The Legal Foundation of the Concept of Public Order as a Goal of Administrative police

التأصيل القانوني لفكرة النظام العام كهدف للضبط الإداري



Badis Cherif [1*]

[1]Laboratory of Legal, Political, and Sharia Research, University of Abbas Laghrour, Khenchela, Algeria

badis.cherif@univ-khenchela.dz

Date of transmission: 24/11/2024 date of acceptance: 05/05/2025 date of publication: 01/06/2025

****

Abstract:

From the preparation of this research paper, we aim to highlight models through which jurisprudential considerations and legislative and judicial positions are reflected in the establishment and embodiment of the Concept of public order as an objective that can evolve in terms of time and place in the field of administrative policing, and this by virtue of the fact that the rule of law, as a dedicated principle, requires, for its implementation in an important aspect, the need to work on the construction of constitutional, legislative and regulatory bases to achieve coexistence between the requirements of the enjoyment of liberty and the exercise of public power, by virtue of the fact that this principle imposes the need to establish a certain number of rights and freedoms for individuals. On the one hand, the delimitation of its limits and the conditions of its enjoyment, on the other hand, thus bringing out the Concept of public order as a legal starting point for restricting it.

And because public order, in its conception of the administrative police based on these jurisprudential considerations, and comparative legislative and judicial positions, constitute the basis to which individuals must comply in the exercise of their rights and freedoms, and requires them not to exceed its limits or to prejudice its elements, the State represented by its competent central and local administrative police bodies or authorities, and in order to achieve this, it must adhere when it takes legal measures to protect and maintain public order by legally Foundation this Concept, as it includes the purposes on which it is based in the exercise of its relevant powers and competences.

keywords: Administrative police; public order; jurisprudence; comparative legislation; Algerian legislation; judicial interpretation.

الملخص:

نستهدف من إعداد هذه الورقة البحثية إبراز نماذج تتجلى من خلالها الاعتبارات الفقهية، والمواقف التشريعية والقضائية المؤسسة والمجسدة لفكرة النظام العام كهدف قابل للتطور من حيث الزمان والمكان في مجال الضبط الإداري، وهذا بحكم أن سيادة القانون كمبدأ مكرس تستوجب لإعمالها في جانب هام من جوانبها ضرورة العمل على بناء أسس دستورية وتشريعية وتنظيمية لتحقيق التعايش بين متطلبات التمتع بالحرية وممارسة السلطة العامة، بحكم أن هذا المبدأ يفرض وجوب إقرار جملة من الحقوق والحريات للأفراد من جهة، ورسم حدودها وشروط التمتع بها من جهة أخرى، وبذلك تبرز فكرة النظام العام كمنطلق قانوني لتقييدها.

ولأن النظام العام بمفهومه الضبطي القائم على تلك الاعتبارات الفقهية، والمواقف التشريعية والقضائية المقارنة يشكل المنطلق الأساس الواجب الالتزام به من قبل الأفراد عند ممارستهم لحقوقهم وحرياتهم، ويفرض عليهم عدم تجاوز حدوده أو المساس بعناصره، فإن الدولة ممثلة في هيئاتها أو سلطاتها الضبطية المركزية والمحلية المختصة ولتحقيق ذلك تتقيد وجوبا عند اتخاذها للإجراءات القانونية لحماية وصيانة النظام العام بالتأصيل القانوني لهذه الفكرة كونها تشتمل على الأغراض التي ترتكز إليها عند ممارستها لصلاحياتها واختصاصاتها ذات الصلة.

الكلمات المفتاحية: الضبط الإداري، النظام العام، الفقه، التشريع المقارن، التشريع الجزائري، الاجتهاد القضائي.

* **Corresponding Author**,

Introduction :

Among the most significant legal issues that have garnered consensus among jurisprudence, legislation, and comparative judiciaryis the Legal Foundation of the purposes of administrative activity in its restrictive aspect. This focuses on the necessity of preserving public order within the state and preventing anything that could threaten or disrupt the security and stability of society. Accordingly, the legitimacy of administrative police actions is contingent upon achieving the goal of protecting and maintaining public order. This means that actions by public authorities in the realm of administrative police are deemed to be tainted by abuse of power if they violate the requirements of public order, even if such actions are ostensibly aimed at serving the public interest.

Safeguarding public order from disruption constitutes the sole objective of administrative police authorities or bodies[1]. While public service, represented by public administration, aims to achieve the public interest through its activities,

1- Mahmoud Atef Al-Banna, Administrative police Between Freedom and Public Order, Journal of Security and Law, Dubai Police College, Year 2, Issue 01, 1994, p. 143.

administrative police authorities are bound by the principle of specialization, also known as the specialization of objectives[1]. This has led to the emergence of the Concept of public order as a fundamental goal constraining the entities and methods of administrative police in the modern state. ThisConcept is characterized by its dynamism, flexibility, relativity, and breadth, varying from one society to another and from one era to another. It is also influenced by political, economic, social, cultural, scientific, and technological transformations. Because it assumes a distinct legal meaning depending on the context of a given society, determining the jurisprudential, legislative, and judicial foundations of public order as a practical legal concept remains a pressing research necessity. This requires addressing a critical question: what are the doctrinal, legal, and comparative foundations of public order?

To answer this pressing and timely question, especially given the profound transformations experienced by various legal systems, particularly those recently influenced by rapid scientific and technological advancements, which have significantly expanded the scope of public order purposes to include the scientific outcomes of these transformations—specifically concerning the regulation of activities related to artificial intelligence—we aim in this research paper, titled *The Legal Foundation of the Concept of Public Order as a Goal of Administrative police,* to define the doctrinal, legislative, and judicial meaning of this Concept. This will involve clarifying the meaning of public order in the context of administrative police, highlighting its characteristics, and explaining the legal understanding of its traditional and modern elements.

First Topic: The Legal Meaning of the Concept of Public Order as a Goal of Administrative police

It is challenging to provide a comprehensive and precise definition of the Concept of public order in the context of administrative police. Thus, the Algerian legislator, like other comparative legislations, has refrained from defining it explicitly, recognizing that such a definition would conflict with the inherently flexible and evolving nature of the Concept. Instead, the legislator has focused on outlining measures for its preservation, leaving the task of defining it to jurisprudence and the judiciary due to its complexity[2]. In the realm of administrative police, public order represents the ultimate goal pursued by administrative police authorities or bodies. Consequently, these authorities are prohibited from using their regulatory measures and actions to pursue objectives other than maintaining public order, even if those

1- Slimani Saeed, Administrative police, Lectures delivered to first-year Master's students specializing in Internal Public Law, Faculty of Law and Political Science, Mohamed Seddik Ben Yahia University, Jijel, Algeria, 2017, p. 13.

2- See Mohamed Ahmed Fath Al-Bab Al-Sayed, Administrative police Authorities in the Field of Exercising the Freedom of Public Meetings, Doctoral Dissertation, Ain Shams University, Cairo, p. 96.

objectives are linked to the public interest. Otherwise, such measures would be deemed an abuse of power[1].

From this perspective, it becomes essential, when addressing the function of administrative police, to clarify the Concept of public order as a foundational principle guiding administrative police authorities in restricting and regulating individuals' rights and public freedoms at both local and national levels. Although the Algerian legislator, as noted earlier, has not provided a formal definition of public order despite its frequent appearance in legal texts, jurisprudence and the judiciary have attempted to establish a conceptual framework for it. These efforts have resulted in numerous definitions. A review of these definitions leads to the conclusion that public order, as anConcept, serves as the primary objective of administrative police, aiming to preserve the fundamental values and principles upon which society is built. However, its meaning remains difficult to standardize.

Accordingly, understanding the Concept of public order in the context of administrative police necessitates addressing its definition and examining its characteristics as follows:

The first requirement: Definition of Public Order as a Goal of Administrative police

Clarifying the Concept of public order within the scope of administrative police and highlighting its regulatory requirements and boundaries requires, methodologically and scientifically, addressing its meanings from various perspectives. These include its jurisprudential meaning, its legal meaning within Algerian legislation and comparative regulations, and its interpretation as per administrative judicial precedents. The analysis proceeds as follows:

First section: The Jurisprudential Meaning of Public Order as a Goal of Administrative police

Based on the preceding discussion, and before delving into the jurisprudential requirements of this aspect, we can initially define public order as a flexible and relative phenomenon. It constitutes a set of mandatory legal rules that cannot be violated, derived from sources such as laws, customs, or traditions. The concept varies according to the prevailing system within a state, both temporally and spatially[2].

While this definition may reflect the correct jurisprudential understanding of public order within this context, it has been the product of considerable jurisprudential debate between two main schools of thought. There has been no consensus on a unified meaning of public order as a goal of administrative police, leading to differing

1- Ibid., p. 97.

2- Aziza Al-Sharif, Studies on the Legal Organization of Regulatory Activity, Dar Al-Nahda Al-Arabiya, Cairo, 1989, p. 32.

opinions. The primary reason for this divergence lies in the varying perspectives of scholars on the concept of public order, as each approach it from a distinct viewpoint[1].

As a result of these differences, jurisprudence regarding public order can be divided into two main directions: one that adopts a narrow interpretation of the concept and another that embraces a broader interpretation. Below, we examine the positions of both perspectives:

Firstly: The Narrow Jurisprudential Interpretation of Public Order as a Goal of Administrative police

A segment of comparative jurisprudence views public order in administrative police as external, material public order. This refers to the maintenance of traditional elements such as public security, public tranquility, and public health[2]. This perspective represents the classical jurisprudential interpretation of public order, focusing on safeguarding the material aspects of individuals' lives. According to this view, public order signifies the absence of chaos and disorder, emphasizing its material essence as a tangible reality opposing anarchy.

Under this narrow interpretation, public order is confined to its material nature, representing the minimum level of societal organization[3]. It excludes moral, ethical, or emotional aspects connected to beliefs, feelings, or ideas unless their disruption manifests in a manner that directly or indirectly threatens material public order. In such cases, administrative police authorities may intervene to prevent such breaches.

