point for its future". (abdelaziz ramadhan kattabi,p132)

b/Culture means a language: consisting of two different meanings:

The first meaning "renewed, solely, the culture of the spear and others, the culture of the child of any flag and polite, and the culture of the culture of any predominantly

In good faith, that is to say, the skill and the culture of speech, that is its accuracy and understanding quickly, the word generally means politeness and acumen ".

Second: meaning: "His culture is any encountered, taken, fingered or perceived. a term means in English: science, arts and literature that is learned. (nessrine boubakeur,2019/2020,p13).

2/Doctrinal definition of cultural heritage:

cultural heritage has received the attention of many scholars, and one of the definitions that touched upon it is the definition of

Emile Alexandrov, who defined him as "all the work of man attributed to his creative activity in the past and present

artistic, scientific and educational, which is important for the interpretation and development of the culture of the past, present and future " (faress ben hama,oualid zarghan,2022,p891)

As Ali Khalil Ismail Al Hadithi knew: "cultural property is all productions derived from man's creative subjective expressions, whether in the past or in the present, or in the artistic, scientific, cultural or educational fields, which are important in affirming the continuity of the cultural process and in affirming the meaning of cultural communication between the past, the present and the future.".

(Ali Khalil Ismail Al Hadithi,1999,p21)

He also defined him as "human or natural movable or real estate objects of historical value, of great importance, as a component of the real environment because they represent a cultural heritage of human societies, despite the fact that many are ignorant of their historical value and aesthetic status, The need must therefore be taken to protect and remedy their attacks or damage, which may cause damage or collapse". (Madjed raghib elholou,2009,p35)

Others also went on to define it as: "Heritage is not the legal and moral norms governing people's behaviour, which vary from environment to environment, but it is a constant of the values from which these norms emanate, from which time and the evolution of circumstances are intractable."(Aoun cherif kassem,1980,p67)

3/Legal definition of cultural heritage:

Attention to heritage is almost minimal compared to interest in monuments, while most States adopt laws to protect monuments attention to heritage does not reach the same level of specific legislation to protect it between generations.

This interest in heritage is the true criterion of discrimination, and the cultural progress of nations (Behnam abou souf,1992,p7)

although international conventions differ in providing, definitions of cultural heritage But a definition has been agreed upon as the collection of objects, places and works of art of cultural value, This includes historical monuments and an art collection, for example, in the American Era of 1935, cultural heritage was defined as including historical monuments and works of art with cultural value, In the 1970 Unesco Convention, cultural property was defined as including objects considered culturally important by the State on religious or secular grounds, historical monuments, statues, original sculptures and others include: in algerian law, cultural heritage has been given prominence and paramount importance, for example in Law No: 67-281 respect to the protection of excavations and the protection of historical and natural sites and monuments, cultural heritage has been defined as encompassing mobile places and objects that date back to different historical periods, bearing historical, artistic and archaeological value, and in current law

No. 98-04, on the protection of cultural heritage, the concept of cultural heritage has also been expanded to include, intangible cultural heritage in response to international developments, Under this law, cultural heritage is regarded as real property and real estate.

in addition to intangible cultural property, which includes interactions Social and creations across the ages, that express themselves to this day and are considered part of the nation's cultural heritage. (khhahlia hakim,2018;p47,48,49)

It is clear to us through this definition that there is international consensus that cultural heritage encompasses objects, places and works of art of cultural value. and also encompasses material and non-material aspects such as historical monuments, the arts, social interactions and creations spanning the ages, in addition, the concept of cultural heritage is based on religious, secular, historical considerations technical, scientific, and determined by each country according to its own considerations as we also note, there has been an evolution in the legal concept of cultural heritage, The concept has

been expanded to include intangible cultural heritage based on developments at the international level.

