

Legislating orders in Algeria in the light of the constitutional amendment 2020

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Abstract:

The scientific objectives of this research paper, which falls within the Legal Studies, which deals with the topic of the president's authority to legislate by orders in the light of the constitutional amendment 2020, constitute the extent of acquaintance with the concept of legislation by orders, and knowledge of the cases identified by the constitutional founder of the mechanism of legislation by orders to the president of the Republic, and the most important presidential orders since the last constitutional amendment 2020.

keywords: Legislation by orders, the president of the Republic, cases of legislation by orders.

Introduction:

Parliament is generally responsible for enacting laws that govern public life in society, but the President of the Republic also has legislative powers, which are exercised through the

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power to legislate by decree. This power has become a rival to parliament in the Algerian legal system.

Under the 1963 Constitution, the President of the Republic exercised the power to legislate by decree by issuing a set of legal rules in the field reserved for the legislative power in exceptional circumstances. This was the case until the constitutional amendment of 2020, with the exception of the 1989 Constitution. However, the constitutional amendment of 2020 gave the President of the Republic the power to exercise the power to legislate by decree in normal circumstances. These decrees are subject to parliamentary, constitutional, and judicial oversight.

The broad powers of the President of the Republic guaranteed by the Constitution constitute a powerful motivation and stimulus to research and study this exciting and important subject. Hence, we put forward the following forms:

- What are the meaning of legislating with orders?
- What are the cases of legislative orders to the President of the Republic in accordance with the Constitutional Amendment 2020 in Algeria?

In response to these questions, we have discussed in this paper the concept of legislation by orders and cases initiated by the President of the Republic in accordance with the Constitutional Amendment 2020, and further reinforcing the subject, addressing examples of legislation by presidential orders since 2020.

SECTION I : The Power to Legislate by Decree

states that the constitutional amendment of 2020 expanded the President of the Republic's power to legislate by decree. This power can now be exercised in normal circumstances, as well as in exceptional circumstances.

There are those who define the orders as: "Decisions which have the force of law issued by the executive branch to regulate certain matters which are dealt with only by legislation with a special mandate from the legislature. These regulations, which are in the force of law, are not issued in the absence of Parliament as regulations of necessity, but the Parliament is sitting."

First Requirement : the Power to Legislate by Decree meaning

Legislative orders are characterized by new legal texts of a mixed nature , which represent organizational criteria according to the formal criterion because they emanate from the executive branch represented in the Head of State, They are full legislative criteria according to the objective criterion, because the areas addressed to them are not those within the general regulatory competence, Rather, they fall within the original jurisdiction monopolized by the legislature law ", from this point of view they represent full-fledged ordinary laws.

Another is defined as such: "The legal norms of the President of the Republic in the reserved area of another authority, namely the legislature". It is the constitutional instrument of the President of the Republic under which he can exercise legislative power and is originally the prerogative of Parliament.

Second Requirement: The Criteria Used to Distinguish Legislative Decrees

Legislative decrees are distinguished from other similar acts in several ways. To distinguish between them, two basic criteria are used: the formal criterion and the material criterion.

2-1-Formal standard

This criterion depends on the nature of the legal work. If it is issued by Parliament, it is a legislative act and therefore falls within the scope of ordinary legal rules. If the legal act of the administrative bodies involving the executive branch of the State is an administrative act, It falls within the scope of regulations, regulatory decisions or individual administrative decisions of the executive branch.⁵

2-2-Objective criterion:

This criterion is based on the objective basis of the nature of the work of the executive branch. If it is a State, it is an act of sovereignty and derogates from judicial control, whereas administrative action is subject to judicial control.⁶

With reference to Algeria's constitutional order, the 1976, 1989 and 1996 Constitution annexed to the amendments of 2016 and 2020 adopted the material and formal standard in determining the scope of legislation and regulation as the basis for the distribution of competences between the legislative and executive branches, contrary to the 1963 Constitution.⁷

Third requirement :Justification for granting the President of the Republic the power to legislate through orders

The President of the Republic has the right to legislate by order in accordance with article 142 of the Constitutional Amendment of 2020.

