The National Automated Civil Status Registry as an Instrument for the Enhancement of Public Service Delivery in Algeria

السجل الوطني الآلي للحالة المدنية كآلية لتحسين الخدمة العمومية في الجزائر



BETTAHAR Khadidja [1*]

[1] Lecturer class B, University of Blida 2, El Affroun, Blida,

k.bettahar@univ-blida2.dz

(https://orcid.org/my-orcid?orcid=0009-0005-3946-3277)

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Abstract:

Within the framework of the modernization of the public service, the government has put in place all necessary arrangements through the rehabilitation of public utilities and human resources, as well as the provision of the requisite modern equipment, in order to materialize this vision by establishing a national high-bandwidth network, setting up local-level databases, and implementing a biometric system. In addition to these measures, a National Automated Register of data and information was created with a view to enabling citizens to obtain their official documents without the burden of travelling to the municipal authorities. All of these measures are aimed at bringing the administration closer to the citizen and ensuring the quality of public services rendered by municipal authorities.

key words:

National Automated Register; Civil Status; Municipality; Public Service; Public Utility.

الملخص:

في إطار عصرنة الخدمة العمومية قامت الحكومة بوضع كل الترتيبات اللازمة لذلك من خلال تأهيل المرافق العامة وتأهيل العنصر البشري وكذلك توفير التجهيزات اللازمة والعصرية من أجل تجسيد هذه الفكرة بإنشاء الشبكة الوطنية ذات التدفق العالي ووضع القواعد والبيانات على المستوى المحلي وإنشاء المنظومة البيومترية إلى جانب ذلك، استحداث السجل الوطني الآلي للبيانات والمعلومات وذلك من أجل تمكين المواطن والحصول على وثائقه دون تكليفه عناء التنقل للبلدية، وهذا كله من أجل تقريب الإدارة من المواطن وضمان جودة الخدمات العمومية المقدمة من طرف البلديات.

الكلمات المفتاحية:

السجل الوطني الآلي، الحالة المدنية، البلدية، الخدمة العمومية، المرفق العام.

[*] **Corresponding Author**

Introduction:

The municipal administration represents, in most countries of the world, the local authority responsible for organizing and managing the affairs of citizens within its territorial boundaries. Municipal responsibilities encompass business licensing and registration, tax collection, sanitation and water services, parks and green spaces management, housing services, and citizen complaint handling — all of which aim to ensure a safe and healthy community environment[1].

The Civil Status Department constitutes one of the public services to which every citizen is compelled to resort on a continuous and recurrent basis, insofar as it is vested with the authority to issue official identity documents intrinsically linked to an individual's legal personality and the constituent elements thereof — commencing from the moment of birth through to the time of death.[2] In Algeria, however, many civil status records have long been affected by errors committed during their drafting or registration, which subsequently require judicial correction before the competent courts. This situation, combined with the heavy bureaucracy that has traditionally characterized the civil status service, has imposed considerable burdens on citizens and generated widespread dissatisfaction.[3]

"The objective further encompasses improving the public service delivered by this Department, with respect to the enhancement of human resource capacity-building, the upgrading of ancillary administrative structures, and the overall quality of services rendered. This Department has been, and continues to be, characterised by pronounced bureaucratic dysfunction, which has imposed an undue burden upon the general public and engendered widespread civic discontent. Moreover, the conditions governing service delivery have been marked by excessive procedural complexity, placing an oppressive burden upon citizens who were compelled to travel hundreds of kilometres in order to obtain a single official document from their municipality of birth, only to be confronted with inordinately protracted queues — a state of affairs that has constituted a principal ground for sustained criticism directed at this Department and the standard of its operational performance.

In view of the considerable attention that has come to be accorded to the relationship between the citizen and the public administration — owing, on the one hand, to the growing involvement and participation of citizens in administrative affairs, and, on the other hand, to the progressive development of administrative functions —

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[1] Abbas Radhia, Amara Messaouda, "The Electronic Municipality Experience: Dubai Municipality and Central Algeria as a Model," *Journal of Rights and Human Sciences*, Vol. 15, No. 1, Djelfa University, Algeria, 2022, pp 1158.

[2] Mohamed Al-Saghir Baali, (2004), Al-Wajiz fi al-Qanun al-Idari: Al-Mu'assasat al-Idariyya [Concise Administrative Law: Administrative Institutions], Dar al-Ulum for Publishing and Distribution, Annaba, Algeria, pp. 15–17; see also: Nasser Labbad, (2005), Al-Qanun al-Idari [Administrative Law], Vol. I, Dar al-Ulum for Publishing and Distribution, Annaba, p. 202.

[3] Kahil Hakima, (2018) "The New Provisions on the Correction of Civil Status Documents," paper presented at the National Conference on Recent Developments in the Civil Status System in Algeria, Laboratory of the Civil Status System, Khemis Miliana University, pp. 1–2.

and with a view to regulating this relationship, the Algerian legislature acted expeditiously to lay down the foundational principles underpinning and preserving its shared institutional bonds. The initial initiative to establish this register predated the amendment of the Civil Status Law, and was set in motion through a ministerial circular issued by the Minister of Interior and Local Communities concerning the commencement of operations of the Automatic National Civil Status Register, dated 15 February 2014. This was subsequently followed by the amendment of Order No. 70-20 by virtue of Law No. 14-08 of 09 August 2014.[1] …thereby introducing a new Fourth Part entitled 'The Automated National Civil Status Register', encompassing Articles 25 bis, 25 bis 1, 25 bis 2, 25 bis 3, 25 bis 4, and 25 bis 5[2].