In essence, administrative police under this interpretation does not concern itself with the moral or spiritual state of society, nor with the ideologies and beliefs prevalent within it, even if they are detrimental to societal norms, unless these ideas and beliefs pose an external threat to material public order. Thus, the narrow interpretation limits public order to fixed components: public security, public health, and public tranquility. Some scholars emphasize this by asserting that these are the only elements upon which administrative police authorities can restrict citizens' freedoms[4].

1- Among these reasons, as previously mentioned, is the absence of a specific or fixed legislative definition of the Concept of public order that jurisprudence can rely on, in addition to the flexibility and relativity of this Concept, its instability or adaptability to change, and its variation from one country to another and even from one era to another within the same country. What is considered part of public order in one era may not be so in another. This has led jurisprudence on this Concept to be influenced by the geographical scope to which each jurist belongs, employing comparative methodology tools in the process.

2- Mohamed Fouad Mehna, Principles and Provisions of Administrative Law, Shabab Al-Jame'a Foundation, Cairo, 1973, p. 634.

3- See Slimani Saeed, op. cit., p. 14.

4- Sakina Azouz, The Balancing Process Between Administrative Police Actions and Public Freedoms, Master's Thesis in Administration and Public Finance, Institute of Law and Administrative Sciences, University of Algiers, 1990, p. 33.

Secondly: The Broad Jurisprudential Interpretation of Public Order as a Goal of Administrative police

Another segment of jurisprudence defines public order as the sum of the conditions necessary for public security and morals, which are indispensable for fostering stable and harmonious relationships among citizens. According to this perspective, public order extends beyond material aspects to include the moral, ethical, and emotional dimensions of society. This broader interpretation has evolved alongside the administrative functions of the state, which now encompass various aspects of public life, including economic, social, and cultural domains.

Under this broader view, public order is no longer limited to protecting society from external material disturbances aimed at ensuring security, tranquility, and public health. It now encompasses additional areas in response to societal and state transformations, particularly regarding the extent of state intervention in regulating individual activities.

This approach has given rise to the broad jurisprudential interpretation of public order, viewing it as a dynamic and living system. It results from substantial efforts and diverse mechanisms aimed at achieving a comprehensive social objective. Public order, in this sense, becomes a harmonious framework for all human, social, economic, political, intellectual, and moral relations within a specific community[1].

Thus, public order represents the material and moral state of an organized society, reflecting its fundamental legal and societal principles. It can manifest as a physical condition existing within the community or as moral principles prevailing in beliefs and ethics. In some instances, it embodies both aspects simultaneously[2].

Modern and contemporary comparative legislation explicitly or implicitly acknowledges this broader interpretation by incorporating modern elements of public order into their administrative police frameworks. This has spurred extensive jurisprudential efforts to reinforce the foundational understanding of public order as a comprehensive protective concept.

Some jurists define public order as a framework encompassing all dimensions of social order, including material and moral aspects, as well as societal norms. It is considered a legal phenomenon aimed at protecting the foundational elements of society[3]. Others describe it as a collection of supreme material and moral interests shared by a specific society at a particular time, with general agreement on their importance[4].

1- See Slimani Saeed, op. cit., pp. 26-27.

2- Salah Al-Din Fawzi, General Principles of Administrative Law – A Comparative Study, Dar Al-Nahda Al-Arabiya, 1st Edition, Cairo, 1991, p. 41.

3- Mohamed Sherif Ismail, Administrative police Authorities in Exceptional Circumstances, Doctoral Dissertation, Faculty of Law, Ain Shams University, Cairo, 1979, p. 58.

4- Salah Al-Din Fawzi, op. cit., p. 43.

A third group of jurists argues that defining public order comprehensively and precisely is challenging due to its flexible, relative, and evolving nature. It varies from one state to another and within a single state over time, depending on its prevailing political, social, and economic philosophy[1].

While we align with this latter view, we can define public order in this context as a phenomenon with legal and social dimensions. It comprises the fundamental principles governing collective and individual life, which must not be violated under any circumstances, as this would harm society as a whole. These principles derive from laws, customs, and judicial precedents, characterized by flexibility and relativity, and vary according to the prevailing political, economic, and social systems.

Alternatively, public order can be described as a set of mandatory, flexible, and relative legal rules aimed at protecting the values, ideals, customs, traditions, and fundamental principles underpinning society. These rules adapt to temporal and spatial circumstances.

Based on its elements, public order can also be defined as a set of legal principles through which the legislator aims to preserve public security, public health, public tranquility, public morals, economic order, environmental order, urban aesthetics, and the elimination of threats from any source[2].

Secondsection:The Legislative Meaning of Public Order as a Goal of Administrative police

Most legal systems, in their legislative and regulatory frameworks related to administrative police as termed in various jurisdictions, have refrained from providing a comprehensive or precise definition of public order. Instead, these systems have merely highlighted some of its elements, avoiding a clear and specific determination of the objectives of administrative police[3].

The rationale behind this stance lies primarily in the flexibility and evolving nature of the concept of public order. This flexibility makes it difficult to establish a precise definition, as the legislative meaning of public order is directly influenced by rapid transformations, challenges, and developments within societies. These include political, social, economic, religious, and cultural dynamics unique to each society.

To understand this consensus among legal systems, we will explore the legislative interpretation of public order by examining the stance of the Algerian legislator and certain comparative legislations, as follows:

1- Faeq Hatim Latif, Guarantees for Individuals Against Administrative Police Authorities, Master's Thesis, Judicial Institute, Baghdad, 1990, p. 23.

2- In this context, it should be noted that the risks of artificial intelligence at present encompass all elements of public order, necessitating intervention through the application of various administrative police measures.

3-Qadri Abdel Fattah Al-Shahawi, Police Actions and Their Administrative and Criminal Responsibility, Mansha'at Al-Ma'arif, Alexandria, 1969, p. 40.

Firstly: The Algerian Legislator's Stance on the Concept of Public Order

The Algerian legislator, like its counterparts in other legal systems, has not established a precise legislative definition of public order. Instead, it follows a similar approach, stipulating explicitly and implicitly that administrative police authorities at the national and local levels are regulatory bodies that serve the community. These authorities are tasked with ensuring citizens' security and tranquility while aiming to maintain public order, security, and morals. Their actions are subject to judicial oversight, requiring compliance with laws and regulations.

For instance, the *Wilaya Law* and the *Municipality Law* contain provisions outlining the elements of public order that must be protected within the scope of administrative police powers granted to the *governor* and the president of the municipal council. However, they do not provide a legislative definition of public order.

- Article 114 of the *Wilaya Law* states: *"The governor is responsible for maintaining public order, security, safety, and public tranquility*[1]*."*
- Article 88 of the *Municipality Law* stipulates: *"Under the supervision of the governor, the president of the municipal council ensures public order, tranquility, and cleanliness."*
- Article 89, paragraph 1, of the same law specifies: *"Within the framework of applicable laws and regulations, the president of the municipal council takes all necessary precautions and preventive measures to ensure the safety and protection of individuals and property in public places where disasters or accidents might occur."*
- Article 123 addresses the municipality's responsibilities in maintaining cleanliness and public health[2].

From these provisions, it is evident that the legislator merely identifies certain elements of local public order requiring protection, including public order, security, safety, public tranquility, cleanliness, public health, protection of individuals and property, crime prevention and control, and initial investigations. These elements aim to provide security and tranquility to citizens.

Thus, the Algerian legislator has not established a fixed or comprehensive definition of public order, limiting its approach to enumerating certain elements. Furthermore, unlike some comparative legislations, the Algerian legislator does not explicitly include public morals among the components of public order in the above laws, beyond the traditional three elements. However, this does not preclude administrative police authorities in Algeria from protecting moral or ethical public

1-Law 12-07 dated February 21, 2012, concerning the Wilaya.
2-Law 11-10 dated June 22, 2011, concerning the Municipality.

order, as these implicitly fall under the broader framework of maintaining public order[1].

Secondly: The Stance of Comparative Legislations on the Concept of Public Order

The challenge faced by various comparative legal systems in establishing a legislative definition of public order as a goal of administrative police is evident. Most systems have opted to merely outline its elements rather than provide a comprehensive definition. This unified approach can be illustrated by examining the stances of the French and Egyptian legislators, as follows:

a) The Stance of the French Legislator on the Concept of Public Order

The French legislator has not provided a specific definition of public order as a goal of local and national administrative police. Instead, it consistently refers to the elements that constitute public order whenever legislating in this field. This approach is evident in various legal texts, such as Article 97 of the French Municipal Law dated April 5, 1884. This article outlined the fundamental elements of public order that local administrative police are tasked with preserving, namely public security, public health, public tranquility, and proper order[2].

It is worth noting that the aforementioned law underwent numerous amendments, including the decree of November 5, 1926, and the decree of October 3, 1935. However, these amendments did not introduce any changes or have significant effects concerning the definition of public order. The French legislator maintained the legislative interpretation provided in Article 97 through subsequent laws, including Article 131, paragraph 2, of the Municipal Law dated January 27, 1977, and Article 2212, paragraph 2, of the Territorial Communities Law dated February 21, 1996.

From this, it is clear that the French legislator has refrained from establishing a specific definition of public order. Instead, it repeatedly emphasizes the fundamental elements that constitute public order: public security, public health, and public tranquility[3].

1-It should be noted that the Algerian legislator has adopted the broad interpretation of the elements of public order and applied it in numerous legal texts that refer to these elements, as indicated below within the requirements for defining the meaning of these elements.

2-Here, it is worth mentioning that after independence, municipalities in Algeria were governed by the French Municipal Law dated April 5, 1884, mentioned above, until the issuance of the first Municipal Law, Law 67-24 dated January 18, 1967, under which the first municipal elections in independent Algeria were held on February 5, 1967.

3-For further discussion on the concept and jurisdiction of territorial communities in French and Algerian legislation, see Chouih Ben Othman, Territorial Communities: What Concept and What Jurisdiction? Algerian and Comparative Public Law Journal, DjilaliLiabes University, Sidi Bel Abbes, Algeria, Volume 06, Issue 01, 2020.

b) The Stance of the Egyptian Legislator on the Concept of Public Order

The Egyptian legislator's stance aligns with that of the Algerian and French legislators, among others, regarding the absence of a specific, precise, and fixed legislative definition of public order within the scope of administrative police. Instead, it suffices to outline some of its elements, which fall under the practical administrative interpretation of public order that must be safeguarded by administrative police authorities.