3-1-Constitutional justification

1. The powers conferred on the President of the Republic by the Constitution give him an important position in Parliament:

The President of the Republic embodies the Head of State, the unity of the nation and is the protector of the Constitution. In view of Algeria's authority, it exercises effective authority to ensure the protection of the Constitution and influences the various powers.⁸

- The President of the Republic has many and varied powers in various areas, including:⁹

1-In the operational area:

* Appointment of the Government and its President: According to article 103, paragraph 5, of the Constitutional Amendment of 2020, the President of the Republic appoints the Prime Minister after consulting the parliamentary majority and terminating his duties. And what can be seen from this article is that the amendment of 2020 came up with something different that was not addressed in all previous constitutions, The President of the Republic consulted the parliamentary majority upon his appointment to the First Minister Constitution ", which means that Algerian constitutional law is in the direction of a fully representative democracy.

* Appointment of ministers: This is stipulated in article 104 of the 2020 Constitution: "The Prime Minister shall submit to the President of the Republic the members of his Government he has chosen."

* Termination of the functions of the Head of Government and its members: The functions of the Government in Algeria's political system end with the termination of the functions of its President. The constitutional amendment of 2020 shows the cases in which the functions of the Head of Government are terminated.

* Organizational powers: The Constitution enabled the executive to exercise organizational competence, in accordance with article 141 of the Constitutional Amendment of 2020.

2-In the legislative area :

*Intervention in the legislative initiative: According to article 143 of the constitutional amendment of 2020, the initiative of legislation is a constitutional right of both the Prime Minister, the National People's Assembly and the Council of the Nation.

* Ministers' attendance at the work of parliamentary committees: the second position of participation of the executive in the legislative procedure is that of ministers in the work of the standing committees of Parliament.

*Parliament's convening: Article 138 of the Constitutional Amendment of 2020 stipulates: "The Parliament shall meet in one ordinary session each year, of at least ten months' duration. The session shall begin on the second day of September and end on the last working day of June. The First Minister may extend the regular session for a few days for the purpose of finalizing the point of consideration of a particular point on the agenda. Parliament could meet in an extraordinary session at the initiative of the President of the Republic s Assembly ", or at the request of two thirds of the members of the National People's Assembly, conclude this extraordinary session once Parliament has completed the agenda for which it was called.

* The right of presidential objection and its impact on legislative action: article 149 of the 2020 Constitutional Amendment confers the right of presidential objection to a legislative text voted on by Parliament. This is done in the form of a request for a second reading of the same text by Parliament. This principle has remained prevalent in all Algerian constitutions.

There is a difference among States in determining the legislature's power to legislate laws, in the sense that Parliament has the right to legislate on all subjects, that there are limits it cannot override?

According to the Constitutional Amendment of 2020, the legislature has full sovereignty over the preparation and voting of the law and exercises its legislative power in the fields defined by the Constitution in article 139, which covers 30 areas.¹⁰

3. The President of the Republic is elected by the people:

Elections are a means of expressing the most fundamental right of citizens. the right to choose governors in order to reflect the constitutional principle that the people are the source of every power, The preamble to the Constitution of the Republic stipulates that the Constitution is above all, which is the Basic Law guaranteeing individual and collective rights and freedoms, It protects the principle of the free choice of the people and, at the heart of the Constitution, it is pointed out that the people are the source of every power.¹¹

With reference to article 85 of the 1996 Constitution, the President of the Republic is elected by direct and secret universal suffrage, guaranteeing him the independence of the membership of Parliament and making him the expression of the people. This is confirmed in the Algerian Constitution that he is the body of unity, the protector of the Constitution and the holder of the right to address and refer directly to the people.¹²

2-Practical justification

These may be limited to:

1.The lack of practical application of the principle of separation of powers has enhanced the executive's superiority:

The principle of the separation of powers is linked to the nature of the relationship between the different powers in the legal systems, which are either presidential, parliamentary or parliamentary. The essence of the principle of the separation of powers is based on the division of the State's functions into three main functions and the failure to assemble these functions in the hands of one body or person.