The establishment of the Automated National Civil Status Register cannot be understood in isolation from the strategic vision adopted by the State under the 'Electronic Algeria 2013–2018' project, which sought to digitise public services and to strengthen the use of information and communication technologies in the management of public affairs. This Register thus emerged as the practical embodiment of one of the core strands of that project, by transferring civil status records from a paper-based medium to a unified national digital platform, thereby facilitating access to public services and bringing the administration closer to the citizen.[3]

In light of the foregoing, the following research question arises: To what extent has the Automated National Civil Status Register proved effective in improving public service delivery and in bringing the administration closer to the citizen? To address this question, the descriptive-analytical method has been adopted, through an examination of the legal framework governing the civil status service — in particular the provisions of Order No. 70-20, as amended and supplemented by Law No. 14-08, which introduced the Automated National Civil Status Register pursuant to Article 25 bis — together with an analysis of Executive Decree No. 15-204, which exempts citizens from producing civil status documents already available within this Register. This has been supplemented by a comparative approach drawing on selected foreign experiences in the field of the 'electronic municipality', such as the experience of Dubai Municipality in comparison with that of Algiers-Centre Municipality, as presented in recent academic literature.

Accordingly, in order to address this research problem, we have deemed it appropriate to divide the study into two sections. The first section will examine the concept of the Automated National Civil Status Register, while the second section will be devoted to assessing the role of the Automated National Civil Status Register, as clarified below.

Section One: The Establishment of the Automated National Civil Status Register

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[1] Law No. 14-08 of 09 August 2014, amending and supplementing Order No. 70-20 of 19 February 1970 relating to Civil Status, Official Gazette of the People's Democratic Republic of Algeria (J.O.R.D.A.), No. 49.

[2] Law No. 17-03 of 11 Rabi' al-Thani 1438, corresponding to 10 January 2017, amending and supplementing Order No. 70-20 relating to Civil Status, Official Gazette of the People's Democratic Republic of Algeria (J.O.R.D.A.), No. 02, 2017.

[3] Abbas Radhia & Amara Messaouda, Op Cit, p. 1162.

The streamlining of administrative procedures and the bringing of the administration closer to the citizen are among the major reform initiatives undertaken by the State. In order to improve the quality of services, the public authorities have adopted a series of measures intended to facilitate matters for citizens and to remove bureaucratic obstacles, with a view to narrowing the gap between the administration and the administered. These measures include the simplification of procedures and the extension of the period of validity of administrative documents, which in turn made it necessary to establish the Automated National Civil Status Register.

In this section, we shall address the definition and significance of the Automated National Civil Status Register in Subsection One, while Subsection Two will be devoted to the reasons for its creation and the functions assigned to it.

Subsection One: Definition and Significance of the Automated National Civil Status Register

In the context of implementing the programme of the Ministry of the Interior and Local Communities relating to the simplification of procedures, the improvement of the quality of services provided to citizens, and the modernisation of central administration and local authorities — and given the difficulties faced by citizens and the burdens associated with travelling to their place of birth in order to obtain civil status documents on the basis of entries in local registers — it became necessary to establish an Automated National Civil Status Register of considerable importance.

Accordingly, in this Subsection we shall address, in the first branch, the definition of the Automated National Civil Status Register, and in the second branch, its significance.

Branch One: Definition of the Automated National Civil Status Register

The Automated National Civil Status Register is a digital mechanism designed to centralise all civil status records, together with any amendments, entries or corrections recorded therein[1].

This Register is interconnected with municipalities and their administrative annexes, as well as with diplomatic missions, districts, and consular posts. It is likewise to be interfaced with public institutions, most notably the central departments of the Ministry of Justice. The Automated National Civil Status Register was established within the Ministry of the Interior by virtue of the legislative amendments introduced in 2014 through Law No. 14-08, specifically under Article 25 bis of that Law, which amends and supplements Order No. 70-20 relating to Civil Status[2].

It may accordingly be inferred from the wording of Article 25 bis above that the legislature has conferred upon the Automated National Civil Status Register a dual character: a centralized national character with respect to its establishment — being placed under the authority of the Ministry of the Interior and Local Communities — coupled with a decentralized character with respect to its operation, through its interconnection with municipalities and their annexes, as well as diplomatic and

[1] Yahiaoui Soumia, (2020), "Modernization of the Public Utility in Algeria: The Digitization of the Municipality as a Model," Journal of Legal and Political Sciences Research, Vol. 6, No. 1, Faculty of Law and Political Science, Yahia Fares University, Medea, Algeria, pp. 45–46.

[2] Article 25 bis of Law No. 14-08 provides that: "A National Automated Civil Status Register shall be established at the Ministry of the Interior and Local Authorities and shall be connected to municipalities and their administrative annexes."

consular missions. This dual qualification reflects an attempt to reconcile the unity of the national database at the central level, on the one hand, with the respect for the administrative division and territorial jurisdiction of civil status officers, on the other — thereby achieving coherence between the principle of data centralization and the principle of bringing public services closer to the citizen.

The establishment of the Automated National Civil Status Register has likewise contributed to improving the public service delivered to citizens by exempting them from producing civil status documents already available therein. This is grounded in the provisions of Article 2 of Executive Decree No. 15-204, which exempts citizens from producing civil status documents available within the Automated National Civil Status Register. Under this provision, public administrations, administrative authorities, and local authorities connected to the Automated National Civil Status Register are required, within the framework of the administrative procedures they process, to refrain from requiring citizens to produce civil status documents to which they may directly access through the said National Register.