This position becomes evident when examining the legal provisions defining the competencies and powers of Egypt's administrative police authorities, as seen in Law No. 234 of 1955, Law No. 61 of 1964, and Law No. 109 of 1971. These laws do not explicitly define public order but instead specify certain elements requiring administrative protection. For instance, Article 3 of Law No. 109 of 1971 states:*"The police authority is responsible for maintaining public order, public security, and public morals, protecting lives, honor, and property, and in particular preventing and detecting crimes. It is also tasked with ensuring peace and security for citizens in all fields and fulfilling the duties imposed upon it by laws and regulations."*

This provision carries the same essence, albeit with slight variations in wording, as found in the previously mentioned laws.

A segment of jurisprudence criticizes the Egyptian legislator's approach as ambiguous, arguing that it does not explicitly enumerate all the purposes of administrative police but merely references one element of public order while neglecting others. Specifically, the above provision highlights public security without explicitly mentioning public tranquility and public health. However, another perspective suggests that while the Egyptian legislator does not explicitly reference public tranquility and public health as components of public order, they are implied and can be inferred from the spirit and context of the text[1].

Furthermore, the Egyptian legislator has added a fourth element to the traditional three components of public order, namely public morals[2]. Consequently, administrative police authorities are permitted to intervene to protect moral or ethical public order as a recognized element of the traditional concept of public order[3].

Thirdsection:The Concept of Public Order as a Goal of Administrative police According to Administrative Judicial Precedents

Examining the stance of administrative judiciary on the concept of public order necessitates an exploration of the positions adopted by comparative administrative judiciaries. This analysis will focus on the French administrative judiciary, represented by the *Conseil d'État* (Council of State), the Egyptian administrative judiciary, also represented by its *Council of State,* and, finally, the position of the Algerian judiciary.

1-See Aziza Al-Sharif, op. cit., p. 30

2-Omar Fouad Ahmed Barakat, Principles of Administrative Law, N.p., N.d., 1985, p. 219.

3-Ibid., p. 119.

The Legal Foundation of the Concept of Public Order as a Goal of Administrative police

Firstly: The Judicial Concept of Public Order According to the French *Conseil d'État*

Initially, the French *Conseil d'État*, as the highest judicial authority in the French administrative system, aligned itself with the narrow jurisprudential interpretation of public order. It recognized only the material and external aspects of public order, interpreting the concept in a limited sense[1].

However, the *Conseil d'État* later revised its position, adopting a broader judicial interpretation of public order. It acknowledged the wider jurisprudential understanding of the concept, incorporating both material and moral elements. In applying this interpretation, the *Conseil d'État* upheld the legitimacy of a regulatory ordinance prohibiting women from wearing men's clothing. The court reasoned that it is the duty of administrative police authorities to uphold public morals as accepted by society at any given time[2].

The *Conseil d'État* went further, expanding its interpretation of public order. In a landmark decision dated October 27, 1995, it ruled that human dignity and honor constitute integral components of public order, thereby broadening the scope of public morals as an element of public order[3].

Secondly: The Judicial Concept of Public Order According to the Egyptian *Council of State*

The Egyptian *Council of State* shares the stance of its French counterpart in enriching the content of public order. It recognizes that public order within administrative police extends beyond material and external aspects to include moral dimensions as well.

Accordingly, the Egyptian *Council of State* granted administrative police authorities the power to intervene to protect public morals as an independent element of public order. This represents the adoption of a broader and modern interpretation of public order, which considers administrative police to be closely tied to the cultural, religious, and ideological context of society.

For example, in a decision issued on June 13, 1989, the *Council of State* rejected an appeal against the decision by the Director General of the General Administration for Censorship of Artistic Works to revoke a prior license to screen a film titled *Five Doors*. The decision was made to safeguard public morals, maintain

---

1-Salah Al-Din Fawzi, op. cit., p. 41.

2-The position of the French judiciary regarding the preservation of the aesthetic public order of the environment was inconsistent, as will be clarified below.

3-The French Conseil d'État recognized in the same ruling the right of local administrative police authorities to intervene to prevent anything that might undermine human dignity, including theatrical performances that constitute an affront to it. From the above, it becomes clear, without room for interpretation, that the French Conseil d'État has adopted the broad concept of public order, encompassing both material and moral orders.

public order and security, and protect the state's supreme interests. The film contained scenes and language that were deemed explicitly or implicitly contrary to ethics and public morals[1].

Through this decision, the *Council of State* affirmed the existence of an independent moral aspect of public order, distinct from the traditional material elements. However, it refrained from providing a fixed or explicit definition of this moral dimension. This flexibility ensures that future judicial interpretations remain adaptable to the evolving nature of public morals, which are influenced by the changing circumstances within society[2].

Thirdly: The Judicial Concept of Public Order According to the Algerian *Council of State*

The stance of Algerian administrative judiciary on the concept of public order, represented by administrative chambers and courts, as well as the administrative chamber of the Supreme Court (prior to the adoption of the principle of judicial duality under the 1996 Constitution), reflects a consistent focus on protecting both the material and moral aspects of public order. This approach continued with the establishment of the *Council of State* and subsequent constitutional and procedural amendments, including the 2020 constitutional revision and the amendment of the Civil and Administrative Procedure Code under Law No. 22-13[3].

The Algerian judiciary has aligned itself closely with the jurisprudence of the French and Egyptian administrative judiciaries. It emphasizes safeguarding both material and moral public order. For instance, the administrative chamber of the *Algiers Court of Appeal* defined public order in its decision of January 27, 1984, as follows:*"By public order, we mean the set of rules necessary to preserve social peace, which must be maintained to enable every resident across the national territory to exercise their legitimate capabilities within the limits of their lawful rights in their place of residence. It is a concept that evolves with changing times and social environments."*

The Algerian administrative judiciary has also reaffirmed the traditional elements of public order in several rulings. One notable example is the decision issued by the *Council of State* on September 16, 2003, which stated: *"It is evident from the case file that the contested decision falls within the authority of the president of the municipal council as part of the administrative police measures*

1-See Hossam Lotfi, File on Freedom of Opinion and Expression Cases in Egypt, N.p., N.d., Cairo, 1993, p. 101 and following.
2-Ibid., p. 102.
3-Law 22-13 dated July 22, 2022, amending and supplementing Law 08-09 dated February 25, 2008, on the Civil and Administrative Procedure Code.

entrusted to them to preserve public order, public security, and public health, as per their deliberations[1]*."*

These decisions demonstrate the Algerian judiciary's recognition of the evolving nature of public order while maintaining a focus on its traditional components, thereby ensuring its relevance in contemporary contexts[2].

The second requirement:Characteristics of Public Order as a Goal of Administrative police

Based on the legislative, jurisprudential, and judicial interpretations of the concept of public order, we conclude that it possesses several distinctive characteristics. These set it apart from related concepts, such as public interest, which serves as a general goal of public service activities. These characteristics are outlined and discussed as follows:

The First section: Public Order as a Domain for the Application of Mandatory Rules in the State's Legal System:

Public order represents a set of social rules that cannot be contravened by agreement, as they inherently aim to protect the fundamental values and ideals within society. In this sense, public order serves as a higher value compared to other prevailing norms or rules, imposing specific behaviors that align with collective social needs that must be preserved[3].

The mandatory nature of public order stems from its essence, which seeks practical and effective solutions to disruptions and disputes threatening societal stability. This is achieved by balancing individual interests with those of the community, known in jurisprudence as private and public interests. Consequently, these rules are binding on judges, who must apply them proactively in disputes involving public order[4].

This characteristic encompasses public order within the scope of public law branches, including administrative police regulations, as well as public order within private law[5]. However, the broader concept of public order is particularly impactful and applied more rigorously in administrative law than in private law.

1-See NouaraTeriaa, The Evolution of Public Order Elements, Journal of Rights and Freedoms, Laboratory of Rights and Freedoms in Comparative Systems, Biskra University, Issue 02, 2013, p. 93.

2-Refer to the judicial decision references, Slimani Saeed, op. cit., p. 18.

3-Mohamed Asfour, Police and the State - The Legal, Political, and Administrative Foundations Leading to the Establishment of the Contemporary Police State, Al-Istiqlal Al-Kubra Printing Press, 1st Edition, Cairo, 1972, p. 46.

4-Mohamed Sherif Ismail, Administrative police Authorities in Exceptional Circumstances, Doctoral Dissertation, Faculty of Law, Ain Shams University, Cairo, 1979, p. 74.

5-It should be noted here that the concept of public order differs in public law from private law. In private law and its branches, it serves as a basis for prohibition. For instance, in civil

Jurisprudence identifies two implications of this distinction in administrative police:

- Administrative police authorities may exercise discretionary power to tolerate activities that might be deemed harmful under civil law and warrant compensation.
- Violations of private law rules do not necessarily constitute disruptions to public order that justify administrative police intervention[1].

Thus, most public law rules are related to public order, while private law rules are categorized differently. Jurisprudence divides private law rules into two categories:

- Personal status rules: All are considered part of public order.
- Financial transaction rules: Some are related to public order, while others are not.

The Second section: The Plurality of Sources and Foundations of Public Order as a Goal of Administrative police:

Public order does not derive its mandatory nature solely from legislation. While legislators play a significant role in shaping and evolving the concept of public order to reflect societal realities, they cannot unilaterally impose their vision of public order or fully address its development. Public order is not solely a legislative creation; it is also a reflection of a dynamic social Concept[2].

Political, economic, social, and cultural conditions serve as direct sources for determining the requirements of maintaining public order. Additionally, local customs and traditions significantly influence the formation of public order, as it gains continuity only when accepted by all societal components, regardless of their affiliations[3]. Public order fundamentally relies on the acceptance of its requirements by citizens.

Thus, the legislator's role in this regard is to regulate the enjoyment of fundamental rights and freedoms, which have deeply shaped societal consciousness, within a specific legal framework. This aligns with the earlier distinction made between administrative and legislative police.