The principle of the separation of powers has been enshrined in the 1996 Constitution. In accordance with this Constitution, the executive branch has been incorporated through the President of the Republic and the Prime Minister. Despite the dual formality, the President of the Republic remains effectively in control at this level. Under the President's broad package of powers and competencies and through it the executive branch as a whole. Given the limited powers conferred on the legislature and the lack of its independence, the executive branch was essentially superior to the legislature.

2.The executive branch is the State's closest and most interactive institution and authority:

The expansion of State activity has resulted in Parliament's inability to address political, economic and social problems, Its retreat in favour of the executive and, in the latter, its recognition of virtually taking the lead in the political system, Most recent constitutions confer broad powers on the executive in normal circumstances and exceptional situations. s problems, and given the black mankind she had experienced.

Algeria's orders were an imperative and conferred on the President of the Republic, as the dome and centre of the regime, among the most important:

- Orders issued by the Revolutionary Council of Order No. 10 of 1965, which replaced the National Council of the 1963 Constitution.

- The orders issued by the National Transitional Council to organize transitional bodies on the basis of national reconciliation in 1994.

- The legitimate decrees adopted by the Supreme Council of State, beginning in 1992, and by the Head of State in 1994, prior to the inauguration of the National Transitional Council.

3.The length and frequency of parliamentary procedures to be followed in the promulgation of laws:

The process of ordinary legislation requires considerable time and complex, slow and public procedures. This threatens the existence of the nation's entity in exceptional cases. Therefore, the Algerian Constitution confers on the President of the Republic the task of confronting the circumstances under orders which have the force of law.¹³

We conclude that the legislation of the orders is that the President of the Republic instead of Parliament legislates laws, with the power to accept or reject the legislation of this kind. The President of the Republic had derived the basis of that authority from the Algerian Constitution without having to revert to the Parliament's mandate.

The President of the Republic has broad powers, inter alia, to legislate on orders. However, there is scope for the exercise of

this mechanism, which is defined in article 142 of the Constitutional Amendment 2020. Such legislation by orders is also subject to parliamentary control, the Council of State and constitutional control, with the exception of financial legislation, which is not subject to any control. That's ,We will based in the second title .

SECTIONII :Cases of legislative orders under constitutional amendment 2020

The legislature is entrusted with the legislative power and is competent to enact laws. This has been confirmed in Algeria's successive constitutions until the constitutional amendment of 2020. However, there are cases in which the executive branch, represented by the President of the Republic, has the right to legislate by order.

In this regard, this paragraph addresses the issue of the President's power to legislate through presidential orders in accordance with the recent constitutional amendment.

First Requirement: President's powers to legislate Ordinance legislation innormal circumstances

The President of the Republic has many powers to participate in the legislative branch's main work, namely legislation, by enacting laws in the form of orders. This is in accordance with article 142 of the Constitutional Amendment of 2020. This constitutes participation of the legislative branch in the right to legislation. This is not only Algeria but also various States.¹⁴

We will discuss the Cases of legislating with orders will be addressed during the absence of Parliament and in the financial field.

1-Exercise legislative functions in the absence of Parliament

The powers of the President of the Republic are to legislate orders during the vacancy of the National People's Congress and during parliamentary holidays.

1-1-Vacancy status of the National People's Congress

In exercising mutual control between the executive and the legislature, the National People's Assembly is subject to a solution either by the President of the Republic or (by law) before the end of its constitutionally established covenant. S.H. or the timely holding of legislative elections. As stipulated in article 151 of the Constitutional Amendment 2020, "the President of the Republic may decide to dissolve the National People's Assembly, or to hold legislative elections prematurely, after consulting the President of the National People's Assembly, the President of the Constitutional Court and the First Minister or Head of Government, as appropriate.