The first electronic municipality was established in Batna, where official documents are issued through an electronic counter — a technology that also gives practical effect to the possibility of preparing and delivering documents at municipal branch offices without requiring the citizen to travel to the main civil status headquarters. Under the same conditions, marriage and death certificates may equally be issued through this system. Furthermore, the biometric electronic passport and the biometric national identity card were introduced, with the participation of the Gendarmerie and the National Police, with a view to facilitating the transfer of personal data and enabling the identification of individuals through electronic files.[1]

It should be noted that the Automated National Civil Status Register commenced operations on 15 February 2014, pursuant to Circular No. 1435 issued by the Minister of the Interior and Local Communities, with a view to improving administrative performance and bringing the administration closer to the citizen — thereby expediting and facilitating the procedures for obtaining administrative documents from any location, without compelling the citizen to travel to the municipality in which the original civil status record was drawn up.[2]

Branch Two: The Significance of the Automated National Civil Status Register

All civil status officers of municipalities throughout the national territory have been authorized to sign and issue birth, marriage, and death certificates relying exclusively upon the Automated National Civil Status Register. This Register contains all civil status records drafted in the civil status registers, which are subsequently stored on hard drives within both local and central databases specifically prepared for this purpose and equipped with dedicated automated software designed to execute predefined commands — constituting in essence the full range of civil status operations, namely: the drafting of records, the annotation of marginal entries, and the rectification of errors. The Automated National Civil Status Register thus consolidates the civil status

[1] Abbas Radhia & Amara Messaouda, *op. cit.*, p. 1162.
[2] Yahiaoui, Soumia, Op. Cit., p. 46.

database of all municipalities across the national territory, numbering 1,541 municipalities in total[1].

The outcome is the modernization of the administration, the development of the public service, and the leveraging of technological advances, which in turn allow for the qualification and capacity-building of human resources. It is anticipated, however, that Algerian citizens will in the future be able to obtain civil status documents directly via the internet, pending the adoption of the forthcoming legislation on electronic signatures, which will enable such services[2] — and which already allows Algerians to retrieve civil status documents from any location across the national territory.[2]

Subsection Two: The Rationale and Functions of the Automated National Civil Status Register

The Civil Status Department is among the public services most closely intertwined with the everyday life of citizens, as it is responsible for recording the most significant demographic events in the life of an individual — from birth to death — in dedicated official registers. For several decades, this Department remained confined to traditional management methods, which gave rise to numerous manifestations of bureaucratic dysfunction that overburdened citizens and eroded their confidence in the public administration. In the context of the Algerian State's drive towards the modernization of its administration and the achievement of e-government, the Automated National Civil Status Register was established by virtue of Law No. 14-08.

This Subsection examines the grounds for the establishment of the Automated National Civil Status Register in Branch One, and addresses its functions in Branch Two.

Branch One: Grounds for the Establishment of the Automated National Civil Status Register

The establishment of the Automated National Civil Status Register is grounded in a set of interrelated rationales, which may be summarized under two principal headings: first, rationales pertaining to the structural deficiencies that characterized the traditional civil status system; and second, rationales relating to the imperatives of e-government and digital transformation.

I**. Structural Deficiencies of the Traditional Civil Status System**

Under the traditional system, the Civil Status Department was characterized by a number of fundamental impediments that prompted the legislature to seek an effective digital alternative.

1. **Excessive Bureaucracy and Complex Procedures**: Citizens were compelled to travel hundreds of kilometres in order to obtain a single document from their municipality of birth, which constituted a principal ground for criticism directed at this Department and the standard of its performance. One researcher has affirmed in this

[1] Azzouz Mohamed El-Tayeb, Saoudi Amer, The Impact of E-Government on the Performance and Improvement of Public Service Operations, op. cit., p. 43.

[2] El-Mekki Drardji, Rachida Mossaoui, 'The Role of E-Government in the Development of Public Service and the Public Utility in Algeria', Journal of Legal and Political Sciences, No. 17, January 2018, pp. 33–34.

regard that 'the charged atmosphere that prevailed in municipalities for many years led to a rupture in the relationship between the administration and the citizen.[1]

2. **The Prevalence of Material Errors in Civil Status Records:** Inspection and audit reports revealed a significant prevalence of material and legal errors in paper-based registers, which gave rise to extensive judicial disputes. Among the principal causes of such errors were the appointment of unqualified personnel and a wholesale neglect of register preservation.[2]

3. **The Risk of Deterioration and Loss of Paper-Based Registers:** Paper-based registers constitute the collective memory of the Algerian people, and were susceptible to deterioration and loss as a result of various disasters and events, which prompted the State to consider digital means of preserving them. The Director-General for the Modernization of Documents and Archives at the Ministry of the Interior indicated that the large-scale operation for the collection and preservation of data encompassed 1,541 municipalities, and that the total number of documents recorded in the national memory reached 20 million documents.[3]

4. **Inefficiency in Inter-Municipal Coordination:** The civil status administration, dispersed across the national territory, operated in isolation from one entity to another, thereby impeding the retrieval of original documents from any municipality other than the municipality of registration. For instance, a citizen could only be issued an extract when requesting a birth document from a municipality other than the one in which the original record was registered, whereas obtaining the original document necessitated travelling to the municipality of origin.[4]

II. The Imperatives of Transition Towards E-Government

The transformation of the various public service administrations became a compelling necessity — including, in particular, the Civil Status Department, as the public service most frequented by citizens and most directly in contact with them. A transition from traditional administration to electronic administration was indispensable in order to overcome the numerous obstacles confronting citizens in their daily lives when obtaining personal documents. This imperative is attributable to the following factors:

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[1] Allal Tahtah, 'The Automated Civil Status Register: Between the Advantages of Implementing the Electronic Public Service and the Obstacles Thereto', paper presented at the International Conference on the Legal Framework of the Electronic Public Service, University of Mohamed Boudiaf, M'Sila, Algeria, December 2021, pp. 2–3.

[2] Belledjraf Samia, Kallach Kheloud, 'The Role of the Automated National Civil Status Register in the Modernization of the Civil Status Department', paper presented at the National Conference on the Reality and Challenges of Digitization in Electronic Administrative Decision-Making, University of Abbès Laghrour, Khenchela, November 2021, p. 2.

