



MECHANISMS FOR ACTIVATING PARTICIPATORY DEMOCRACY IN ALGERIAN LEGISLATION

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Abstract:

This article examines participatory democracy as a mechanism for local governance that allows citizens to participate in decision-making and raise their concerns at the local level.

The constitutional framework enshrined participatory democracy, explicitly stating it in Article 16 of the latest amendment in 2020. This article addresses the most important mechanisms for implementing participatory democracy, both classical and modern.

Keywords: Participatory democracy, elections, referendums, digital democracy.

Introduction:

Participatory democracy as a method of local governance is defined as the participation of citizens in decision-making on policies that directly affect their daily lives and the interests and concerns that elected representatives may be unable to represent at the local community level. It is also a new method of governance that aims to integrate citizens, either individually or within the framework of civil society, and involve them in decision-making processes within the framework of the principle of citizenship.

The concept of participatory democracy has been linked to some new terms and concepts, perhaps most notably “local development or participatory local development,” which refers to the process by which effective cooperation between popular and governmental efforts can be achieved to raise the standards of communities and units. The concept is also linked to local governance, participatory local

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governance, or good governance, which refers to a set of processes and practices related to the management of local affairs, falling within the scope of respect for the law and the promotion of accountability and transparency, in the interest of the general public in society. It requires the establishment of mechanisms that allow citizens to express their interests and exercise their rights and duties, and takes into account partnerships with civil society institutions.

In the Algerian experience, participatory democracy was addressed in single-party constitutions, although the Algerian constitutional founder did not explicitly stipulate it before the 2016 constitutional amendment, and it was explicitly confirmed in subsequent constitutional amendments.

The practice of participatory democracy requires the adoption of a set of mechanisms and the legal means to establish it on the ground. Hence the importance of this study, which highlights the concept of participatory democracy and sheds light on the mechanisms for its implementation. This raises the following question:

What are the mechanisms for implementing participatory democracy in Algerian legislation? To what extent have they been established?

In order to answer this question, two fundamental points will be addressed:

- First section: Classic mechanisms for implementing participatory democracy
- Second section: Modern mechanisms for implementing participatory democracy.

1- Classic mechanisms for activating participatory democracy

These consist of a set of constitutionally and legislatively enshrined mechanisms that are often linked to the political sphere, such as political parties, elections, and referendums. Where we find the legal framework for participatory democracy as explicitly stipulated in Algerian constitutions since the 1976 constitution until the 2020 constitutional (Constitutional amendment 2020, p. 82) amendment, in addition to what is contained in various legislative and regulatory texts such as the organic law on political parties (Organic Law No. 12-04 concerning political parties, 2012) and the

organic law on the electoral system. (law, Order No. 21-01 includes the organic law relating to elections., 2021)

1.1- political participation

Political participation is a concept linked to a democratic society. It means that citizens have a role in making decisions that affect their lives, either directly or through legitimate institutions that represent their interests. This is referred to as "political participation" or "political activity." (SABRINA, 2019, p. 29) His type of broad participation is based on freedom of association and freedom of expression, which are constitutionally guaranteed under Articles 52 and 56 of the 2020 constitutional amendment.

1.1 1- Political Parties

Political parties are among the most important legal mechanisms for activating participatory democracy, as they work to convey citizens' concerns and propose solutions to them, thereby enhancing the political culture among citizens. It helps to form an elite group of individuals, thereby working to achieve goals that individuals are unable to achieve on their own. (NABIL, 2017, p. 120)

A-Concept of principle

Algerian lawmakers defined political parties in Article 3 of Organic Law on Political Parties. (Organic Law No. 12-04 concerning political parties, 2012) The right to establish political parties is constitutionally guaranteed, as 2020 constitutional amendment (Article 56 of the 2020 constitutional amendment) explicitly recognizes and guarantees this right, provided that it does not constitute a violation of fundamental freedoms, values, and the essential components of national identity, national unity, the security and integrity of the national territory, the independence of the country, the sovereignty of the people, and the democratic and republican nature of the state. It also stipulates that political parties may not be established on religious, linguistic, ethnic, sexual, professional, or regional grounds, in particular resorting to partisan propaganda based on these elements or to the use of violence or coercion of any nature or form, not to mention the prohibition of any form of subordination to foreign interests or entities. In return, the Algerian constitutional founder recognized, (Article 58 of the 2020 constitutional amendment), the rights enjoyed by political parties without any



discrimination, guaranteeing fair treatment by the state, as represented by the following rights:

- Freedom of opinion, expression, assembly, and peaceful demonstration;
- Time in the public media proportional to their representation at the national level;
- Public funding, where applicable, determined by law according to their representation; and the exercise of power at the local and national levels through democratic deliberation, within the framework of the provisions of the Constitution.

B- The role of political parties in promoting participatory democracy

Political parties are effective tools for establishing order in social life and for participation in public life. The first chapter, entitled “General Provisions,” of the Organic Law on Political Parties contains legal provisions that explicitly stipulate the functions and tasks of political parties. (See Articles 11 to 15 of Organic Law 12-04.) This demonstrates the important role played by political parties in building civil society and spreading political awareness among its members, within the framework of practicing participatory democracy in a legal manner and participating in government.

1.1.2- Women's Participation

Women's political participation is one of the pillars of democracy and a prerequisite for effective citizenship. Algeria, like many other countries, has ratified international conventions on human rights in general, and women's rights in particular, and has incorporated them into its constitution, as enshrined in Organic Law No. 12-03, Article 2. The 2020 constitutional amendment has further strengthened and deepened the promotion of women's political rights and emphasized gender equality in the holding of public office and positions, in accordance with Article 67. (Organic Law No. 12-13, 2013)

1.2- Referendum

A referendum is a mechanism for exercising sovereignty, whereby a matter of national importance is put to the people for their participation in decision-making, which falls within the framework of participatory democracy and good governance.

1.2.1- The concept of a referendum:

There is no legal definition of a referendum, but various constitutions refer to this procedure in their provisions. The Algerian constitutional founder recognized the possibility of the President of the Republic resorting to a referendum on any issue of national importance, in accordance with Articles 8 and 91, paragraph 9.

The role of referendums in promoting participatory democracy that referendums are one of the most important manifestations of semi-direct democracy, giving the people the right to participate in the exercise of power. They are therefore considered one of the mechanisms for establishing the principle of participatory democracy, which aims to achieve good governance. Accordingly, the people contribute to the process of selecting their representatives in accordance with the principles of participation and representation enshrined in the Constitution, through what is known as elections.

1.2.2- Elections

The Constitution affirms and reinforces this method as an indispensable constitutional principle, which was enshrined in the latest constitutional amendment of 2020, which affirms in its aforementioned Articles 7 and 8 that the people are the source of all authority and that sovereignty belongs to them, which they exercise through institutions they choose and through their elected representatives. In other words, the principle of representation is enshrined in the Constitution, which stipulates that the people are free to choose their representatives and that there are no limits to their representation except as provided for in the Constitution and the electoral law, in accordance with Article 11 of the 2020 constitutional amendment. To reinforce this constitutional article, Decree No. 21-01 was issued, containing the organic law on the electoral system, which stipulates in Article 3.

Most of these amendments aim to consolidate good governance and expand democracy by involving all citizens in decision-making through the expression of their will within the framework of the elected council, establishing the principle of democracy.

A- The concept of elections

Dr Salah al-Din Fawzi defines it as ‘the process by which citizens express their will and desire to choose their rulers and



parliamentary representatives from among several candidates. (BALA, 2017) In French constitutional jurisprudence, Jean Paul defines it in his book *Le suffrage politique* as ‘the exercise of the right to choose in a manner in which the administrations qualified for that exercise compete.’ François Luchatre defines it in his book *La protection constitutionnelle des droits et des libertés* as ‘political elections in which voters express national sovereignty, including the election of the head of state, legislative elections, local elections and referendums.’ (NABIL, 2017, p. 112).