The powers of the President of the Republic to dissolve the National People's Assembly are restricted and are defined in article 151 of the Constitution:

- *Consulting the Speaker of the National Assembly.

- *Consulting the President of the National People's Congress.

- *Consulting the President of the Constitutional Court.

- *Consult the Chief Minister or Head of Government as the case may be.¹⁵

It concludes that the period for the President of the Republic to resort to legislation with orders exceeds three months, especially if the final declaration of results is added, and the beginning of the legislative period, which begins on the fifteenth day. ¹⁵ Following the date on which the Constitutional Court announced the final results, the vacancy of the National People's Congress exceeded four (04) Months during which many orders were taken that affected even the area of organic laws, although

some maintain that it is not possible to legislate orders in the areas of organic law.

1-2-Parliamentary recess status

Parliamentary recess means that Parliament is not in session throughout the year but meets during a certain constitutionally determined period.

The number of sessions of Parliament in accordance with the 1996 Constitution is set out in article 118 of the Constitution in two ordinary sessions each year. Each cycle shall be of at least four months' duration: the spring cycle and shall begin on the second day of March, The autumn course starting on the second day of September s National Assembly and the Council of the Nation ", as provided for in the 99/02 Organic Act of the 08/03/1999 on the Organization and Functioning of the National People's Assembly and the National Assembly, as well as the functional relationship between them and the Government, and the President of the Republic can also initiate the extraordinary sessions of Parliament and, if the Parliament's competence to enact laws is eight months per year, The President's power to legislate is in four months during the year.

In article 2020 of the Constitutional Amendment, article 138 of the Constitution, one annual session of Parliament is set for 10 months in ordinary cases, with a Joylian and UT holiday of each year. with the possibility of holding extraordinary sessions on the initiative of the President of the Republic, i.e. two thirds of the members of the National People's Assembly to study a particular topic, The agenda for the regular session will be concluded after completion.

In view of the occurrence of emergencies during the parliamentary recess and the facts that need to be regulated and dealt with, legal rules need to be urgent, and since legislation at the parliamentary level requires a long time and complex procedure, which calls for the President of the Republic to urgently address and resort to legislation with orders within a week's time.

2-Exercise of legislative functions in the financial sphere

The conflict between monarchs and people's representatives, especially in Britain, over fiscal power and hence financial legislation, which was the prerogative of monarchs, led to the transfer of such power to parliaments and became competent in fiscal legislation by examining and approving State budget projects.¹⁶

The Constitution of 1976 and 1989, which was confirmed in the Constitution of 1996 and the Constitutional Amendment of 2016 until the Constitutional Amendment of 2020, authorized the President of the Republic under normal circumstances in the financial sphere, in accordance with article 146: "Parliament shall ratify the Finance Act no later than seventy-five (75) days from the date of its deposit. If it is not ratified within the previously prescribed deadline, the President of the Republic shall issue the draft Government by order ".

Second Requirement: Cases of ordinance legislation in unusual Circumstances

Extraordinary (exceptional) circumstances are defined as, "anomalous, supernatural conditions that threaten the public safety, public security and order of the country and expose the nation's entity to demise.

There are several measures to measure the theory of exceptional circumstances, so that they can be determined, since there is no specific measure to argue that certain circumstances are exceptional or not, but the conditions are certainly:

- Circumstances of time and space must have a genuine and phenomenon of exception, i.e., an exceptional circumstance must exist.
- The inability of ordinary legal rules to address the exceptional circumstance.

- The measures taken must be proportionate to the exceptional circumstance.
- The extraordinary authority of management is linked to the existence of the exceptional circumstance.

2-1-Scope of application of the ordinance legislation in exceptional circumstances

Algeria's constitutional founder has distinguished three situations of extraordinary gravity, namely the state of emergency and blockade, the exceptional situation and the state of war.