[3] Azzouz Mohamed El-Tayeb, Saoudji Amer, *The Impact of E-Government on the Performance and Improvement of Public Service Operations: A Case Study of Biometric Documents in the Municipality of Meghaier, Wilaya of M'Sila*, graduation research paper, University of Ziane Achour, Djelfa, Algeria, 2016/2017, p. 45.

[4] Ben Salem Ahmed Abderrahman, 'The Organization of Civil Status in Algeria in Light of the Amendments Introduced by Law No. 14-08', *Journal of Knowledge Issues* (*Revue Qadaya Marifiyya*), No. 20, March 2020, pp. 119–120.

1. Keeping Pace with Global Technological Advancement: E-government is among the contemporary approaches that seek to transform institutions into electronic entities utilizing information technology in the conduct of all their operations and functional transactions. The strength and development of States have come to be measured by the extent to which they harness modern technologies, which have evolved rapidly and permeated virtually every field of activity.[1] A prime example of this is Dubai Municipality in the United Arab Emirates, where the e-government project was launched as part of a sweeping wave of comprehensive change and development that swept across the Emirate at the beginning of the last decade of the twentieth century. At that juncture, Dubai commenced the development of its information and communications technology infrastructure in order to keep pace with these rapidly accelerating advancements.[2]

2. Implementation of the E-Government Strategy: Within the framework of implementing the Government's action programmed focused on the modernization of public administrations, the Civil Status Department has been brought under a computerized information system, with the aim of establishing an electronic database encompassing the civil status registers of all 1,541 municipalities in digital form within a central data bank. This has had a serious and effective impact on transforming administrative working methods and on the emergence of the features of the 'electronic municipality'[3].

3. The Need to Serve the Algerian Community Abroad: The situation of the Algerian community residing abroad constituted an important driving factor, as members of the diaspora faced considerable difficulties in obtaining their civil status documents. The Automated National Civil Status Register has enabled them to submit applications for their special birth certificate directly online through the diplomatic or consular mission with which they are registered.[4]

Branch Two: Functions of the Automated National Civil Status Register

By reference to the wording of Article 25 bis 1 of amended Order No. 70-20, the Automated National Civil Status Register is, as previously noted, a digital, electronic and non-paper register, which contains the information relating to the identity of persons as recorded in the paper-based civil status registers at the national level, by means of a digital medium. Among the most important functions entrusted to this mechanism are the following:

First: Centralization and Digitization of Civil Status Records

The Automated National Civil Status Register has a core function consisting in the centralization of all civil status records, together with all omissions, amendments,

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[1] Houria Qarti, Iman Meddawi, 'A Study of the Impact of E-Government Use by Public Service Departments on the Improvement of Public Service Quality in Algeria: An Exploratory Study on Biometric Passport Issuance Services', *Journal of Knowledge Communities* (*Majallat Majami' al-Ma'rifa*), University Centre of Tindouf, Vol. 4, 2017, p. 233.

[2] Abbas Radhia & Amara Messaouda, *op. cit.*, pp. 1164-1170.

[3] Abdeljabbar Babi, *Upgrading the Public Service in Algeria (A Case Study of the Municipality of Ouargla)*, Academic Master's Dissertation, Kasdi Merbah University, Ouargla, Algeria, 2016/2017, p. 35.

[4] El-Mekki Drardji, Rachida Mossaoui, *op. cit.*, p. 32.

entries and rectifications carried out in accordance with the provisions of the Civil Status Law, pursuant to Article 6, paragraph 3, of Law No. 14-08[1].

Second: Improving Public Service Delivery

The Automated National Civil Status Register contributes to the provision of a set of tangible services to citizens, in particular through the following:

1. **Instantaneous issuance of civil status documents from any municipality**: Citizens are now able to obtain all civil status documents immediately from any municipality or administrative annex throughout the national territory, without incurring the burden of travel. Three software applications have been deployed at the level of each municipality in order to facilitate this process, relating respectively to the issuance of certificates, the transmission of certificates and amendments, and the reporting of potential errors.[2]

2. **Exemption of citizens from producing civil status documents in administrative files**: Pursuant to Executive Decree No. 15-204 of 27 July 2015, it was decided to exempt citizens from producing civil status documents that are already available within the Automated National Civil Status Register when compiling administrative files in all public services.[3]

3. **Issuance of documents electronically and remotely**: Under Executive Decree No. 15-315 of 10 December 2015, it became possible to issue copies of civil status documents electronically, after they have been affixed with a qualified electronic signature. The Ministry of the Interior issues a qualified electronic certificate used to sign copies of civil status documents and to establish the link between the data used to verify the electronic signature and the identity of the signatory.[4]

4. **Institutional linkages and coordination between public bodies:** The Automated National Civil Status Register is interconnected with other relevant public institutions, in particular the central departments of the Ministry of Justice, and has generated a number of practical benefits, including the following:[5]

a). Enabling various administrations and public institutions to obtain civil status documents for individuals directly, without having to request them from the person concerned or from the municipal authorities.

b). Facilitating communication and the exchange of administrative documents between municipalities through the electronic portal.

c). Enabling the Ministry of Justice to apply an electronic signature to criminal record certificates and nationality certificates and to make them available to citizens online.

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[1] Belledjraf Samia, Kallach Kheloud, *op. cit.*, p. 9.

[2] Ministerial Circular No. 1436 of 13 February 2014 concerning the practical procedures for the commencement of the exploitation of the Automated National Civil Status Register, issued by the Ministry of the Interior, Local Authorities and Spatial Planning.

[3] Executive Decree No. 15-204 of 11 Shawwal 1436, corresponding to 27 July 2015, exempting citizens from producing civil status documents available within the Automated National Civil Status Register, Official Gazette, No. 41, issued on 29 July 2015.