---

law, contracting parties must adhere to public order as a requirement of the "cause" element in a contract; otherwise, the contract becomes void. In administrative law, as previously discussed, public order has a dual dimension: it sometimes acts as a restriction on both administrative authorities and individuals, while at other times it expands the powers of administrative police.

1-Mahmoud Saad El-Din El-Sherif, The General Theory of Administrative police, N.p., N.d., p. 168.

2-Helmy Khair El-Hariry, The Role of the Police in Democratic Systems - An Applied Study on Egypt, Doctoral Dissertation, Faculty of Graduate Studies, 1989, p. 75, as well as Adel El-Saeed Abu El-Khair, Administrative police and Its Limits, Doctoral Dissertation, Faculty of Law, Beni Suef, 1992, p. 211.

3-Adel El-Saeed Abu El-Khair, Administrative police and Its Limits, Doctoral Dissertation, Faculty of Law, Beni Suef, 1992, p. 213.

The Third section: Public Order as a Goal of Administrative police: Flexibility, Relativity, and Adaptability

As previously emphasized, public order in the realm of administrative police is inherently a flexible, relative, and adaptable concept. It varies across states and over time within the same state. Its dynamic and evolving nature allows it to adapt to changing circumstances, distinguishing it from the static nature of legislative texts[1]. Consequently, legislators cannot assign a fixed and unchanging definition to public order without compromising its role as a tool for social development. This characteristic has led some countries to refrain from explicitly defining public order in their legislations and regulations[2].

The Fourth section: Public Order as a Goal of Administrative police: Subject to Broad Judicial Interpretation

One of the key characteristics of public order in administrative police is its reliance on judicial interpretation. The judiciary plays a vital role in resolving disputes arising from administrative police measures and decisions. Recognizing the judiciary's significant role in interpreting the concept of public order, some jurists advocate for the adoption of specialized procedural systems to ensure appropriate safeguards for the judiciary's composition and training. This is intended to prevent judicial deviations in interpreting what constitutes compliance or violation of public order, especially given the potential for the concept to expand or contract based on societal developments[3].

Judicial examination of whether a particular legal rule falls under public order remains, fundamentally, a legal question subject to review by higher judicial authorities, such as the *Council of State* in Algeria. Allowing unrestricted judicial discretion without oversight could result in biased interpretations influenced by personal ideologies that conflict with prevailing societal norms[4].

The Fifth section: Public Order as a Goal of Administrative police:A General and Neutral Legal Concept

Public order, as protected by administrative police authorities, is a legal concept governed by the principle of the generality of legal rules. It must, therefore, apply universally. This means that any disruption that administrative police authorities seek to prevent or address must threaten the security, health, or tranquility of a group of

1-Mohamed Ahmed Fath Al-Bab Al-Sayed, Administrative police Authorities in the Field of Exercising the Freedom of Public Meetings, Doctoral Dissertation, Ain Shams University, Cairo, p. 64.

2-Among them is German legislation, which excluded texts containing material acts violating public morals and public order. The German Parliament (Reichstag) reached this decision after lengthy discussions.

3-Mohamed Saad El-Din El-Sherif, The Philosophy of the Relationship Between Administrative police and Freedoms, Journal of the State Council, Year 19, 1969, p. 46.

4-Mohamed Sherif Ismail, op. cit., p. 75.

citizens. The rationale for this generality lies in the fact that administrative police measures aimed at preserving public order inevitably restrict individual freedoms. Such restrictions are justifiable only if the disruption concerns the public order of a group, not an individual[1].

Public order, in this sense, is enforced in public streets and spaces accessible to the public or designated for collective use. Public spaces where administrative authorities may intervene to prevent breaches of public order include inherently public spaces such as streets, as well as designated public spaces like cafes, restaurants, sports stadiums, and public transportation[2].

It is important to note that the generality associated with public order does not imply the entire society but rather a group within it. Public order as a goal of administrative police must relate to a group of individuals, not a single individual. Public order, as an aspect of public interest, mandates that regulatory activities target public, not private, interests[3].

The generality of public order also entails the neutrality of its rules. Many jurists view administrative police as a neutral function aimed at protecting society from disruptions threatening its material and moral values. It is an administrative function independent of specific political or ideological values. Therefore, public order, as safeguarded by administrative police authorities, is inherently a neutral legal concept unrelated to the diverse ideological or philosophical orientations of individuals or groups within society[4].

Thesecond Topic: The Legal Meaning of the Elements of Public Order as a Goal of Administrative police

Our examination of the concept of public order reveals a consensus among legislation, jurisprudence, and judicial rulings on the necessity of expanding its elements beyond the traditional ones. This expansion includes new elements necessitated by the continuous evolution of modern societies, their aspirations, and the increasing scope of state intervention in various political, social, economic, cultural, scientific, and technological matters.

1-Muneeb Mohamed Rabea, Guarantees of Freedom in Facing Administrative police Authorities, Doctoral Dissertation, Ain Shams University, 1981, pp. 68-70.

2-If the administration has the right to order the demolition of a house that is about to collapse and poses a danger to passersby, it has no authority over the owner of an internal wall, even if the risk of its collapse is certain, because the danger in this case does not extend beyond the inhabitants of the building. This means that actions occurring within private property are outside the scope of administrative police unless these actions have external manifestations that directly threaten one of the elements of public order. In such cases, administrative police authorities may intervene to prevent them. An example of this is the disturbing sounds emanating from loudspeakers.

3-Mahmoud Atef Al-Banna, Al-Waseet in Administrative Law, Dar Al-Fikr Al-Arabi, 2nd Edition, Cairo, 1962, p. 361.

4- Ibid., p. 363.

This evolution has required the active contribution of all three branches of government in developing the components of public order. The judiciary, in particular, has played a prominent role in affirming the independent existence of modern elements of public order, such as[1]:

- Moral public order
- Social and economic public order
- Aesthetic public order and urban aesthetics

Additionally, some interpretations include *respect for human dignity* as a novel, non-material component of public order[2].

The continuous advancements in technology, especially artificial intelligence, further suggest that new elements may emerge to reflect this rapid digital evolution. These changes could influence the state's perspective on various aspects of life and its capacity to intervene, adapting to the circumstances of time and place accompanying such progress.

Accordingly, we will examine the legal meaning of both traditional and modern elements of public order as goals of administrative police, as follows:

The first requirement: Traditional Elements of Public Order as a Goal of Administrative police

While jurisprudence differs in defining the concept of public order as a goal of administrative police, this does not impede identifying its elements, particularly the traditional ones. Comparative jurisprudence, legislation, and judiciary agree that the traditional elements of public order consist of three main components:

- Public Security
- Public Health
- Public Tranquility

Based on this consensus, we will clarify each of these elements as follows:

First section:Maintaining Public Security

Public security refers to citizens' sense of safety regarding their lives and property, free from threats or harm. It constitutes the first material element of public order, aimed at protecting lives and property from any danger, whether caused by human action or natural phenomena. Achieving public security involves taking necessary precautions to prevent accidents or mitigate potential risks.

The requirements for achieving public security include measures to protect society from natural disasters such as earthquakes, volcanic eruptions, floods, and

1-Idris Rahmoni, Seddik Rikli, The Newly Established Public Order and the Actors Shaping It, Journal of Human Sciences, Volume 34, Issue 03, University of Constantine 01, 2023, p. 503.

2-For further details on this topic, see Mariem Ben Abbas, The Modern Elements of Public Order in Administrative Law, Journal of the Researcher for Academic Studies, Volume 07, Issue 01, University of Batna 01, 2020.

storms. It also involves crime prevention, such as curbing murder and theft, safeguarding individuals from hazards posed by vehicles, dangerous objects, and animals, as well as addressing risks associated with social disturbances like protests and large gatherings[1].

Administrative authorities must implement measures to maintain peace and stability within society. In line with these requirements, the Algerian legislator has granted administrative police authorities, such as the *governor* and municipal council presidents, responsibilities for maintaining public security and ensuring the safety of individuals and property. These authorities are empowered to take all preventive measures necessary to achieve this objective[2].

Second section:Maintaining Public Health

In the context of administrative police, public health refers to protecting citizens' health through preventive and remedial measures aimed at mitigating the risks of epidemics and contagious diseases. This includes establishing necessary health standards, such as maintaining cleanliness in public spaces, roads, industrial and commercial establishments, monitoring food safety, providing clean drinking water, preventing contamination, managing waste disposal, and isolating individuals with infectious diseases[3].

Furthermore, environmental preservation, including protecting natural and artificial elements from pollution, is a critical aspect of maintaining public health. A clean and healthy environment has become a significant human value warranting preservation, as environmental damage affects the entire community. This directly relates to public security, as improving living conditions can reduce crime rates, particularly economic crimes, which positively impacts overall security within the state[4].

1-Refer to Ammar Awaibdi, The Legal Aspects of the Concept of Administrative Police, Algerian Journal of Legal, Political, and Economic Sciences, University of Algiers, Faculty of Law, Issue 04, 1987, p. 1010.

2-This is included in Articles 88, 89, and 94 of Law 11-10 concerning municipalities, and Article 114 of Law 12-07 concerning provinces, in addition to provisions in related regulatory texts, such as Decree 81-267 dated October 10, 1981, regarding the powers of the president of the municipal people's council concerning roads, cleanliness, and public tranquility, as well as Decree 83-373 dated May 28, 1983, concerning the powers of the governor in the field of security and maintaining public order.

3-Refer to Mahmoud Helmy, Administrative Activities, 2nd Edition, Dar Al-Fikr Al-Arabi, Cairo, N.D., p. 10.

4-Therefore, the legislator has intervened in many texts to preserve this as an indirect requirement for protecting public health. For example, Article 15 of Law 03-10 dated July 19, 2003, concerning environmental protection within the framework of sustainable development, mandates that the competent administrative policeauthorities subject development projects, structures, fixed installations, factories, and other technical works to impact assessments or summaries of the impact assessment in advance, as applicable.