1-State of emergency and blockade; The power of the president of the Republic to declare the two cases is considered a reporting power and not just a declaration of the situation, as he has the discretion to approve the two cases or exclude the two cases or to differentiate between the two cases through the use of the constitutional founder of the phrase emergency or blockade.

Similarly, the president of the Republic cannot delegate this authority to the prime minister or the head of government, as the case may be, based on the text of Article 93, paragraph 3 of the constitutional amendment of 2020, and he also restricts the constitutional institution of the head of state appointed in the event of the inability of the president of the Republic to perform his duties or during the vacancy of the Office of the president of the Republic, where the state of siege or emergency cannot be declared by the head of state, except with the approval of the parliament convened in its two chambers assembled together, which makes the parliament a partner in this authority during the absence of the elected president of the Republic, on the basis that the parliament is a constitutional institution representing the people, just like the president of the Republic elected by the people the head of State announces the two cases after the council meeting Security and consulting the speaker of the National Assembly, the chairman of the National People's

Congress, the prime minister or the head of government, as the case may be, and consulting the chairman of the Constitutional Court.

2-The exceptional (especial)case

In view of the broad powers vested in the president of the republic by the report on the exceptional situation, which consists in taking the extraordinary measures required to preserve the independence of the nation and the constitutional institutions in the Republic. Without specifying Article 98 of the Constitution what these measures are and their extent, this may have a serious impact on the restriction of public rights and freedoms, or prejudice their essence or violation, especially if the continuation of the exceptional case is in force for a long time, he drew the attention of the Algerian founder to determine the duration of the continuation of the exceptional case in the constitutional amendment of 2020 under the first paragraph of Article 98 for a maximum of sixty (60) days, a condition that was not in force or not stipulated in all previous Algerian constitutions.

The president of the Republic decides on the exceptional case according to paragraph 2/98 of the constitutional amendment of 2020 after consulting the speaker of the National Assembly, the chairman of the National People's Council and the chairman of the Constitutional Court, and listening to the Supreme Security Council and the Council of ministers.

The fifth paragraph of Article 98 stipulates that" the duration of an exceptional situation may be extended only after the approval of the majority of the members of the two chambers of Parliament assembled together", a new condition that was not previously provided for.it is noted in this condition that the consent of the majority of the members of the two chambers of Parliament assembled together is required to extend the exceptional situation, which was not adopted when requesting the extension of the state of emergency and the blockade. The approval of the Parliament sitting in its two chambers gathered together was taken without reference to the majority, and this is

due to the fact that the exceptional situation is more serious than the states of siege and emergency .

3-State of war

Article 100 of the constitutional amendment of 2020 stipulates that if actual aggression against the country occurs, or is about to occur as stipulated by the appropriate arrangements of the Charter of the United Nations, the president of the Republic shall declare war, after meeting the Council of ministers, listening to the Supreme Security Council, and consulting the president of the Republic People's Assembly and the speaker of the National Assembly. In this case, the Parliament must meet and the president of the Republic shall address a letter to the nation informing it of this.

The requirement to consult the presidents of the two parliamentary chambers is also considered to be largely a formality, due to the fact that the consultation is not mandatory on the one hand, and the dependence of the parliamentary majority to which the Presidents belong to the president of the Republic on the other hand. The requirement for the parliament to meet in the air is not intended to participate in the decision to declare war, but only in order to follow up on the situation, as it makes no sense for the country to enter a war and the parliament is on vacation. Finally, the president of the Republic is obliged to address the nation to inform it of the decision to declare war, thus putting it in front of the The requirement to consult the presidents of the two parliamentary chambers is also considered to be largely a formality, due to the fact that the consultation is not mandatory on the one hand, and the dependence of the parliamentary majority to which the Presidents belong to the president of the Republic on the other hand. The requirement for the parliament to meet in the air is not intended to participate in the decision to declare war, but only in order to follow up on the situation, as it makes no sense for the country to enter a war and the parliament is on vacation. Finally, the president of the

Republic is obliged to address the nation to inform it of the decision to declare war, thus putting it in front of the Accomplice fact.¹⁷

In the light of what has been discussed , it has been established that legislation by orders under normal circumstances in the Algerian constitution came to strengthen the executive power and strengthen the position of the president of the Republic in the competition of the legislative power, and this is considered an interference in the area of competence of the legislative power.