[4] Executive Decree No. 15-315 of 28 Safar 1437, corresponding to 10 December 2015, relating to the issuance of copies of civil status documents by electronic means, *Official Gazette*, No. 68, 2015.

[5] El-Mekki Drardji, Rachida Mossaoui, *op. cit.*, p. 34; see also: Ben Salem Ahmed Abderrahman, *op. cit.*, p. 119.

5. **Periodic updating of data and correction of errors:** The Automated National Civil Status Register undertakes the task of continuously updating civil status data. Every new civil status event (marriage, divorce, death, judicial rectification) necessarily alters the civil status situation of the person concerned by the record. Civil status officers are required to enter the rectification notation in the birth register after obtaining the judicial rectification; the relevant record is then rescanned, and the newly scanned record is automatically substituted for the former one in the civil status database. Furthermore, Law No. 17-03 introduced the service of electronic rectification of civil status documents, which enables the person concerned to submit a rectification request via the electronic services portal of the Ministry of Justice, without the need to travel. The procedure passes through four stages, namely: submission of the request, electronic transmission, examination and determination of the request, and finally enforcement of the rectification order.[1]

6. **National jurisdiction of civil status officers:** Article 25 bis 4 confers upon civil status officers of municipalities, administrative annexes and consular districts the authority to sign copies of civil status records. This means that they now enjoy national jurisdiction for issuing copies of all birth certificates, death certificates and marriage records, provided that such records are included in the National Digital Register where they fall outside their municipal or consular territorial competence. The conferral of national jurisdiction upon civil status officers constitutes a genuine mechanism for facilitating matters for citizens and for effectively bringing the administration closer to them.[2]

Section Two: Assessing the Role of the Automated National Civil Status Register

In Improving Public Service Delivery, The establishment of the Automated National Civil Status Register does not merely constitute a technical measure for modernizing the means of registration; rather, it represents a legal and organizational mechanism at the heart of public service reform, inasmuch as it reorganizes the flow of information between the administration and the citizen on the basis of a central database accessible from any municipality in the country. The reduction of citizens' travel, the streamlining of required documentation, the unification of sources of civil information, and the consolidation of the exemption from resubmitting the same documents to multiple administrations are all direct manifestations of an improvement in the quality of public service, in terms of speed, transparency and fairness.

There is no doubt that the creation of this Register has yielded substantial benefits both for citizens and for the administration itself (as will be examined in Subsection One). Nevertheless, the process of digitization and its effects face numerous obstacles and constraints, and have revealed many shortcomings and negative aspects that must be avoided in the future in order to achieve satisfactory results (as will be considered in Subsection Two)."

Subsection One: The Positive Role of the Automated National Civil Status Register

The Automated National Civil Status Register constitutes an instrument for giving concrete effect to the constitutional principles relating to equality before public

[1] See Article 2 of Law No. 17-03 relating to Civil Status.

[2] Allal Tahtah, *Exposition of the Civil Status Law and Related Issues in Family Law*, course materials for students of the Faculty of Law, Djilali Bounaama University, Khemis Miliana, 2017, pp. 82–84.

services and the right of citizens to a quality public service, in that it reduces indirect discrimination between citizens residing in close proximity to their municipality of birth and those living at great distances from it. It is likewise consistent with the legislature's orientation towards enshrining the "once-only" principle in the provision of information to the administration, whereby the citizen is not required to resubmit the same information to multiple administrative bodies so long as it is available within a unified national database. The advantages of digitizing civil status registers are therefore linked to the benefits of e-government in general, while also possessing certain specific features of their own.[1]

Branch One: Bringing the Administration Closer to the Citizen

The first positive role of the Automated National Civil Status Register is reflected in the improvement of public service quality and the bringing of the administration closer to the citizen. Prior to the digitization of civil status registers, users were often obliged to travel to the original municipality in order to obtain a birth, marriage or death certificate, which entailed both time and financial burdens, particularly for persons residing outside their municipality of birth or for members of the national community abroad. Following the establishment of the Automated National Civil Status Register, it has become possible to submit applications for certified true copies of digital records to the municipality or consular district of residence, as well as to any other municipality or municipal administrative annex.

The importance of this transformation lies in the fact that it gives effect to a form of practical decentralization in the provision of services, notwithstanding the centralized storage of data, since the citizen can obtain his or her civil status documents without being constrained by the place where the original event was recorded. The Ministry of the Interior has indicated, in its presentation of the electronic counter for civil status, that the digitization of civil status registers and the creation of the Automated National Civil Status Register have enabled citizens to obtain civil status documents instantly from any municipality or administrative annex nationwide, without the burden of travel.[2]

The positive impact is not limited to reducing physical distance; it also extends to shortening administrative timeframes and alleviating congestion at civil status offices. Electronic service provision allows for the online issuance of civil status documents, such as birth certificates, marriage certificates and death certificates, in line with the Algerian administration's policy of simplifying procedures and improving the relationship between the administration and users.[3] From this perspective, the Automated National Civil Status Register is not merely a database, but rather a practical tool for reorganizing public service provision on the basis of speed, flexibility and the reduction of administrative burdens for both citizens and the administration.[4]

In this regard, the Mayor of Central Algeria Municipality resolved to introduce a green telephone number and the "Allo Baladiyati" (*Hello My Municipality*) service, with a view to bringing the administration closer to the citizen through the creation of electronic civil status services and the establishment of new service channels modelled

[1] Houria Qarti, Iman Meddawi, *op. cit.*, p. 234.
[2] Ben Salem Ahmed Abderrahman, *op. cit.*, p. 31.
[3] Abdeljabbar Babi, *op. cit.*, p. 119.
[4] El-Mekki Drardji, Rachida Mossaoui, *op. cit.*, p. 34.