Recognizing the importance of public health, the Algerian legislator enacted specific legislation, such as Law 85-05 dated February 16, 1985, concerning the protection and promotion of public health. This law defines public health as the combination of preventive, remedial, educational, and social measures aimed at preserving and improving the health of individuals and communities.

In alignment with this concept, the Algerian legislator tasked national and local administrative police authorities with protecting public health[1]. Local authorities, under this and related laws and regulations, are required to ensure compliance with health rules and standards in all living spaces[2].

To further strengthen the protection of public health, the legislator granted broad powers to specialized administrative police authorities at both national and local levels. These include empowering the Minister of Health and the Minister of Environment to take all necessary measures to safeguard public health, legislatively and administratively[3].

Third section:Maintaining Public Tranquility

Public tranquility refers to ensuring calmness in public spaces and implementing preventive measures to avoid disturbances or nuisances that may disrupt citizens' comfort. Achieving public tranquility requires administrative police authorities to take actions aimed at mitigating noise and disturbances from various sources, including:

- Beggars and street vendors: Regulating their activities by designating specific areas for their operations.
- Transportation noise: Addressing traffic congestion and situating airports and railway lines outside city boundaries.
- Urban planning: Ensuring proper urban planning by considering the locations of schools and hospitals.
- Noise from cafes, shops, and clubs: Monitoring these establishments, prohibiting the use of loudspeakers, and revoking licenses of violators.
- Social customs and traditions: Preventing disturbances from social practices, such as the use of loudspeakers at homes or the firing of guns during celebrations.

1-This is included, for instance, in Article 94 of Law 11-10 concerning municipalities, and the provisions of Decree 81-267 regarding the powers of the president of the municipal people's council, which includes provisions related to cleanliness, public health preservation, and health regulation.

2-Slimani Saeed, op. cit., p. 24.

3-For example, Decree 10-258 dated October 21, 2010, granted the Minister of Environment the authority to initiate rules and measures for protection and prevention against all forms of pollution, environmental degradation, harm to public health, and living conditions, and to take appropriate precautionary measures.

- Industrial noise: Controlling noise pollution from factories and workshops by relocating them outside city limits[1].

Recognizing the importance of public tranquility as a fundamental element of public order and its connection to other elements, the Algerian legislator has granted broad powers to administrative police authorities to ensure its preservation. For instance:

- Article 94 of Law No. 11-10 on Municipalities grants local authorities' responsibilities to maintain public tranquility[2].
- Decree No. 81-267 assigns the municipal council president authority over roads, cleanliness, and public peace[3].
- Article 114 of Law No. 12-07 on Wilayas authorizes the *governor* to take preventive measures to ensure citizens' comfort.

Additionally, legislative and regulatory provisions mandate prior authorization for exercising certain public rights and freedoms to maintain public tranquility[4]. Examples include regulating public meetings and demonstrations, as well as the installation or use of sound equipment[5]. The *governor* is empowered to take necessary measures in these areas to guarantee the comfort and peace of citizens.

The second requirement: Modern Elements of Public Order as a Goal of Administrative police

The modern elements of public order are closely tied to the rapid evolution of the administrative function of the state. This evolution has led the state to intervene and control various individual activities, establishing itself as a fundamental actor in managing the economic, social, and cultural dynamics of society, sometimes directly. Consequently, the scope of administrative police purposes has expanded to include these modern elements, reflecting the increasing need for such a role in light of uncontrolled technological and industrial advancements.

Furthermore, the significant impacts of artificial intelligence on these elements have necessitated more comprehensive administrative police. These modern elements fall under the jurisdiction of specialized administrative police authorities and are

---

1-Issa Saad Mubarak Al-Jafali, Protection of Public Tranquility in the State of Qatar, Master's Thesis, Faculty of Law, Cairo University, 2003, p. 178.

2-Article 94 mentioned above stipulates: "Within the framework of respecting the rights and freedoms of citizens, the president of the municipal people's council is specifically tasked with... ensuring the preservation of public order in all public places where people gather and penalizing any disturbance to public tranquility and any acts likely to disrupt it..."

3-Chapter Three of this decree includes provisions related to ensuring public tranquility, including special measures to maintain public comfort or tranquility, such as regulating markets, exhibitions, and gatherings.

4-This was organized by the legislator under Law 89-28 dated December 31 concerning meetings and public demonstrations, amended and supplemented by Law 91-19 dated December 2, 1991; see Article 15 of this law.

5-Refer to Articles 20 bis 02 and 20 bis 03 of the same law.

governed by specific legislation. They are classified into two categories:Material Elements and Non-Material Elements. These elements are as follows:

First section: Maintaining Moral Public Order

Modern jurisprudence and judiciary have stated that the necessity for the state, through its various regulatory authorities, particularly general and specialized administrative police authorities, to intervene to provide the required protection against everything that threatens or affects public morals and ethics has imposed itself. This is due to the threats and harm to moral or ethical public order that may result in direct threats and harm to the material components of public order. This necessity arises from the close connection between the material and moral life of modern societies[1].

Public morals and ethics as a modern component of the concept of public order are subject to relativity due to their changes over time and place, which makes them difficult to define and often subject to the assessment of the administrative judge. The concept or meaning of public morals within administrative police has sparked and continues to spark much debate among jurisprudence and judiciary, as it has become one of the elements that the administration works to protect. This debate stems from the fact that recognizing the existence of moral public order necessarily requires administrative police authorities to take measures and actions that lead to restricting public rights and freedoms to preserve it[2].

In other words, because the scope of public morals and ethics expands and contracts depending on changes in time and place, as previously mentioned, finding a comprehensive and clear definition of moral public order, free from ambiguity, is a challenging matter and almost impossible. This is due to various considerations generally related to the characteristics of public order as a goal of administrative police, where the features of flexibility, indefiniteness, and evolution over time and place are more prominent in moral public order. Moreover, it is quickly influenced by the prevailing social, economic, and political conditions in each society and within the same state. It is also influenced by the ideology adopted by the state, as the concept of

1-Several jurists have emphasized this point, arguing that while material public order implies the absence of chaos, moral public order aims to preserve prevailing beliefs, emotions, and ideas. This means that disturbances in the latter, when reaching a certain level, will threaten the elements of material public order. In a deeper sense, the concept of public order is more closely tied to general sentiment than to the legal reality of the state.

2-For further exploration of this debate, see Khadija Hajaj, Abdelkader Zerguin, Administrative police Methods in Protecting Moral Public Order, Algerian Journal of Law and Political Science, Research Laboratory for the Development of Economic Legislation, University of Tissemsilt, Volume 06, Issue 01, 2021, pp. 06-07.

moral public order expands in countries with a dominant religious character, while it contracts in secular countries[1].

However, it can be said that public morals and ethics, which administrative police authorities are entrusted with protecting, are those external morals that an individual must adhere to in their behavior towards the community. Administrative police intervenes whenever a breach of these morals occurs through actions, words, dress, or images that harm the material character of public order, ensuring in such cases the material and moral life of the community. It does not have authority over an individual's morals or behavior towards themselves, as these are subject to their faith and conscience[2].

As a result, we emphasize that the administrative judge has broad discretionary authority to determine the extent to which an individual's actions affect public morals and ethics, and to justify the administrative policemeasure or action. The judge is obligated to balance and reconcile the requirements of preserving public morals with the imperatives of enjoying freedom of belief and expression[3].

We can attempt to define this component as follows: public morals and ethics are the prevailing ethical values and principles in a given society, which individuals have become accustomed to respecting and avoiding violating. They are derived from the customs, traditions, and religious values embraced by the society, aiming to prevent harm to moral public order[4].

Accordingly, comparative legislations have empowered competent administrative police authorities to take appropriate measures and actions to preserve moral public order, a practice that the Algerian legislator has adhered to. This is particularly important because Algerian society is Muslim and deeply rooted in values, principles, customs, and traditions that are firmly established in the collective consciousness of the society. The legislator has, therefore, aligned with the stance of jurisprudence and judiciary by including morals and ethics as components of public order, which administrative police authorities are responsible for protecting and maintaining[5].

1-Khadija Hajaj, Abdelkader Zerguin, op. cit., p. 08.

2-See Slimani Saeed, op. cit., p. 33.

3-Public order in criminal law and private law differs in terms of the jurisprudential and legal concept of public order within the scope of administrative police.

4-Slimani Saeed, op. cit., p. 31.

5-It should be noted here that the Algerian legislator explicitly tasked the president of the municipal people's council with the authority to maintain public morals as part of achieving public order under the Municipal Law of 1967. However, this provision was omitted in subsequent municipal laws, namely Law 90-80 dated April 7, 1990, and the current Law 11-10 dated June 22, 2011. Some jurists view this as indicating the absence of legal backing for the president of the municipal people's council to exercise authority in preserving public morals within the municipality's territory. However, another opinion relies on Article 14 of

The Legal Foundation of the Concept of Public Order as a Goal of Administrative police

The concept of public morals and ethics in Algeria differs from that in other countries, such as France, where administrative police authorities intervene when a breach of public morals leads to a material disturbance of public order, aligning with the stance of French judiciary. Alternatively, in Algeria, administrative police authorities are enabled to safeguard society from all harms affecting its principles and morals without requiring a material breach of public order. This is because Algerian society, imbued with noble religious values, inherently rejects such harms.

The Algerian legislator's stance is evident through several laws related to administrative police, granting multiple powers to public and specialized administrative police authorities aimed at preserving public morals. For example:Article 14 of Decree 81-267 concerning the municipal council president's powers regarding roads, cleanliness, and public tranquility authorizes them to take all measures to maintain public tranquility and morals, requiring them to suppress any actions that may disturb them.

Regarding the powers of specialized administrative police authorities, the Algerian legislator has included them in many laws. For instance, Article 4 of Law 2000-03 states that the state[1], within the framework of its general responsibilities, ensures adherence to several provisions, including the principles of public morals. This is stipulated within a broader context involving individual economic activities, where Article 4 emphasizes the state's duty to oversee compliance with the standards of establishing and operating various services, adherence to fair competition rules among operators and towards users, and compliance with legal and regulatory obligations by operators, all of which contribute to fulfilling the requirements of maintaining public morals.