Second: The stages of the development of the protection of Algeria's cultural heritage: the protection of algeria's cultural heritage has passed through the following stages:

Phase I: Colonial Policy and Strategies (1830-1962)

cardinal lafigri recommended searching for the monuments of saint augustine, and other saints and monks, with the need to prove that this country was originally christian, as it aims to persuade algerians to move to christianity.

as such, cardinal lavigue moved his directives to the french occupation soldiers, when they began their deployment in algeria.

in 1843, he believed that once the population had ascertained their christian origins, they would join that religion and renounce resistance to the French invasion of their country, the crown prince in rome indicated during the beginning of the occupation that france was committed to the restoration and continuity of latin christianity in the maghreb.

Phase II: Renewal of French antiquities legislation in 1962- 1967

After independence, act n: 62-157 of 31 december 1962 was promulgated to extend french legislation in algeria s, cultural heritage is governed by the french Law on monuments, and historical Sites These laws include earlier laws such as the 1930 Act, the 1913 Act, the 1906 Act, the 1887 Act and the 1941 Act.

Phase III Algeria's First Law on Historical and Natural Sites and Monuments: (1967 -1998)

Order n: 67-281 of december 1967 concerning excavations and protection of Algeria's historical and natural sites and monuments was issued in 1967, this is the first of its kind in Algerian law after independence, the focus was on protecting the country's cultural, historical and natural heritage, and yet it continued to rely on French legislation for 31 years, Several regulatory texts have been issued from 1967 to 1998, including: - 1969 Decree concerning the export of cultural property of 13 June 1969.

- Decree 1972 n: 72-168 of 27 july 1972, concerning the establishment of the national barn of the Tasili, and the national institution

responsible for its operation, - decision 1880 concerning archaeological research licences of 17 may 1980.

- Decree 1981: amending the National
- Decree 1985 n: 85-278 of 12 November 1985 establishes the National Museum of Fine Arts.
- Decree 1985 n. 85-279 of 12 november 1985 establishes the national museum of antiquities. ommission of features, and sites dated 27 june 1981.
- Decree 1985n:85-278 of 12 november 1985 establishes the national museum of Fine Arts.
- Decree 1985 n: 85-279 of 12 november 1985 establishes the national museum of antiquities.
- Decree 1985 n: 85-280 of 12 november 1985 establishes the national museum of bardo.
- Decree n: 1986: 86-134 of 27 may 1986 establishes the zabanah museum in the national museum.
- Decree 1987 n: 87-215 establishes the national museum of Folk arts and Traditions.
- executive decree n: 92-419 of 17 november 1992 establishes the office for the protection and promotion of the mizab valley.
- Executive decree n: 93-282 of 23 november 1993 establishes the centre for the arts and culture of the Palace of rayas(karim,2015/2016,p107,108,109)

Phase IV New Law on the Nation's Cultural Heritage (from 1998 to the present day):

After 31 years of issuance of ordinance n: 67-281, algeria evolved in the internal political, socio-economic and cultural context, with the emergence of civil society, which is increasingly demanding issues of identity, historical memory and quality of life, From the outside side the concepts and protection of cultural heritage have evolved at the international level. In 1998, law n: 98- 04 of the 15 of juan 1998 on the protection of cultural heritage repealed, and replaced all the provisions of the previous ordinance, and put an end to the reduced vision of heritage and reinventory of cultural property with all the resulting reformulation of concepts, principles and perceptions and of the most significant challenges and new features;the legislation on the

protection of cultural heritage is adapted to new laws and created harmony, between the legislation on cultural heritage is adapted to international standards and covenants.