on the "Allo Baladiyati" initiative. The application enables citizens to communicate with qualified agents whose function is to receive and respond to their enquiries — whether relating to the documents required for the extraction of official records — in a flexible and accessible manner, thereby sparing the applicant the need to travel in person to the municipal headquarters. In addition, a **Single Unified Counter** (*guichet unique*) was established, through which staff began receiving files submitted directly — both in person and through a dedicated electronic portal — and forwarding them to the relevant departments responsible for the extraction of the documents requested by the citizen, including those pertaining to civil status and other administrative matters.[1]

Branch Two: Strengthening the Reliability and Legal Security of Civil Status Documents

The Automated National Civil Status Register plays an important role in enhancing the reliability and legal security of documents, given that civil status is intrinsically linked to an individual's legal existence and to the most significant events affecting his or her life, such as birth, marriage and death.[2] Law No. 14-08 provides that the Automated National Civil Status Register centralizes, by digital means, all civil status records referred to in Article 6 of Order No. 70-20, together with all amendments, omissions, entries and rectifications recorded in accordance with the provisions of the Civil Status Law, as previously noted.

This digital centralization produces a dual positive effect. First, it contributes to the unification of the source of civil information and prevents the fragmentation of data among dispersed local registers, thereby reducing the likelihood of errors or contradictions between documents issued by different authorities.[3] Second, it enables the updating of marginal annotations and judicial or administrative rectifications and their linkage to the original records, which strengthens the probative value of the document and ensures that it more accurately reflects the person's actual legal status.

The digital system also permits the issuance of digital copies corresponding to the original digital records stored centrally, by duly authorized civil status officers in municipalities, administrative annexes, diplomatic missions and consular districts. In this way, the Register contributes to the protection of citizens' civil, family and administrative rights[4], since the validity of civil status documents constitutes a fundamental gateway to the enjoyment of rights, the proof of filiation, marriage, death, nationality and many other legal statuses.

Branch Three: Supporting E-Government and Consolidating the Digital Transformation of the Civil Status Service

The Automated National Civil Status Register constitutes one of the cornerstones of e-government in Algeria. Its establishment was not an isolated technical measure, but rather formed part of a broader process of modernizing local administration and digitizing public services. Academic studies have regarded the Automated National Civil Status Register as one of the most significant manifestations of the modernization

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[1] Abbas Radhia & Amara Messaouda, *op. cit.*, p.1173.

[2] Allal Tahtah, *Exposition of the Civil Status Law and Related Issues in Family Law*, *op. cit.*, pp. 79–80.

[3] Bellejraf Samia, Kallach Kheloud, *op. cit.*, pp. 9–10.

[4] Allal Tahtah, *op. cit.*, p. 82.

of the civil status service[1], in that it has transformed civil status registers into an automated register centralized within the Ministry of the Interior and Local Communities, and has made it possible to obtain documents electronically or remotely without requiring recourse to the original municipality.

Furthermore, the interconnection of the Register with municipalities, administrative annexes, diplomatic missions and consular districts broadens the scope of services to include citizens both inside and outside the national territory, making digitization a tool for achieving equality in access to public services.[2] The national community abroad likewise benefits from this transformation through the possibility of dealing with diplomatic and consular missions linked to the Register, thereby narrowing the gap between citizens residing within the national territory and those residing abroad.

The significance of the Automated National Civil Status Register does not, however, stop at facilitating the issuance of documents; it extends to changing the very philosophy of public administration. E-government is founded upon speed, transparency, the reduction of unnecessary direct contact, and the reuse of data already available within the administration instead of repeatedly requiring citizens to produce the same document.[3] From this standpoint, the linkage of the Register with other public institutions, particularly the central departments of the Ministry of Justice, opens the way for institutional exchanges of civil status data within a regulated legal framework, thereby enhancing the effectiveness of public services and reducing bureaucratic burdens.

Accordingly, it may be said that the Automated National Civil Status Register has contributed positively to the modernization of the civil status service from three interrelated angles: improving public service delivery and bringing it closer to the citizen; strengthening the reliability and legal security of civil status documents; and supporting the transition towards e-government.[4] Nonetheless, the success of this system remains contingent upon ensuring the protection of personal data, securing the information infrastructure, training the staff responsible for operating it, and continuously updating the data, so that digitization does not merely amount to transferring traditional procedures onto an electronic medium, but instead becomes an effective means of administrative reform and of improving the relationship between the administration and the citizen.

Subsection Two: The Negative Role of the Automated National Civil Status Register

Achieving effective e-government in general requires the adoption of a set of foundational principles, the disregard of which constitutes the most significant impediment to the realization of effective electronic administration, alongside other obstacles related in particular to the human and structural dimensions.[5] These obstacles

[1] Yahiaoui Soumia, *op. cit.*, p. 48.
[2] Houria Qarti, Iman Meddawi, *op. cit.*, p. 235.
[3] Abdeljabbar Babi, *op. cit.*, pp. 36–37.
[4] El-Mekki Drardji, Rachida Mossaoui, *op. cit.*, p. 35.
[5] Mustapha Bouadi, 'Creating a Digital Environment in the Context of the Modernisation of the Public Service and the Improvement of Public Service Delivery in Algeria', *Notebooks of Politics and Law* (*Dafatir al-Siyasa wal-Qanun*), No. 17, June 2017, pp. 260–261.

are, in essence, the very same impediments to the effectiveness of the electronic public service, and may be identified as follows:[1]

Executive Decree No. 15-204 of 27 July 2015 does not merely confer a discretionary power upon the administration; rather, it imposes an express, specific and binding legal obligation to refrain from requiring citizens to produce civil status documents where such documents are already available within the Automated National Civil Status Register.