The Organic Law 23-14 dated August 27, 2023, contains special provisions regulating media activities, emphasizing the importance of respecting public morals and ethics[2]. The legislator requires media professionals to operate within the bounds of respecting fundamental principles, including the nation's religious, moral, and cultural values. Article 35 of the same law underlines the journalist's obligation to strictly adhere to professional ethics by refraining from publishing or broadcasting images, words, gestures, or signals that are unethical or offensive to public sentiments, harm women's image, honor, or dignity, and monitor publication content to prevent anything that may offend decency and public morals.

Decree 81-267 mentioned above as a basis for recognizing the legislator's acknowledgment of this authority for the president of the municipal people's council.

1-Law 2000-03 dated August 5, 2000, defining the general rules related to postal and telecommunications services.

2-These are the set of principles detailed by the legislator in the provisions of Article 03 of Law 23-14 mentioned above.

An example of the application of Algerian administrative and regulatory measures to preserve moral public order is the decision made by the competent administrative authorities in Algeria on June 12, 2024, to cancel planned summer musical and entertainment festivals in solidarity with the Palestinian people. This administrative decision stemmed from Algeria's honorable political stance and the profound grief and indignation felt by the Algerian people over the atrocities suffered by the people of Gaza during that period. These acts of terrorism, which violated all humanitarian, ethical, religious, and international legal standards related to armed conflicts, could not be ignored. The decision reflected the collective sentiment of the Algerian people, expressing deep sorrow, pain, and anger over the humanitarian crisis in Gaza, with thousands of civilian casualties.

This decision, while politically significant on domestic and international levels beyond the scope of this study, rests on a clear administrative and moral regulatory basis. It reflects the general public sentiment experienced by Algeria, both government and people, with its significant impact on the collective conscience of Algerian society. Any failure to make such a decision would have posed a serious threat to moral public order and impacted public security due to potential public reactions against continuing entertainment programs during such a morally and humanly inappropriate time.

Second section: Maintaining Economic Public Order

The necessity to expand and develop the state's administrative police function to include the economic sector has led many countries to adopt a dual economic and political approach[1]. This has activated state intervention in the economic field, contributing to the emergence of a new type of specialized administrative police reflected in the establishment of economic regulatory authorities to enforce economic public order within the state. This aims to protect the national economy through specific measures and procedures such as regulating wages, controlling prices, ensuring the supply of materials and products, and organizing import and export activities.

Modern and contemporary administrative jurisprudence has moved towards recognizing the existence of economic public order based on the Concept that leaving individuals free in economic activities without regulation would expose the economic system and society to significant risks that could threaten social peace. This is achieved through various measures and procedures, such as preventing shortages of essential supplies, prohibiting speculation, and avoiding unjustified price increases[2].

1-To understand the political context requirements for this development in the state's function, see Zeibar El-Chedli, The Legal Framework of Economic Regulatory Authorities in Algerian Law, Journal of the Researcher for Academic Studies, University of Batna 01, Volume 01, Issue 04, December 2014, p. 207.

2-It should be noted here that these acts may sometimes be classified as criminal offenses, and their impact extends beyond the administrative police approach to address them. This has led

The Legal Foundation of the Concept of Public Order as a Goal of Administrative police

To clarify the jurisprudential and legal meaning of the concept of economic public order, it is necessary to examine its historical legal context and its development in Algeria. Algeria's experience in this field is relatively recent. Historically, the first adoption of this concept can be traced to the United States, where it initially appeared in the form of committees to ensure the stability of administrative institutions by providing legislative protection. The first regulatory committee was established in the United States in 1889 when Congress created the Interstate Commerce Commission to separate regulatory bodies from internal departments[1]. These committees later diversified and expanded to cover various economic activities[2].

These entities continued to develop and grow until the 1980s when they were subjected to in-depth studies that resulted in substantial criticism. They were found to be overly regulated, bureaucratic, costly, and obstructive to economic activity. This eventually led to the elimination of many such entities and the emergence of a new regulatory framework under which new regulatory bodies were established[3].

The legal framework governing economic regulatory authorities in the United States is characterized by a high degree of independence. Structurally, these entities are collective bodies whose members are selected from professional circles and appointed by the President and the Senate. Functionally, they are subject to Congress, which establishes and defines their powers and can dissolve them if periodic evaluations reveal inefficiency[4].

In France, the emergence of economic regulation or what is known as independent administrative authorities was delayed[5]. The justification for their

---

the legislator to adopt a criminal law approach, emphasizing harsher penalties for the negative economic and social consequences they cause. An example of this is Law 21-15 dated December 28, 2021, on combating unlawful speculation.

1-Zeibar El-Chedli, op. cit., p. 208.

2-These committees have undergone significant development under various names, including the Federal Trade Commission, the Nuclear Regulatory Commission, the Federal Energy Commission, the Federal Communications Commission, and the Environmental Protection Agency. As previously explained, the establishment of these committees stems originally from a political dimension, in addition to the justification of responding to economic and social needs.

3-Walid Boujemline, Economic Regulatory Authorities in Algerian Law, Dar Balqis for Publishing, Algeria, 2012, p. 10.

4-Zeibar El-Chedli, op. cit., p. 209.

5-Their emergence was delayed compared to the United States and some other countries, including England, which preceded France by decades. In England, independent administrative authorities were known as quasi-autonomous non-governmental organizations. The English experience differs from the American and French ones in terms of the reasons for their establishment, which were limited to the government's desire to reduce the size of public facilities, restore some public trust, focus government tasks on strategically important matters, and reduce the powers of local authorities. This means that the justification for adopting them lies primarily in aspects related to the daily management of national and local affairs.

establishment was generally influenced by the American and British models and as a response to the prevailing atmosphere in France at the time of their emergence, which was marked by mistrust towards parliamentary representatives and local elected bodies. There were also urgent calls to improve the functional relationship between the administration and its clients to provide better services to citizens.

The first appearance of these authorities was with the enactment of the Computer Science and Freedoms Law[1], which established the National Commission for Computer Science and Freedoms. The French *Conseil d'État* later intervened to clarify, in its 1983 report, the areas of intervention for independent administrative authorities, classifying them into three sectors: protecting citizens from bureaucratic repercussions, regulating the market economy, and media and communication[2]. Subsequently, numerous independent administrative authorities were established, reaching 34 entities according to the French *Conseil d'État*[3]. These authorities are characterized by their independence, either through legal and judicial characterization or through alignment with jurisprudential and judicial standards. However, their integration into the French legal system has raised issues[4].

Based on the above, it can be concluded that the American and French experiences in regulating economic public order were primarily aimed at correcting the state's withdrawal from the economic field. This withdrawal coincided with the emergence of new state functions that the administration could not perform, a situation described in jurisprudence as the parallel processes of economic liberalization and the establishment of independent administrative authorities[5].

This dual political and economic approach was also adopted by Algeria. Algeria embraced the concept of economic public order as a result of the significant economic transformation it experienced after the severe economic crisis of the late 1980s, which led to considerable social deterioration. Subsequently, the state was compelled to liberalize economic activities and adopt numerous economic reforms, some of which involved the adoption of economic regulation as a type of specialized administrative police aimed at maintaining the state’s economic public order in the context of transitioning to a market or free economy[6].

1-This was under Law 78-17 issued on January 7, 1978.

2-Walid Boujemline, op. cit., p. 15.

3-Among the most notable of these authorities are the Banking Committee established in 1984, the Competition Council established in 1986, the Energy Regulatory Committee established in 2003, and the Financial Markets Authority established in 2003.

4-For more details, see Zeibar El-Chedli, op. cit., p. 211.

5-Zeibar El-Chedli, op. cit., p. 212.

6-For more on the constitutional and legal nature of independent administrative authorities in Algeria, see Ben Sahah Yacoub, Ben El-Khodr Mohamed, The Economic Transformation of the Algerian State - A Conceptual Problem of Independent Administrative Authorities as a Model, Journal of Horizons for Sciences, Ziane Achour University, Djelfa, Volume 05, Issue 17, 2019.

As a result, the Algerian state became a regulator of economic activity after being a manager of public institutions. This economic transformation aimed to ensure competitiveness and diversity within Algeria's economy and prioritize its development. This shift was initiated in the early 1990s when the Algerian legislator drew on the French experience[1]. The concept of independent administrative authorities first appeared in Algeria with the establishment of the Supreme Council for Information under Law 90-07 of April 3, 1990, on information. Article 59 of this law states: *"A Supreme Council for Information is established as an independent administrative authority... possessing legal personality and financial independence*[2]*."*

The establishment of economic regulatory authorities in Algeria accelerated, accompanied by numerous amendments to their legal texts, leading to their establishment as a constitutional and practical legal reality. Some jurisprudential studies divided the process of creating independent administrative authorities in Algeria into two phases:

- First Phase (1990-2000): This phase was marked by a noticeable slowdown, with only six economic regulatory authorities established[3].
- Second Phase (2000 to present): This phase witnessed a significant acceleration in establishing economic regulatory authorities and amending most legal texts related to previously established authorities[4].

Many of these amendments deeply affected the names, legal status, and powers of these authorities, in line with Algeria's constitutional and economic transformations following the 2020 constitutional amendment driven by the "authentic movement." For example, the National Body for Preventing and Combating Corruption, established under Law 06-01 of February 20, 2006, was replaced by the High Authority for Transparency, Prevention, and Combating Corruption as a constitutional institution tasked with regulating corruption-related matters[5].

1-LakhdarZerara, Saoudi Ali, Economic Regulatory Authorities and Their Functions, Journal of Legal and Political Studies, Ammar Thleiji University, Laghouat, Volume 03, Issue 06, 2017, p. 25.

2-This council faced significant difficulties in carrying out its tasks due to the major challenges the media sector in Algeria was experiencing at that time, which compelled the state to dissolve the council by Presidential Decree 93-252 dated October 26, 1993.

3-These authorities include the Supreme Council of Information (1990), the Monetary and Credit Council (1990), the Stock Exchange Operations Regulation and Control Committee (1993), the Competition Council (1995), and the Ombudsman (1996).