Article 4 of Decree No. 21-01, which contains the organic law on the electoral system, defines elections as the means by which the people choose their representatives to manage public affairs at the local and national levels.

B- The role and importance of elections in activating participatory democracy

Elections are a fundamental pillar of democratic governance, as they are a means for citizens to participate in choosing their representatives. They are the legal organization of the principle of exercising power on behalf of the people. Elections have thus become an essential mechanism for the exercise of participatory democracy, through which citizens can participate in political life in order to guide public policy according to their will. Elections are considered a tool that allows the people to participate in political and administrative decision-making, in line with contemporary systems. They are the basis of participatory democracy and the cornerstone of strengthening citizens' attachment to their country by giving them the freedom to choose their representatives.

The importance of elections in activating participatory democracy can be concluded from the following points:

- Elections give elected officials legitimacy.
- It gives citizens the freedom to choose who they deem suitable to manage public affairs.
- It enables citizens to monitor and follow up on their representatives.

In this context, the 2020 constitutional amendment surrounded elections with transparency and impartiality through the establishment of the Independent National Electoral Authority, which oversees

elections, ensures the transparency of various electoral processes, and is responsible for preparing, organizing and supervising them. (Article 202 of the 2020 Constitution, 2020).

2- Modern mechanisms for activating participatory democracy

The world is undergoing changes that have given the concept of participatory democracy, particularly the ways in which it is practiced and activated, a new direction, such as the technological revolution, globalization, and global developments in the field of democracy and human rights. This has led to the modernization of methods and approaches to the management of public affairs at the national and local levels, particularly the methods used by states to manage and operate public facilities. This has necessitated the development of appropriate modern mechanisms to ensure that this role is exercised at all times or whenever the need arises, with modern information and communication technologies providing solutions to ensure this process.

‘Digitization’ has emerged, and with it, direct repercussions on political practices, particularly those related to social communication between individuals and their elected representatives. In this context, the internet acts as an intermediary between the actors, i.e. state representatives and citizens, with all parties and segments participating in the decision-making process. On this basis, ‘digital democracy’ has emerged.(MEZGICHE, 2020, p. 93).

2.1- Digital democracy as a mechanism for activating participatory democracy

The study of digital democracy as a mechanism for embodying participatory democracy and thereby achieving the goals of good governance requires research into its fundamentals, based on the following.

2.1.1- The Concept of Digital Democracy

The Algerian state adopted the e-government project in 2008 under the name ‘e-Algeria’ from 2009 to 2013. It can be defined as the use of information technology to carry out administrative transactions, provide ancillary services and communicate with citizens in a more democratic manner. (KHADIDJA, 2013, p. 263).



A- The concept of digital democracy

Digital or e-democracy has been defined in many different ways, including 'participation in voting via the internet and computers using email, text messages and other digital and electronic media and tools, which makes it easier for citizens to vote online, thereby strengthening their political rights (BOUHANIA, 2018, p. 53).

Researchers David Autissier, Denis Debrosse, Valérie Lehmann and Emily Metais-Wiersch define digital democracy in their book *La Démocratie participative digital* as "the use of digital technology in citizens' activities. Digital technology refers to the use of mobile computer applications (accessible from any device). Citizens' activities include all interactions between citizens and their communities, whether these interactions concern property, services or collaborative construction projects " (DENIS, 2019, p. 131).

It is also known as the electronic application applied to the services provided by the government, which leads to interaction and communication between the government and citizens, and between the government and business institutions, and carries out operations to simplify and improve aspects of internal democratic government between government departments electronically linked to citizens and business institutions alike.(RAHMANI, 2018, p. 102) Therefore, e-government is the virtual version of traditional government, with the difference that the former exists in electronic networks and information systems, while the latter mimics the functions that exist physically in state institutions (KHADIDJA, 2013, p. 263).

B- Applications of digital democracy in Algeria

As part of this e-government project, the government has begun to introduce digitization in all public administrations, both in its ministerial sectors at the central level, through the establishment of a ministry specifically responsible for digitization (the Ministry of Digitization and Statistics), and in the restructuring of the administrative organization of each ministry and the creation of a directorate for digitization and modernization. As well as at the level of decentralized bodies and non-centralized administrations subject to the authority of central or local authorities.