Branch One: A Negative Obligation (Obligation de ne pas faire / Obligation of Abstention)

From the standpoint of the theory of obligations in administrative law, the obligation imposed by Decree No. 15-204 falls within the category of negative obligations[2] (*obligations négatives*) — that is to say, obligations whose object is the abstention from a specific act rather than the performance thereof, expressed in French legal doctrine as an *obligation de ne pas faire*.[3]

The Decree is explicit in its wording: it requires provinces, districts, municipalities, ministries and public administrations connected to the Register to refrain henceforth from requiring citizens to produce civil status documents such as extracts of birth, marriage and death certificates, following their direct interconnection with the Automated National Civil Status Register.

From an academic legal standpoint, the negative obligation is characterized by an essential feature: any breach thereof is constituted by the mere commission of the prohibited act — namely, the mere requirement to produce the document — without the need to establish additional harm in order to prove a failure to comply.[4] This distinguishes it from a positive obligation, where the question of breach remains linked to the making of efforts rather than the achievement of a specific result.

Branch Two: An Obligation of Result (Obligation de résultat)

The obligation imposed by Decree No. 15-204 is classified as an obligation of result (*obligation de résultat*), rather than a mere obligation of means (*obligation de moyens*), for the following reasons:

The provision is imperative and of specific content: it contains no margin of discretion for the administration in terms of compliance; the obligation to refrain from requiring the document is absolute and not optional.[5]

The effect is immediate and measurable: either the document was required or it was not, with no intermediate possibility.

It protects a direct and established interest: the protected interest consists in the citizen's time, effort and financial resources.

This qualification entails a procedurally significant consequence: proof of non-compliance is in itself sufficient to establish liability, without the citizen being required

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[1] Abdeljabbar Babi, *op. cit.*, p. 42.

[2] Mohamed Al-Saghir Baali, *op. cit.*, p. 230.

[3] René Chapus, *Droit administratif général*, vol. 1, 15th ed., Montchrestien, Paris, 2001, p. 1381.

[4] Gilles Lebreton, *Droit administratif général*, 9th ed., Dalloz, Paris, 2017, p. 435.

[5] André de Laubadère, Jean-Claude Venezia, Yves Gaudemet, *Traité de droit administratif*, vol. 1, 15th ed., L.G.D.J., Paris, 1999, p. 627.

to prove that the administration failed to exercise due diligence[1], in contrast to the obligation of means, where the injured party is required to establish fault in its precise legal sense.

Branch Three: Phased Implementation and the Cumulative Effect of the Obligation

It should be noted that the application of the Decree was not simultaneous and absolute; rather, the legislature adopted a phased approach at the sectoral level, whereby the Ministry of Higher Education and Scientific Research, the Ministry of National Education and the Ministry of Vocational Training were the first to benefit in the initial phase, before a gradual extension to the remaining sectors.[2]

This gradual approach — while technically justified in terms of network connectivity — raises, from a legal standpoint, the question of the temporal point at which the obligation comes into existence: does the obligation arise upon the mere issuance of the Decree, or does it arise upon the effective connection of the relevant administration to the Register? The prevailing view is that the obligation becomes binding upon each administration from the date of its effective connection to the network, and that prior to that date the obligation constitutes one suspended upon a technical condition.

Branch Four: Administrative Liability for Service Fault (Faute de Service) in the Digital System

The liability of the administration in this context is grounded in the notion of service fault (*faute de service*), defined in classical administrative legal doctrine as a fault attributable to the service itself, irrespective of which individual official materially committed it, and not bearing a personal character.[3]

A connectivity failure between the administration and the Automated National Civil Status Register falls within the category of service fault based on poor service organization (*mauvaise organisation du service*). The legal question arising here is whether such a disruption generates liability by the mere fact of its occurrence, or whether it requires continuation for an unreasonable period of time. The prevailing view — consistent with the principle of continuity, which constitutes one of the fundamental principles governing public services — is that any disruption in digital service provision that exceeds a reasonable time limit constitutes in itself a service fault giving rise to liability, and generates for the affected citizen the right to seek compensation before the competent administrative court.[4]

Academic legal doctrine nonetheless distinguishes between two scenarios:

- A temporary and accidental disruption: if caused by a sudden technical incident to which the administration responded promptly and effectively, liability may still arise but the injured party may be required to establish specific and direct harm.

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[1] Ammar Aouabdi, *Theory of Administrative Liability*, University Publications Press, Algeria, 3rd ed., 2010, pp. 178–180; *see also*: André de Laubadère et al., *op. cit.*, p. 628.

[2] Ministry of the Interior and Local Communities, Joint Ministerial Circular No. 03 of 01 February 2016 concerning the implementation of Executive Decree No. 15-204.

[3] René Chapus, *Droit administratif général*, *op. cit.*, pp. 1275–1278.

[4] Pierre Chabanol, *La pratique du contentieux administratif*, 9th ed., LexisNexis, Paris, 2014, p. 315.

− A repeated or prolonged disruption: in this case, service fault in the organization is presumed, and it suffices for the injured party to establish the fact of the disruption and the resulting harm.

Branch Five: Administrative Refusal to Access the Register Notwithstanding Established Connectivity (Fault by Omission)

Where the administration refuses to access the Register electronically despite the establishment of connectivity, and insists on requiring the citizen to produce paper documentation, it breaches its legal obligation under Decree No. 15-204 in an explicit and unambiguous manner. Such refusal simultaneously constitutes:[1]

A service fault in the doctrinal sense: the service has failed to deliver the performance required of it by law.

An unlawful administrative act: the imposition of the documentary requirement constitutes an unlawful restriction on the principle of freedom to submit administrative applications.

In such a case, the competent administrative court has jurisdiction to grant both annulment and compensation.

Branch Six: Misuse of the Register and Disclosure of Personal Data

In cases of misuse of the data of the Automated National Civil Status Register by public officials or administrations, administrative liability is established through the following two mechanisms:

Service liability, where the disclosure results from negligence in securing the network or weakness in the cybersecurity infrastructure, which constitutes a clear service fault in the organization.