Unesco's recommendations and others, the concept of cultural heritage has been expanded to include intangible heritage as well and new concepts have been incorporated into international, legislation. archaeological precautions for deep seas and rivers, linking excavations and archaeological excavations to a scientific perspective, using them for specific research problems within national research programmes and involving civil society in the attention and responsibility for the protection of cultural heritage; in addition to penalties for any kind of interference with the national heritage, and the establishment of a special fund for cultural heritage. (Saidi karim,2015/2016,p110,111)

According to the foregoing, saint augustine had a significant influence on algeria's heritage history, at the time, by finding many effects associated with it, In various locations of the country, such as the city of tipaza, which contains roman monuments and an ancient church dating back to the 14th century, the city of timgad, batna, which contains an ancient church and monasteries dating back to the earliest centuries of birth and also the city of constantine, which contains churches dating back to the middle ages, their only goal at this stage was the elimination of islam, arabic, and the dissemination of christianity, but algeria defende; it is also clear to us that french legislation dates back to the period of French occupation of algeria and continued after independence, provided that it is not contrary to national sovereignty, in order to preserve the historical and cultural value of the archaeological sites in algeria in general, algeria is today trying to strengthen the country's national, cultural and historical sovereignty, developing its own policies for the preservation of cultural heritage and history on the basis of algerian modern legislation and international standards relating to the preservation of monuments and historical sites, in spite of algeria's first law on historical and natural sites and monuments, however, it continued to rely on french laws for 31 years, reflecting the continuing influence of french laws after independence.

However, 31 years after the issuance of Ordinance No. 67-281, Algeria has evolved from the political, economic and cultural standpoint, and civil society has increasingly emerged, demanding issues of identity, historical memory and quality of living.

Act n: 98-04 1998, to protect Algeria's cultural heritage, which aims to adapt the protection of cultural heritage to international standards and instruments and extending; its concept to non-material aspects, as well as linking excavations, and archaeological excavations to a scientific perspective, and using them in research and national programmes, civil society has played a role in protecting and promoting awareness of cultural heritage, as contained in act No. 98-04 on the protection of cultural heritage cultural heritage ", which also includes the establishment of a special fund to support and protect cultural heritage, its Islam and its self-worth..

Finally, Algeria attaches great importance to heritage by protecting and preserving it, Algeria has always endeavoured to adapt, its legislation and policy to international standards, promote community participation and promote autonomy in this area.

It relied on French laws to protect its historical, and natural sites and monuments.

Axis02: Mechanisms for the protection of Algeria's cultural heritage

first: Protection of the cultural heritage of Algerian constitutions

The cultural heritage has not received sufficient attention in Algerian constitutions since independence, in view of the exceptional circumstances experienced by the country at that stage, which focused the Government's efforts on State-building and institution-building. French laws have therefore continued to be applied even in contravention of national sovereignty, in accordance with Law n:62 - 157 of 31 December 1962, although special legislation was contemplated to protect cultural heritage, the constitutions did not explicitly include the protection of cultural monuments and heritage in the first texts such as the constitution 1963 national People's congress ", but in the 1976 constitution the protection of cultural heritage was addressed and the national People's assembly was appointed, As a

competent authority, in accordance with article 151, paragraph 23, attention to the cultural heritage of algerian constitutions has gradually begun, beginning with the 1989 constitution, which affirmed the protection of heritage and history only through an Act of parliament In the 1996 Constitution, the protection of cultural heritage was also affirmed in article 45 of the Constitution.(Ben maghnia tahar amine,2021/2022;p189)

As for the Constitution of 2016 after the amendment, it came new by adding articles 46 and 68, aimed at protecting the environment and heritage, the right to a healthy environment is considered to be a human right of present and future generations, this is known as the fixed generation's rights, and conservation of heritage is considered to be preservation of the environment, so environmental protection and heritage are incorporated into international and national instruments.