These reforms have been accompanied by the enactment of a legal arsenal regulating and framing the legal, legislative and

organizational aspects of this process, the most important of which is Law No. 09-04 on the prevention and combating of crimes related to information and communication technologies, in addition to Law No. 15-04, which sets out the general rules relating to electronic signatures and authentication, and Law No. 18-07 on the protection of natural persons with regard to the processing of personal data.

Personal, in addition to issuing laws regulating the digitization of ministerial sectors, the most important of which is Law No. 15-03 on the modernization of the justice sector. Perhaps the most prominent e-government applications that contribute to the activation and promotion of digital participatory democracy are as follows:

The Istichara-Tic application:

In order to embody the principles of participatory democracy and strengthen its mechanisms, in July 2019 the Ministry of the Interior, Local Authorities and Urban Development created an electronic application called 'Istichara-Tic', which enables citizens to participate in the management of their local affairs by expressing their opinions on the selection of development projects at the municipal level, by accessing the Ministry's official website 'www.interieur.gov.dz'. (website, 2025).

The official electronic portal for citizens' petitions 'Nechki':

In November 2021, the Ministry of the Interior, Local Authorities and Urban Development created an electronic portal on its official website, called 'Nechki' 'NECHKI', as a digital space that allows citizens and users throughout the country and in 58 states to submit and document complaints and petitions, as well as report abuses committed by local officials and elected representatives to the various departments of the Ministry of the Interior, Local Authorities and Urban Development digitally without having to travel to its headquarters in Algiers. This portal also allows Submit complaints and petitions to the municipality, district, or administrative province where the citizen's address or the operator's headquarters is located (website, 2025).

The government portal for digital public services, 'Bawabatic':

The Prime Minister's Office created the government portal for digital public services, which was officially launched on 7 December 2022. It is a digital government portal, 'www.bawabatic.dz', which



includes more than 300 digital public services from 29 ministerial sectors. It allows citizens, businesses and associations to access all the digital public services provided by the various administrations 24 hours a day, 7 days a week, as well as to view information on various administrative procedures without having to travel, such as enabling citizens and businesses to submit their complaints, petitions, appeals and even suggestions via the 'Concerns' e-service, thereby contributing to democratizing access to public services and reducing the digital divide through this digital portal (website , 2025).

2.2- social media as a mechanism for activating participatory democracy

Despite the diversity and multiplicity of social media networks and their various forms, such as Facebook, YouTube, Twitter, and other virtual means and media for social communication, they all share the common feature of being an electronic space that embraces free discussion between different social groups in all forms, This is achieved through electronic blogging, interaction, commenting, and electronically modifying and then publishing content. All of this has prompted governments to take an interest in this new type of communication, especially in its multifaceted political and social dimensions, which take the form of Media and information (FORARA, 2018, p. 288).

2.2.1- Definition of social media networks

technology experts define social networks as a group of websites that emerged with the second generation of the web, 'Web 2.0,' which enable communication between individuals in a virtual structure that brings together people with common interests or affiliations (country, school, university, company, etc.). Etc.). They communicate with each other through messages or by viewing personal profiles and learning about their news and information, which they make available for viewing through virtual contexts.(DERADJI, 2017, p. 204)

Politically, social media is defined as "new ways of communicating in the digital environment that allow smaller groups of people (young people) to meet and gather on the internet, exchange information, interact, express themselves, rally support for causes, gauge opinions and trends, support and opposition, electoral

propaganda, and other acts that fall within the scope of political participation"(FORARA, 2018, p. 289).

- From a social perspective, it is defined as a set of activities, practices, and behaviors carried out by millions of Internet users around the world to exchange information, knowledge, experiences, and opinions within interactive social networks. Algerian lawmakers have not explicitly provided a legal definition of social media networks.

2.2.2- Social media as platforms for promoting participatory democracy

Social media has become a means of discussing political issues and allowing citizens to engage in quasi-political activity. It is also a means for civil society to engage in social and civic activity. Social media has thus become a modern mechanism for activating digital citizenship and practicing digital democracy, particularly participatory democracy.