As for the powers of the president of the Republic in extraordinary cases, he uses the mechanism of legislation by orders and they are not restricted as in normal circumstances, this is due to exceptional circumstances that may affect national sovereignty. It is also noted that the power to assess the existence of urgency belongs to the president of the Republic, and legislative orders issued in this case have the force of ordinary law.

2-2- Examples of Presidential orders in Algeria since 2020:

We will mention the most important presidential orders since the last constitutional amendment in 2020 :

➤ Presidential orders 2020

* Presidential Order No. 20-110 of April 15, 2020: concerning the establishment of a national agency for health safety.

* Presidential Order No. 20-111 dated April 15, 2020: it concerns determining the conditions and how to use individual and group means of prevention from the corona virus (covid-19).

* Presidential Order No. 20-112 dated April 15, 2020: concerning the establishment of a National Committee to follow the development of the coronavirus pandemic (covid-19) and assess its risks.

* Presidential Order No. 20-113 dated April 15, 2020: it concerns determining the conditions and how to book tourist accommodations as well as worker shelters.

* Presidential Order No. 20-114 dated April 15, 2020: it concerns determining the conditions and how to subject people to quarantine.

* Presidential Order No. 20-115 of April 15, 2020: on determining the conditions and how to close educational and university institutions.

* Presidential Order No. 20-116 dated April 15, 2020: it concerns determining the conditions and how to prevent gatherings and demonstrations.

* Presidential Order No. 20-117 dated April 15, 2020: it concerns determining the conditions and how to close the land, sea and air borders.

➤ **Presidential orders 2021:**

* Presidential Order No. 21-16 dated January 24, 2021: concerning the establishment of a national agency for development and investment.

* Presidential Order No. 21-17 dated January 24, 2021: related to determining the conditions and how to grant investment licenses.

* Presidential Order No. 21-18 dated January 24, 2021: it concerns determining the conditions and how to complete investment projects.

* Presidential Order No. 21-19 dated January 24, 2021: related to determining the conditions and how to operate industrial zones.

* Presidential Order No. 21-20 dated January 24, 2021: it concerns determining the conditions and how to support investment.

➤ **Presidential orders 2022:**

* Presidential Order No. 22-10 dated April 15, 2022: concerning the establishment of a Supreme Council for digitization.

* Presidential Order No. 22-11 dated April 15, 2022: it concerns determining the conditions and how to complete digitization projects.

* Presidential Order No. 22-12 dated April 15, 2022: it concerns determining the conditions and how to conduct the national system of digitization.

* Presidential Order No. 22-13 dated April 15, 2022: it concerns determining the conditions and how to protect personal data.

➤ **Presidential orders 2023:**

* Presidential Order No. 23-10 dated April 15, 2023: concerning the establishment of a National Renewable Energy Agency.

* Presidential Order No. 23-11 dated April 15, 2023: it concerns determining the conditions and how to exploit renewable energy.

* Presidential Order No. 23-12 dated April 15, 2023: it concerns determining the conditions and how to support renewable energy projects.

Conclusion:

In the slight of what has been negotiate, it has been established that legislation by orders under normal circumstances in the Algerian constitution came to strengthen the executive power and strengthen the position of the president of the Republic in the competition of the legislative power, and this is considered an interference in the area of competence of the legislative power.