(Tlaouibrid fatiha,2021,2022,p120,121)

As for the recent draft amendment to the constitution in 2020, which was referendum by the people, it included

In article 76, the State protects and preserves the tangible and intangible cultural heritage. (Ben maghnia tahar amine,2021/2022;p190)

It can be said that the protection of cultural heritage in algerian constitutions has not received sufficient attention since the country's independence, during the early stages of State-building, french laws continued to be applied, and even if they did not contravene the principle of national sovereignty, Law n: 62- 157, dated 1962, to regulate this order and that the first constitutions were not clear in protecting monuments and cultural heritage, however, interest in cultural heritage is gradually evolving. the National People's Congress was designated as the competent authority for the protection of cultural heritage in the 1976 Constitution and the importance of protecting cultural heritage was emphasized and made competent by parliament through the 1989 Constitution and through the 2016 constitution after the amendment. He affirmed the citizen's right to culture and his right to a healthy environment and to amend the constitution in 2020. cultural heritage ", emphasizing the protection of both material and intangible cultural heritage, Thus, attention to the

protection of Algeria's cultural heritage has evolved over time. s rights to culture and the preservation of cultural heritage.

Second: Protection of heritage under Cultural Heritage Act No. 98-04

The protection of cultural heritage is ensured by the adoption of laws governing this area through the classification and inventory of cultural property, algerian legislation establishes a law for the protection of cultural heritage, known as Law n: 98-04, dated 15/06/1998, as for classification in article 106 of the aforementioned act, cultural property is legally registered in the general inventory of the property referred to in article 07, and in accordance with this Law includes movable cultural and competent real property, and property proposed for classification and recorded in the additional inventory which was previously published in the Official Gazette and excludes from the general inventory cultural property and natural sites classified in accordance with environmental laws, In accordance with article 07

the ministry of culture prepares a general inventory of cultural property classified and recorded in the additional inventory, as well as new property in the form of reserved sectors, the registration of cultural property is conducted in accordance with the lists specified by the ministry of Culture, these lists are published in the official gazette and are reviewed every 10 years, with updates and new amendments also published in the official gazette. (Article106,07,law N:98-04)

It is clear to us through the protection of cultural heritage under Law n: 98.04, that the protection and preservation of cultural heritage is an important issue and requires laws to regulate and classify them, Inventory of cultural property plays an important role in ensuring its protection in accordance with article 106 of the above-mentioned law, and such cultural property, whether movable or immovable, is legally recorded in the public inventory and that natural sites classified according to environmental laws are not part of the general inventory of cultural property and the Ministry of Culture is responsible for the preparation of the overall effort of cultural property registered in the additional inventory as well as new property in the form of reserved sectors, We therefore conclude that legal and administrative efforts are

being made to ensure the protection and preservation of algeria's cultural heritage. through its organization, classification, inventory and promotion of cooperation between different sectors, to achieve this goal, the registration process ensures the ministry in charge of culture to document important property and value, and to ensure that there is a reliable record of such property and helps to increase transparency and public awareness of cultural heritage and its importance and to publicize periodic updates in the official gazette, the public and those interested in the cultural property on the lists are notified and relevant individuals and institutions can avail themselves of this information for the purposes of research, study and preservation of the cultural heritage in general.

Laws on cultural property also cover a total of prohibited acts, where the export of protected movable cultural property outside the country is prohibited by law, in accordance with article n: 62 of the aforementioned Act, however, temporary licences may be issued for the export of cultural property protected under cultural or scientific exchanges, the minister for culture is the sole responsible for granting such licences and is prohibited in accordance with article n: 64. cultural property shall be the subject of commercial transactions, whether such property is the result of pre-prepared or unprocessed excavations or occasional discoveries, whether old or modern within the country, or of inland waters or national maritime areas in accordance with article: 77 any person who discovers cultural property while carrying out licensed work shall inform the competent local authorities, which in turn shall inform the ministry of Culture promptly, the same applies to anyone who detects cultural property in inland waters or national maritime areas. (Articles 62;64 ,77law N:98-04)

Finally, it is clear to us that there are laws and rules governing the registration and protection of property in algeria and that the export of cultural property protected outside the country is prohibited by law, but temporary licences can be obtained for specific purposes.

such as cultural exchanges and scientific research, and archaeological property may not be the subject of private commercial transactions, if it is the result of prepared or unprocessed excavations or Arab discoveries, where individuals who discover cultural property during

their notification are obliged to report it to the relevant local authorities and interests and the authorities are obliged to inform