A team of experts believes that monitoring political and social processes and activities that take place on social media networks by posting comments and personal opinions on political or social issues, sharing political articles and news, as well as interacting by liking or following a candidate's page, encouraging others to vote and persuading them to adopt certain views on political and social issues, or creating or participating in groups related to political, social and other issues, can provide indicators that governments can use to gauge public opinion. They serve as raw material that must be dealt with and recognized as indicators in research, and classified among the indicators of shifts in traditional patterns of political participation.(BOUHANIA, 2018, pp. 62-63)

In the case of Algeria, social media networks have enabled citizens to address sensitive topics and issues through various online discussion forums aimed at broadening the circle of dialogue and expressing opinions on government policies and programs. Young Algerians have found in these networks an outlet for expressing their opinions, ideas and intellectual, social and political views. These spaces have become a place for them to practice digital democracy with greater freedom of expression, especially since they are accessible to all. This has given this group the ability to reduce the



dominance of traditional media over the production of news and information, and break the state's monopoly on the media and its control over the scope and scope of freedom of expression, given that young people are among the most open to other cultures, the most ambitious and eager, the most inclined towards values of renewal and change, and the most rebellious against the social and political norms and choices that surround them. (ASSOU, 2021, p. 496)

Political culture through social media networks, secondly, the manifestation of political participation at its level, thirdly, the nature of the audience using these networks, and through their following roles:

- Providing all facilities that are consistent with the principles of participatory democracy, such as direct interaction and participation among citizens, in addition to providing every user with a space for political and social participation by publicizing issues of political and social corruption, as well as public problems and complaints. - Communicating with their political representatives at both the national and local levels and demanding solutions and responses to their concerns, interacting with political and social events. Thus, social media is used as a strategy to gain power, thereby stimulating participatory democracy.
- The ability of social media networks to accommodate a huge number of users and their reliance on the availability of a popular base serves the goals of participatory democracy, which seeks to involve citizens from the grassroots, i.e. those who represent the base and majority of society, in decision-making and in the management of public affairs for citizens in terms of their form, type and course.
- Social media networks open up the public sphere to all users without discrimination based on culture, belief or gender, which is at the heart of the principles of participatory democracy that rejects the marginalization and exclusion of all groups in society.
- Social media networks constitute a platform for an electronic social system, within which interaction, dialogue, exchange of experiences and consultation can take place without restriction and without direct authoritarian control, which makes society part

of the political and social system of the state, thereby achieving the objectives and characteristics of participatory democracy. (ASSOU, 2021, p. 497).

Conclusion

Participatory democracy, in terms of its implementation mechanisms, is characterized by diversity and continuous advancement. It is fundamentally linked to the various advances made by the legal, political and social systems of states, as these mechanisms have come to have political dimensions such as political parties, elections, referendums, women's political participation, and social participation such as civil society and citizens' participation alongside the media, and even virtual digital participation such as digital democracy, social media networks, and others.

All these mechanisms form a social and political base that is framed and regulated by legal frameworks of constitutional, legislative and regulatory texts, which represent the infrastructure on which participatory democracy is based, aiming to enable all actors to participate directly in the process of drafting and preparing decisions alongside the authorities and administrative bodies, whether central or local decentralized, and thereby achieve development and governance at the local level within the framework of a participatory approach.

We therefore propose the need to issue regulatory texts that include the activities carried out by civil society organizations and further regulate their relations with citizens within the framework of achieving a participatory approach. In return, strict penalties should be imposed on violators, deviants and slackers.

- The Algerian legislature must adopt mechanisms that activate the role of citizens in participatory democracy, such as local referendums, neighborhood councils, youth and children's councils, and participatory budgeting, in addition to the mechanisms enshrined in Algerian legislation.
- The need to give importance to local media and limit centralized media policy on the one hand, and the need to emphasize the fundamental role it plays in achieving local governance and establishing participatory democracy at the local level on the other.



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