As for the powers of the president of the Republic in extraordinary cases, he uses the mechanism of legislation by orders and they are not restricted as in normal circumstances, this is due to exceptional circumstances that may affect national sovereignty. It is also noted that the power to assess the existence of urgency belongs to the president of the Republic, and

legislative orders issued in this case have the force of ordinary law.

Bibliography List setting:

1-Al-Saadi Sakri, "Legislating with Orders and Its Impact on the Legislative Power in Algeria", Memorandum submitted for a Master's Degree in Public Law, Specializing in Public Administration Law, University of Larbi Ben Mehidi oum elbouaki, 2008/09, p. 11.

2-Madiha Ben Nadji, "Legislation with Orders in Algerian Constitutional Order", Journal of Law and Political Science, University of djelfa, vol. 10, No. 04, 2017P.319.

3-Souad Mimouna, "Methods of organizing legislative orders in Algeria", Journal of jurisprudence for legal and economic studies, University Centre Thamanrast, Algeria, vol. 03, No. 02, 2014, p. 50.

4-Sihem Abdelnour, "Ordering legislation in Algerian constitutional experience", Memorandum of Master's Degree in Legal and Administrative Sciences, Faculty of Law, University of 08M45 Guelma ; algeria, 2007, p. 8.

5-Slimen Mohamed el tamawi, General Theory of Administrative Decisions, Dar al-Arabi Thought, Cairo, 1976, p. 177.

6-Khaled Khalil Al-Dahir, Administrative Judiciary, Ombudsman's Office, Saudi Arabia, Abolition Court _ Compensation Court, Comparative Study, Law and Economics Library, 2, Riyadh, 2014, p. 75.

7-Nawel Irain, "Inventory technique as a basis for restricting legislation and launching regulation", Journal of Rights and Freedoms, vol. 09, No. 02, 2021, p. 1067.

8-Sofiane Arshouche, "Relationship of the President of the Republic to the legislative power under the Algerian Constitution", Journal of Law and Political Science, Khenchla University, vol. 02, No. 01, 2015, p. 153.

- 9- Zerrougui, "Powers of the President of the Republic in the Algerian political system through constitutional amendment 2020 in ordinary cases", *Journal of Political Studies Critic*, vol. 06, No. 01, 2022, p. 219
- 10-Article 139, Constitutional Amendment 2020, issued pursuant to Presidential Decree No. 20-442 of 30/12/2020 and approved in the First November 2020 Referendum, *J. R.I. c. c. s Rights* ", No. 82, dated 30/12/2020.
- 11-Yacine Mouzizi, *Judicial Supervision of Elections in Algeria*, Al-Alameya Publishing and Distribution House, 1, Algeria, 2015, p. 7.
- 12-Said Boucheair, *Algerian Political System Analytical Study of the Nature of the System of Government in Light of the 1996 Constitution Executive Power _ J3*, University Publications Office, T2, Algeria, 2013, p. 68.
- 13-Ilhem Kadri, "Legislation by Order in Algerian Constitutional Order in accordance with Constitutional Amendment 2016", *Memorandum for Master's Degree in Law, State and Institution Specialization, Faculty of Law and Political Science, University of djelfa* , 2015/2016, pp. 11-12.
- 14-Mabrouk Boudour, "The relationship of the President to the legislative and judicial branches of the Constitution _ A comparative study between different constitutional systems and sources _", *Journal of Legal and Political Studies, University of Agut*, vol. 08, No. 02, Jan 2022, p. 442.
- 15- Article 151, Constitutional Amendment 2020.
- 16-Fatima al-Zahra Sonour, "Ordinary legislation as a mechanism to compete with Parliament at the heart of its competence", *Algerian and Comparative Public Law Journal*, vol. 05, No. 02, 2019.
- 17- Kamel mostfaoui , Ali maazzouz, regulation of exceptional cases in the constitutional amendment 2020 between restriction and effectiveness, *Maarif magazine, El Bouira University*, Vol.16, No. 02, December 2021, P. 234.