The ministry of culture immediately, these points reflect algeria's protection, documentation and preservation of the national cultural heritage and contribute to enhancing transparency and cultural property.

third: Administrative protection of cultural heritage :

Under article 15 of the Law n:98-04, the owner of the cultural property registered in the additional inventory is entitled to apply for prior authorization from the minister of culture, this request comes when the owner of the cultural property undertakes a substantial project of modification of the property which may lead to the removal of factors leading to the registration of cultural property in the additional inventory, erase, delete or prejudice their protection importance and the law referred to in article n: 21 provides that all restoration, maintenance and conservation work shall be and the proposed rehabilitation, change and preparation for its implementation on the proposed historical features of the classification or classification, or on properties located in the protected area, subject to prior authorization from the competent authorities in the culture, classified or proposed property is also subject to prior authorization or special approval. (Articles 15, 21 law N:98-04)

The Act stipulates that the following acts require prior authorization to be submitted by the minister of culture or the authorities responsible for cultural affairs, the establishment of an easement on real estate cultural property classified in accordance with article n:16; all conservation, restoration, repair, alteration and adaptation related to classified or proposed features or properties in the protected area. prior authorization must also be obtained from the cultural authorities for the transfer of movable cultural property classified for the purposes of internal restoration, maintenance or preservation. and if it is transferred abroad for such purposes as may be mentioned or for the identification, strengthening or presentation of the transferred cultural property, This requires an explicit licence issued by the Minister of culture and is subject to prior authorization building and retail permits are required in some cases, according to Law 98-04. based on the

nature of the works mentioned on the historical landmark classified or proposed for classification, or the property that relies on a classified landmark or is located in a protected area However, the licence can only be handed over by the stakeholders after obtaining prior approval, delivered by the interests of the ministry of culture within a period not exceeding two months from the date of submission of the construction or retail licence application by the interests charged with its study, If the period of two months expires without the receipt of consent, this shall be deemed implicit. the applicant submits an application for a search permit to the Minister in charge of culture.

the application includes the exact location and area of the search; determining the legal nature of the place and the time required to complete the proposed work, the Minister of Culture undertakes to take a decision on the application no later than two months from the date of submission and to inform the applicant of the decision whether the application is rejected or accepted, and if the application is accepted the applicant is granted a licence and, in accordance with Law n: 98-04, the prohibition and prohibition are regulated in several cases, Placement of billboards and billboards is prohibited or modified on historical monuments classified or proposed for classification however, a prior authorization by the minister of culture is required after consultation with the national commission on cultural property. (Ben maghnia tahar amine,2021/2022;p210,211)

Article n: 24 of act n: 98-04 stipulates that it is strictly prohibited for six months during this period, no construction or project is permitted within the protected archaeological sites, after expiry of the fixed period or after six months without classification ", a project or construction may be built within the protected site provided that the required licence is obtained, The export of protected cultural property travelling abroad is also prohibited, but there are exceptions for the export of cultural property in the framework of cultural exchanges between States, for scientific purposes or for participation in scientific research. (Article24, law N98-04)

beneficiary or trustee of classified cultural property is responsible for their protection, maintenance and custody. Any derogation from obligations relating to the utilization of classified movable cultural

property shall be punishable by the revocation of the benefit. " The licence applicant must work under his or her responsibility and under the supervision of representatives of the ministry of culture who are competent to do so, while being bound by the personal responsibility of the licence holder in accordance with article 73 of the aforementioned act. (Article 73law N98-04)

Fourth: Technical protection:

The concept of works of art is defined in article II of executive decree n: 03-322 of 05 october 2003, covering tasks such as design, studies, assistance, follow-up and surveillance, regardless of the nature and importance of the works, which relate to protected real property, under article n: 09 of the Act, qualified persons in each relevant area are mandated to supervise works of art relating to real cultural property classified or recorded in the additional inventory, article n: 3 of the decree adds that this is in addition to the permanent scheme for the conservation, rehabilitation, protection and rehabilitation of archaeological sites and the plan for the creation of cultural barns. (Ben maghnia tahar amin,2021/2022 ,p2016,2017)

It can be said that executive decree n: 03-322 of 2003 defined the concept of artwork ,they include a wide range of design, study, assistance, follow-up and monitoring functions and functions to complete work on protected real property, there must be qualified persons responsible for supervision of works, of art relating to real property classified or recorded in the additional inventory. They are presumed to be qualified and specialized in areas related to cultural heritage.

Fifth: Physical protection:

Physical protection is the restoration and maintenance processes, where they aim to preserve the artistic and historical values of antiques and monuments, Preserving its special character, restoration and maintenance are carried out in order to achieve, the ideal balance between the physical and aesthetic elements of the area, To be proportionate and appropriate, maintenance includes a series of artworks performed by professionals with competence and expertise, It aims to remedy damage and restore the original parts to their

original condition, the restoration aims to restore the original parts to their first state, preserving their original history and appearance.

In short, physical protection and maintenance are aimed at preserving the artistic and historical values of antiques and antiques, by carrying out restoration and maintenance operations by specialized technicians to restore the origin and preserve the original character of the pieces. (Rababi mohamed,ben hmida meriem,2022,p126)

It is clear to us that physical protection aims to preserve the artistic and historical values of antiques, and monuments through restoration and maintenance the restoration aims to restore the original and preserve the original appearance of the pieces, while maintenance aims to remedy damage and restore the pieces to their original condition " where restoration and maintenance operations are carried out by specialized and experienced technicians in this field, balancing physical and aesthetic elements is one of the objectives of restoration and maintenance Thus, physical protection and maintenance play an important role in preserving cultural heritage and preserving its artistic and historical values, we therefore conclude that physical protection and maintenance are essential aspects of preserving cultural heritage and preserving its artistic and historical values through appropriate restoration and maintenance.

Axis 03:Organs for the protection of cultural heritage

First:National Cultural Property Commission

Pursuant to article n:79 of Law 98-04, it is stipulated that a national committee for cultural property shall be established by the minister for culture, the Commission is entrusted with a range of law enforcement functions transmitted by minister, whose functions include discussing and reviewing issues of protection of mobile and immobile cultural property in addition to the issues of establishing reserved areas for historic or artistic green and rural real estate groups, the composition, organization and functioning of these areas are defined by executive decree n: 104-01, which aims to protect and preserve algeria's cultural heritage and to promote the implementation of the relevant policies and procedure,the commission is the competent body to provide guidance and recommendations on the protection of cultural property and national heritage in general and the committee's decisions are of

great importance and should be taken into account in the implementation of relevant laws and policies, This legislative framework promotes the preservation of algeria's cultural heritage and the preservation of its historical and artistic status and stresses the importance of preserving cultural property as an integral part of the country's national identity and sustainable development. (Meroua boumaaza,2019,p82)

It is clear to us through the machinery, of the national commission for the protection of cultural property that, the existence of Law 98-04 indicates that algeria attaches great importance to the protection of cultural property and national heritage s commitment to the proper implementation and application of this Law, the commission is a specialized advisory body, that examines all issues relating to the application of the law and provides recommendations, and guidance in this regard, the commission's functions include the protection of movable and immovable cultural property, as well as the establishment of reserved areas for green and rural real estate groups of historical or artistic importance, executive decree 104-01 defines the composition, organization and operation of the preserved areas; It serves as a tool for the implementation of these resolutions, and the commission's main objective is to protect, preserve and preserve algeria's cultural heritage as an integral part of national identity and sustainable development.

Algeria therefore attached great importance to the protection and preservation of the country's cultural heritage and was developing legislation and institutional structures to achieve that goal.