4-Examples of these authorities include the National Agency for Mining Assets (2001), the Hydrocarbons Regulatory Authority (2002), the Water Regulatory Authority (2005), and the Insurance Supervision Committee (2006).

5-The constitutional founder included them among oversight institutions in Articles 204 and 205 of the 2020 constitutional amendment and regulated them by Law 22-08 dated May 5, 2022, which defines their organization, composition, and powers.

Finally, it is worth noting that the Algerian legislator hesitated to describe the above-mentioned economic regulatory authorities as independent administrative authorities. Nevertheless, an examination of the legal texts governing them reveals that they have been granted extensive powers far exceeding those typically granted to traditional administrative police authorities. These include the power to issue directives, monitor market entry, conduct investigations, regulate operations, and impose administrative sanctions[1].

Third section: Maintaining the Aesthetic Public Order of the Environment with Its Natural and Artificial Elements

This modern element of public order refers to the aesthetic appearance and charm of cities and the environment, particularly gardens, the beauty of buildings, and green spaces, allowing for meticulous organization within cities that enables individuals to enjoy living in a beautiful and healthy environment. This falls squarely within the responsibilities of administrative police authorities, who are tasked with preserving the beauty of cities by taking all measures deemed appropriate in this regard. In doing so, they embody the environmental administrative legal framework adopted by the legislator, which has granted them extensive regulatory powers in this area to ensure a sustainable and healthy living environment[2].

This element is considered one of the modern components of public order because environmental administrative laws did not adopt it until a relatively late stage. Similarly, the judiciary did not explicitly recognize it without considerable back-and-forth over an extended period. The French judiciary, represented by the *Conseil d'État*, initially did not maintain a consistent position on this matter. For a long time, it aimed in several decisions to restrict the scope of intervention by public and specialized administrative police authorities in regulating individual activities, focusing instead on enhancing the status of public freedoms and avoiding undue restrictions[3].

This approach was opposed by a significant portion of jurisprudence, as it led to the exclusion of aesthetic public order from the objectives of administrative police

---

1-Zeibar El-Chedli, op. cit., p. 214.

2-This prominence aligns with the constitutional and legislative stances that have elevated the environment to a human value and a right that must be protected, especially in the last two decades in many countries, including Algeria. Algeria has notably moved in this direction, particularly through the 2020 constitutional amendment, whose preamble states: "The people remain concerned about environmental degradation and the negative consequences of climate change, and are keen to ensure the protection of the natural environment and the rational use and preservation of natural resources for the benefit of future generations." The amendment also includes numerous provisions granting the environment and surroundings an unprecedented constitutional standing.

3-The French Conseil d'État adopted this position in several rulings, including the decision issued on February 18, 1972, which rejected considering the beauty and aesthetic appeal of cities as elements of public order. It asserted that the function of administrative police is not to protect the external appearance of cities or preserve their aesthetic charm, except in cases explicitly and definitively allowed by law.

authorities and its dismissal as an element of public order. This opposition prompted a swift response, with pressure from organizations and associations advocating for beauty and environmental rights. Consequently, the French judiciary changed its position, settling on the view that the aesthetic public order of the environment, both natural and artificial, must necessarily fall within the regulatory duties assigned to the administration. Any violation of it constitutes a disturbance to public order that must be addressed through preventive and corrective measures[1].

One of the most significant decisions illustrating the *Conseil d'État*'s adoption of this view, and its consideration of the preservation of the aesthetic public order of the environment as a modern and essential element of public order within the scope of the purposes of public and specialized administrative police authorities, is its decision dated October 15, 1936, issued in the case of the *Union of Printers and Publishers in Paris*[2]. In this decision, it authorized administrative police authorities to issue regulations aimed at protecting the appearance of public roads and maintaining the cleanliness of residential neighborhoods[3].

The French legislature was influenced by the judiciary's stance[4], which is the same position adopted by the Algerian legislator under the Constitution. Several provisions establish the necessity for the state and its central and local authorities to work towards ensuring citizens' well-being. For instance, Article 21 of the 2020 Constitutional Amendment provides that the state shall ensure a healthy environment to protect individuals, ensure their well-being, and safeguard the environment in its terrestrial, aerial, and marine components, taking all necessary measures to penalize polluters.

1-For more details, see Sakina Azouz, Balancing Administrative police Activities and Public Freedoms, Master's Thesis in Administration and Public Finance, Institute of Law and Administrative Sciences, University of Algiers, 1990, p. 35 and subsequent pages.

2-See Slimani Saeed, op. cit., p. 35.

3-It should be noted here that the case leading to this decision, in which the French Conseil d'État expanded the purposes of administrative police to include the preservation of aesthetic public order, revolves around a decree issued by the Director of Seine City Control. The decree prohibited the distribution of advertisements to passersby on public roads to prevent them from being discarded in the streets after reading, thereby tarnishing the appearance of the roads. This measure was challenged by the Paris Printing and Publishing Syndicates, which filed an appeal before the Conseil d'État demanding its annulment on the grounds that it exceeded the specified purposes assigned to administrative police authorities. The aforementioned decision of the Conseil d'État was thus issued.

4-The Conseil d'État adopted a clear stance, integrating the aesthetic appeal of cities within the scope of legal intervention. This was achieved by creating several types of special administrative police, known as special police, aimed at preserving the aesthetic public order of the environment within cities. This aligns with the legal requirements for implementing general policies to protect the environment, which has become one of the most important human values warranting legal protection.

These measures include preventive and corrective means granted to specialized administrative police authorities to preserve the aesthetic public order of the environment, which will be further explored in the next section. It is also supported by Article 64 of the same constitutional amendment, which stipulates that *"every citizen has the right to a healthy environment within the framework of sustainable development, and the law defines the duties of natural and legal persons to protect the environment."*

The Algerian legislator's stance is also evident in numerous legislative and regulatory texts, which establish the responsibility of central and local administrative police authorities to preserve and maintain the aesthetic public order and charm. Among these is the first standalone law dedicated to environmental protection, Law 83-03 of February 5, 1983, which outlined the entities responsible for environmental protection and the measures to be taken[1]. In response to the prominence gained by the environment in the past two decades, as previously mentioned, the legislator has worked to adapt its legal framework to achieve the desired balance between developmental requirements and environmental preservation, ensuring a healthy living environment for citizens.

This was realized through the enactment of several laws concerning environmental protection, foremost among them being Law 03-10 of July 19, 2003, concerning the protection of the environment within the framework of sustainable development. This legal framework established specific procedural and regulatory measures under the jurisdiction of public and specialized administrative police authorities, aimed at protecting the environment in direct and indirect legal terms, particularly preserving the beauty of cities and roads, and maintaining green spaces and forests. It also aims to protect public health by reducing and eliminating all sources of pollution[2].

It should be noted that there is a tendency in jurisprudence, judiciary, and some national legislations to expand the scope of modern elements forming public order as a goal of both general and specialized administrative police, considering the respect for human dignity as part of public order. The French *Conseil d'État* has issued several decisions granting administrative authorities the power to prevent activities that undermine human dignity to preserve public order. Similarly, the French

---

1-In this context, we mention some laws forming the legislative and regulatory framework for administrative police in environmental protection, including Executive Decree No. 06-198 dated May 31, 2006, which regulates the organization applied to classified institutions for environmental protection; Executive Decree No. 07-145 dated May 19, 2007, which defines the scope, content, and approval procedures for environmental impact studies and summaries; and Law No. 01-19 dated December 12, 2001, concerning waste management, monitoring, and disposal.

2-For the position of Algerian judiciary on this matter, see Slimani Saeed, op. cit., p. 38.

Constitutional Council, in one of its decisions, affirmed that protecting human dignity against all forms of exploitation constitutes a constitutional principle[1].

The Algerian legislator has adopted this approach by explicitly stating in several legal texts that violating human dignity constitutes a breach of public order. This position is reflected in Article 08 of Law 15-13[2], which provides that *"activities related to publishing and printing books shall be exercised in a framework that respects ... human dignity and individual and collective freedoms."* The legislator also demonstrated this position in its efforts to preserve the human dignity of all societal components. For instance, the Algerian legislator requires journalists, under Article 03 of Organic Law 23-14 on media, to conduct their activities with respect for principles that include human dignity and individual and collective freedoms. This requirement is further emphasized in Article 35 of the same organic law, which obliges journalists, when performing their duties, to refrain from undermining the image, honor, or dignity of women[3].

In conclusion, we emphasize the necessity for the Algerian legislator to keep pace with the risks posed to public order in all its traditional and modern components by artificial intelligence. Humanity has reached an uncontrollable level of technological and industrial development in the contemporary era. While this progress has brought many benefits that continue to contribute significantly to human welfare across all fields, it also poses numerous unforeseen risks.

This has led the international community to sound the alarm to bridge the digital divide between nations, enabling all countries to use and develop artificial intelligence technology. Additionally, this progress must be adaptable to the diverse cultural beliefs and socio-economic principles of different countries, subjecting it to general and specialized administrative police as needed to preserve public order in all its elements.

The implication is that artificial intelligence at this stage strongly necessitates the adaptation of jurisprudence, judiciary, and legislation to its rapid and increasing outcomes to the extent that it can be considered an independent component of public order. This component is unique in its impact on and influence by other elements. Its management surpasses reliance on internal administrative police measures to regulate it as an individual activity, linking it instead to the international community’s approach of adopting participatory methods for global governance decisions regarding it. These methods include establishing specific mechanisms to ethically regulate artificial

1-See Slimani Saeed, op. cit., p. 39.

2-Law 15-13 dated July 15, 2015, concerning book activities and the book market.

3-It should be noted here that this position is primarily based on the Constitution, as Article 39, Paragraph 02 of the 2020 constitutional amendment states: "...Physical or moral violence or any violation of dignity is prohibited."

intelligence, such as specialized administrative police, alongside respecting intellectual property rights over nations' and peoples' data.

Conclusion:

At the conclusion of addressing the problem posed by this research paper, we reach several findings that highlight the importance of exploring the Legal Foundation of the Concept of Public Order as a Goal ofAdministrative police. We found that it is exceedingly difficult to adopt a comprehensive and definitive meaning for the concept of public order within the scope of administrative activity in its restrictive aspect. This has led to a consensus among most comparative legal systems regarding their legislative and regulatory requirements, refraining from defining public order comprehensively and settling for pointing out some of its objectives without clearly or specifically defining those purposes.