Second: State Committee on Cultural Property:

In accordance with article 80 of the aforementioned act, the cultural Property Committee is established at the state level. The Committee is mandated to examine requests for classification and establishment of preserved areas, to register cultural property in the additional inventory, and the National Cultural Property Committee relies on its opinion and deliberates requests for registration of such property.

consequently, the National Committees shall operate in a subsidiary manner, their work at the state level shall be subject to oversight and follow-up by the national committee, they provide their suggestions,

and whether they are appropriate in addition to determining the composition and working methods of the national committees and organizing them through the aforementioned executive decree 104-01. These arrangements thus allow for the organization and coordination of efforts in the protection of cultural property at the national and state levels and ensure that the local value of cultural property is appropriately recognized, registered and protected. (Meroua boumaaza, 2019, p82,83)

It is clear to us that the existence of the cultural property committee at the level of each state reflects, the state's concern for the protection and preservation of cultural heritage at the local level. The commission's mandate to examine requests for classification, establishment of preserved areas, and registration of cultural property in the additional inventory underlines the State's obligation to preserve cultural heritage in assessing applications for registration, and to strengthen it through its advisory and steering role in assessing applications for registration and classifying cultural property of great local value. The Algerian State therefore attaches great importance to the protection of cultural heritage at the local and national levels. Through efforts in the formation of local, and national committees, which examine applications and make appropriate decisions on the classification and registration of cultural property with oversight and follow-up mechanisms to ensure that decisions are properly implemented and that the protection of the country's cultural heritage is strengthened.

Third: Commission for the Acquisition and Dispossession of Cultural Property

Article 81 of act n: 98-04, mentioned above, provides for the establishment of two committees dealing with cultural property; pursuant to the decision of 5 March 2002, the first committee entrusted to the minister of culture is responsible, for the acquisition of cultural property intended to enrich national groups, the second committee is responsible for the dispossession of cultural property, action has been taken to improve the committee's functioning through a joint ministerial decision mentioned above aimed at selecting and evaluating cultural property and works of art for sale by national and

foreign natural and legal individuals acquired by the ministry of communication and Culture or substantive institutions with a view to enriching the national cultural heritage and strengthening museum art collections. (Zayad mohamed,2018;p155)

It can be said that two committees have been established to deal with cultural property, the first to purchase cultural property to enrich national groups, and the second to dispossess cultural property, In this regard action has been taken to improve the commission's functioning and develop its work with a view to developing national cultural heritage and strengthening museum art collections.

Fourth: National Fund for Cultural Heritage

Article 87 of the aforementioned act provides for the establishment of a national fund for cultural Heritage to finance, all operations relating to the preservation, preservation and protection of intangible cultural property a decision has been taken to establish this fund and to obtain funding from a variety of sources, whether directly or indirectly funded, through advertising and others for all types of cultural property which is regulated under the applicable financial laws. (Zayad mohamed,2018;p156)

It is clear to us that article 87 refers to the existence of a national fund for cultural heritage and this indicates the importance of preserving and funding the intangible cultural heritage, The Fund's main objective was to fund all operations related to the conservation, preservation and protection of intangible cultural property funding, based on diverse sources of funding, including direct and indirect funding activities, such as declarations and other sources, and the organization of the Fund's work under the finance act financial law "which means that it is subject to the applicable financial laws and regulations of states.

It can be said that the state attaches great importance to the preservation of intangible cultural heritage through the national fund which aims to finance conservation, conservation and protection of intangible cultural property This reflects the government's commitment to preserving cultural heritage as an important part of the national identity and history of the country.

Axis04: Legal liability for violation of Algeria's cultural heritage protection rules

First: I. Legal adaptation of the violation of cultural heritage protection rules

According to the cultural heritage protection act n: 98-04, associations based on the Basic Law have the right to endeavour to protect cultural property by adopting the role of a civil prosecutor and the legislator deals strictly with violations and abuses of cultural property, whereby those responsible are punished by a misdemeanour ranging from imprisonment to imprisonment.

For a period of two to five years, this offence includes a number of acts provided for in article 328 of the code of criminal procedure, The courts are competent to deal with such offences and offences, which are punishable by two to five years' imprisonment or a fine of more than 2,000 algerian dinars, except for appeals dealt with in accordance with special laws With regard to fines, article 96 of the act n: 98-04, anyone who deliberately damages or distorts any property shall be punished cultural transfers or real estate proposed for classification or classification or registered in the additional inventory without prejudice to any compensation for damage to two to five years' imprisonment and payment of a fine of DA 20,000

to 200,000 algerian dinars. (Bakhoya driss,2016,p106)

what we note is that associations under the basic law have the right to endeavour to protect cultural property,. the abuse of such property is criminalized and those responsible are punished by two to five years' imprisonment the competent courts deal, with offences and offences committed and are punishable by imprisonment or a fine.

fines ranging from 20,000da to 200,000 da may be imposed on anyone who damages or distorts cultural property.

Second:Application of penalties

These procedures relate to the application of the State's penalties and legal means to ensure that cultural property is not infringed, these measures include a number of penalties imposed by the competent authorities with a view to applying laws, and regulations relating to the protection of cultural heritage, these penalties aim to emphasize the parties that violate these laws, they will face severe penalties that

make them fearful of future irregularities, and the competent authorities in the application of the penalties, will prosecute them and submit cases to the competent courts penal code ", whether the district court of first instance or the designated council of the penal division. act No. 04-98.(Bakhoya driss,2016,p106)

what we note through the application of the penalties is that there is considerable interest in the protection of cultural heritage through the existence of law n: 98-04, which regulates criminal matters relating to the protection of real cultural property, where penalties are considered as means of deterring violators in the event of their assault on such property.

Conclusion:

The protection of algeria's cultural heritage is important and vital for the preservation of the country's cultural, and historical identity algeria has adopted many mechanisms, and means to protect cultural heritage including legislation and laws aimed at protecting cultural heritage and regulating the conservation, management, restoration and preservation of historical sites, monuments and cultural monuments, as well as committees for the protection of cultural heritage, which work to implement strategies for the preservation and preservation of cultural heritage but despite the efforts made in algerian law, some criticisms and challenges must be addressed, in this context, I would like to make some recommendations that may contribute to strengthening efforts to protect algeria's cultural heritage.

1/Enhanced transparency and participation: transparency and enhanced effective participation of interested persons and civil society in cultural heritage protection processes should be enhanced, and dialogue and cooperation between competent authorities, the community academic institutions and cultural professionals should be encouraged to ensure concerted efforts and best results.

2/ Promoting awareness: awareness of the importance and duty of cultural heritage should be an essential part of the strategy for its protectione educational and guidance programmes for the public and youth should be strengthened and cultural and educational events

focused on the value of cultural heritage and its role in the promotion of national identity should be organized.

developing the legal framework: laws on the protection of cultural heritage must be reviewed and updated to ensure that they are compatible with current and future challenges, effective mechanisms must be identified to implement these laws and resources provided to strengthen inspection and control of cultural heritage-related activities and appropriate penalties for violators.

strengthening international cooperation: international cooperation in the protection of cultural heritage should be strengthened through the exchange of information, experiences, ideas and good practices with relevant international and regional actors, where Algeria's cultural heritage can be considered a critical area requiring enhanced efforts to better preserve and protect it.

5/- Promote technology and innovation: technology and innovation can be used to protect cultural heritage, such as the use of modern technologies in documentation, restoration and conservation processes, and technological opportunities must be explored and effectively applied in the protection of cultural heritage.

the protection of algeria's cultural heritage must therefore be strengthened through awareness-raising, strengthening laws, enhancing cooperation and utilizing technology, by taking these steps, we can actually preserve cultural heritage.

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