In this context, we concluded that the Algerian legislator followed the same approach as comparative legislations in this regard, refraining from defining public order due to the conflict this poses with the very nature of the concept, which is characterized by flexibility, adaptability, and susceptibility to influence. The legislator limited itself to outlining the ways to maintain public order, leaving the task of definition, given its difficulty, to jurisprudence and the judiciary.

Specialized jurisprudence has defined public order based on its characteristics, as it reflects a flexible and relative phenomenon comprising a set of mandatory legal rules that cannot be violated, derived from laws, customs, or traditions. These rules vary depending on the prevailing system in the state, time, and place. Nevertheless, jurisprudence is divided into two approaches due to differing views on public order, with each side examining the concept from a specific perspective.

Accordingly, one school of comparative jurisprudence considers public order in the realm of administrative police as external material order, which involves maintaining material stability represented by its traditional elements: public security, public tranquility, and public health. This school forms the basis of the classical jurisprudential meaning of public order. Conversely, another school of jurisprudence views public order as encompassing the necessary conditions for security and public morals, which are indispensable for stable and harmonious relationships among citizens. According to this view, public order expands to include the moral, ethical, and emotional dimensions of society alongside its material aspects.

By examining the position of comparative administrative judiciary regarding the definition of public order, we recognize the judiciary's critical role in this matter. Judicial rulings and decisions have established practical requirements necessitating the protection of both the material and moral aspects of public order simultaneously.

Finally, we conclude that the differences in jurisprudence, legislation, and comparative judiciary regarding the Legal Foundation of the Conceptof Public Order as a Goal of Administrative police do not hinder the identification of its elements.

Moreover, these differences do not affect the nature of the administrative function of the modern state, which is obliged to intervene and regulate various individual activities. The state is considered a fundamental actor in managing the economic, social, and cultural dynamics of society, in some cases directly. This has expanded the purposes of administrative police to include these elements, a role whose importance has significantly increased today amidst uncontrolled technological and industrial advancements.

In light of the profound impacts artificial intelligence has had on these elements, which fall under the jurisdiction of specialized administrative police authorities governed by specific legislations, these elements are categorized into material and non-material elements.

List of sources and references:

1- **Legal Sources**

- Constitution of the People's Democratic Republic of Algeria (2020 Constitutional Amendment)
- French Municipal Law dated April 5, 1884
- Law 67-24 dated January 18, 1967, concerning municipalities
- Law 78-17 issued on January 7, 1978, on Information Technology and Freedoms (French Law)
- Law 89-28 dated December 31, on public meetings and demonstrations, amended and supplemented by Law 91-19 dated December 2, 1991
- Law 90-80 dated April 7, 1990, concerning municipalities
- Law 2000-03 dated August 5, 2000, defining the general rules related to postal and telecommunications services
- Law 03-10 dated July 19, 2003, concerning environmental protection within the framework of sustainable development
- Law 11-10 dated June 22, 2011, concerning municipalities
- Law 12-07 dated February 21, 2012, concerning wilayas
- Law 15-13 dated July 15, 2015, concerning book activities and the book market
- Law 21-15 dated December 28, 2021, on combating unlawful speculation
- Law 22-08 dated May 5, 2022, defining the organization, composition, and powers of the High Authority for Transparency, Prevention, and Anti-Corruption
- Law 22-13 dated July 22, 2022, amending and supplementing Law 08-09 dated February 25, 2008, on the Code of Civil and Administrative Procedures
- Organic Law 23-14 dated August 27, 2023, concerning media
- Decree 81-267 dated October 10, 1981, on the powers of the president of the municipal people's council regarding roads, cleanliness, and public tranquility
- Decree 83-373 dated May 28, 1983, concerning the wali's powers in the field of security and public order maintenance

- Executive Decree 06-198 dated May 31, 2006, regulating the organization applied to classified institutions for environmental protection
- Executive Decree 07-145 dated May 19, 2007, defining the scope, content, and approval procedures for environmental impact studies and summaries
- Law 01-19 dated December 12, 2001, concerning waste management, monitoring, and disposal
- Executive Decree 10-258 dated October 21, 2010, authorizing initiatives for rules and measures to protect and prevent all forms of pollution, environmental degradation, and harm to public health and living conditions.

2- **Specialized References**

Books

- Mahmoud Saad El-Din El-Sherif, *The General Theory of Administrative police*, n.p., n.d., n.d.
- Mahmoud Helmy, *Administrative Activities*, 2nd Edition, Dar Al Fikr Al Arabi, Cairo, n.d.
- Mahmoud Atef El-Banna, *The Mediator in Administrative Law*, Dar Al Fikr Al Arabi, 2nd Edition, Cairo, 1962.
- Qadri Abdel Fattah El-Shahawi, *Police Operations and Their Administrative and Criminal Responsibility*, Monshaat El Maaref, Alexandria, 1969.
- Mohamed Asfour, *Police and the State: The Legal, Political, and Administrative Origins Leading to the Contemporary Police State*, El-Istiqlal Al-Kubra Press, 1st Edition, Cairo, 1972.
- Mohamed Fouad Mohanna, *Principles and Provisions of Administrative Law*, Shabab Al-Jamea Foundation, Cairo, 1973.
- Omar Fouad Ahmed Barakat, *Principles of Administrative Law*, n.p., n.d., 1985.
- Aziza El-Sherif, *Studies on the Legal Organization of Administrative Activity*, Dar Al Nahda Al Arabia, Cairo, 1989.
- Salah El-Din Fawzi, *General Principles of Administrative Law – A Comparative Study*, Dar Al Nahda Al Arabia, 1st Edition, Cairo, 1991.
- Hossam Lotfi, *File of Issues on Freedom of Opinion and Expression in Egypt*, n.p., n.d., Cairo, 1993.
- Walid Boujamlin, *Economic Administrative police Authorities in Algerian Law*, Dar Balqis for Publishing, Algeria, 2012.

Dissertations

- Mohamed Ahmed Fath El-Bab El-Sayed, *Administrative police Authorities in Exercising the Freedom of Public Meetings*, PhD Thesis, Ain Shams University, Cairo.
- Mohamed Sherif Ismail, *Administrative police Authorities in Exceptional Circumstances*, PhD Thesis, Faculty of Law, Ain Shams University, Cairo, 1979.
- Mounib Mohamed Rabie, *Guarantees of Freedom in Confronting Administrative police Authorities*, PhD Thesis, Ain Shams University, 1981.
- Helmy Khair El-Hariri, *Police Functions in Democratic Systems – An Applied Study on Egypt*, PhD Thesis, Faculty of Graduate Studies, 1989.

- Sakina Azzouz, *Balancing Administrative police Activities and Public Freedoms*, Master's Thesis, Institute of Law and Administrative Sciences, University of Algiers, 1990.
- Faeq Hatem Latif, *Guarantees for Individuals Against Administrative police Authorities*, Master's Thesis, Judicial Institute, Baghdad, 1990.
- Adel El-Saeed Abu Khair, *Administrative police and Its Limits*, PhD Thesis, Faculty of Law, Beni Suef, 1992.
- Eissa Saad Mubarak Al-Jafali, *Protection of Public Tranquility in Qatar*, Master's Thesis, Faculty of Law, Cairo University, 2003.

University Publications

- Slimani Saeed, *Administrative police*, Lectures delivered to Master's students in Public Internal Law, Faculty of Law and Political Science, Mohamed Seddik Ben Yahia University, Jijel, Algeria, 2017.

Academic Articles

- Mahmoud Saad El-Din El-Sherif, *Philosophy of the Relationship Between Administrative police and Freedoms, State Council Journal*, Year 19, 1969.
- Ammar Awabidi, *Legal Aspects of the* Concept *of Administrative Police, Algerian Journal of Legal, Political, and Economic Sciences*, University of Algiers, Faculty of Law, Issue 04, 1987.
- Mahmoud Atef El-Banna, *Administrative police Between Freedom and Public Order, Security and Law Journal*, Dubai Police College, Year 2, Issue 01, 1994.
- Nourah Taria, *Evolution of Public Order Elements, Journal of Rights and Freedoms*, Laboratory of Rights and Freedoms in Comparative Systems, University of Biskra, Issue 02, 2013.
- Chaib Zeibar, *The Legal System of Economic administrative police Authorities in Algerian Law Authorities in Algerian Law, Journal of the Academic Researcher for Academic Studies*, University of Batna 01, Vol. 01, Issue 04, December 2014.
- LakhdarZarara and Saadi Ali, *Economic administrative police Authorities in Algerian Law Authorities and Their Tasks, Journal of Legal and Political Studies*, Amar Telidji University of Laghouat, Vol. 03, Issue 06, 2017.
- Ben Sahah Yaqoub and Ben Al-Akhdar Mohamed, *The Economic Transformation of the Algerian State – The Problem of the Conceptualization of Independent Administrative Authorities as a Model, Journal of Horizons for Science*, University of Ziane Achour Djelfa, Vol. 05, Issue 17, 2019.
- Chewich Ben Othman, *Territorial Collectivities: Which Concept and Which Competence?Journal of Algerian and Comparative Public Law*, DjilaliLyabes University, Sidi Bel Abbes, Algeria, Vol. 06, Issue 01, 2020.
- Mariem Ben Abbas, *Modern Elements of Public Order in Administrative Law, Journal of the Academic Researcher for Academic Studies*, Vol. 07, Issue 01, University of Batna 01, 2020.
- Khadija Hajaj and Abdelkader Zarqeen, *Administrative police Methods in Protecting Moral Public Order, Algerian Journal of Law and Political Sciences*, Research

Laboratory for the Development of Economic Legislation, University of Tissemsilt, Vol. 06, Issue 01, 2021.

- Idriss Rahmoni and Seddik Rekli, *Modern Public Order and the Actors Shaping It*, *Journal of Human Sciences*, Vol. 34, Issue 03, University of Constantine 01, 2023.