Concurrent fault (*cumul de fautes*) between service fault and personal fault, where it is established that an official disclosed the data for personal purposes while exploiting his or her position; in such a case, the administration bears primary liability as a guarantor, with a right of recourse against the official for recovery of the sums paid.[2]

It should be noted that comparative administrative legal doctrine has been moving towards the expansion of no-fault liability (*responsabilité sans faute*) in the field of digital technological services, on the basis of the theory of risk (*théorie du risque*): an administration that relies on a complex digital system and compels citizens to depend upon it exclusively assumes the risks of technical failures arising from the operation of that system, even in the absence of service fault in its traditional sense. This issue has not been explicitly addressed by the Algerian legislature, either in Decree No. 15-204 or in Law No. 14-08 — a circumstance that constitutes one of the legislative lacunae requiring remediation.[3]

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[1] Mohamed Al-Saghir Baali, *Administrative Judiciary*, University Publications Press, Algeria, 2002, pp. 190–192; *see also*: Ammar Boudiaf, *Reference Guide to Administrative Disputes*, vol. 1, Dar Jusour for Publishing and Distribution, Algeria, 2013, p. 285.

[2] National Commission for the Protection of Personal Data, *Data Protection Annual Report 2020*, Algeria, 2021, p. 45; *see also*: Law No. 18-07 of 10 June 2018 relating to the protection of natural persons with regard to the processing of personal data, *Official Gazette of the People's Democratic Republic of Algeria*, No. 34.

[3] Sabine Boussard, *Droit des services publics*, LexisNexis, Paris, 2019, p. 180; *see also*: Didier Truchet, *Droit administratif*, 7th ed., PUF, Paris, 2017, pp. 285–287.

Some researchers have summarized the obstacles and difficulties encountered, dividing them into two categories:[1]

Category One — Human Obstacles:

- The prevalence of illiteracy among a significant portion of citizens and the difficulty of accessing services through modern technology.
- Low individual income levels, creating obstacles to interaction via e-government networks.
- Growing social disparities between those who have access to modern equipment and those who do not, notwithstanding the Government's program promoting the "In My Library" project within households, which weakened the broader initiatives accompanying the digital administration project.
- The risk of unemployment arising from the implementation of digital administration — a technology that may be resisted by workers fearing the loss of their positions and privileges.

Category Two — Technical and Technological Obstacles[2]:

These obstacles arise from the inherent nature of technology as a highly complex system. They include the following:

- A shortage of training programs for human resources, the retraining of administrative staff, and access to high-quality information technology expertise.
- Insufficient financial resources allocated to digital administration projects, compounded by the high costs of technical maintenance of e-government software.
- The high cost of equipping the digital administration infrastructure, which constrains the advancement of digital transformation projects.
- Technical difficulties at multiple levels relating to information technology.
- The high costs of internet services, which impede equitable access for users of these networks.

As a result of the obstacles confronting the effectiveness of the Automated National Civil Status Register, numerous practical shortcomings, failures and prospective concerns have emerged. Some researchers have enumerated these négative aspects as follows[3]:

- The use of technology and automated information systems may lead to the elimination of certain posts, resulting in the spread of unemployment, particularly at lower and middle levels.
- The violation of societal privacy.
- The impairment of creativity and innovation in working methods as a result of sophisticated and advanced technological tools.
- The proliferation of cybercrime.
- The fragility of communication networks and the frequency of technical failures.

Notwithstanding these shortcomings, there is no denying the improvement in the performance of the civil status service that has accompanied the digitization of civil status registers and the various developments that have attended that process.

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[1] Mustapha Bouadi, *op. cit.*, p. 262.
[2] Mustapha Bouadi, *op. cit.*, p. 261.
[3] El-Mekki Drardji, Rachida Mossaoui, *op. cit.*, p. 35.

Conclusion:

On the basis of the foregoing, it may be concluded that the Automated National Civil Status Register has achieved a considerable degree of effectiveness in improving public service delivery and bringing the administration closer to the citizen, through the reduction of the administrative, financial and temporal burdens associated with obtaining civil status documents, the consolidation of a unified national database, and the enhancement of the traceability of civil status information. However, this effectiveness remains relative and conditional upon overcoming a set of practical and legislative shortcomings, relating in particular to the incomplete development of the digital infrastructure, inadequate training and supervision, and the absence of effective enforcement mechanisms to ensure compliance with the exemption from producing documents already available in the Automated National Civil Status Register.

It should be noted that, notwithstanding the quality of the services it provides and the impetus it has given for the transition towards the modernization of the civil status service through the digitization of its administration, the Automated National Civil Status Register faces certain obstacles that negatively affect its performance.

On the basis of the foregoing analysis, the following conclusions have been reached:

- The digitization of the Register has transformed the civil status service from a traditional administration based on paper records to a digital administration based on a national database, which has had a positive impact on the speed and flexibility of service delivery.
- The Automated National Civil Status Register has established the principle that civil status documents may be obtained from any municipality at the national level, thereby strengthening the citizen's perception of equitable access to public services, regardless of the location of the municipality of birth.
- Notwithstanding this, disparities in the preparedness of municipalities, the persistence of certain bureaucratic practices, and low levels of digital literacy have impeded the achievement of the full effectiveness envisaged for this project.

On the basis of the findings of this study, the following recommendations are proposed:

- Expediting the completion of the effective interconnection of all municipalities with the Automated National Civil Status Register, and establishing plans for the maintenance of networks and information systems at the local level in order to ensure continuity of service.
- Incorporating specialized training in the management of information systems for the civil status service into the initial and continuing training programs for local authority staff, while linking effective participation in training courses to career advancement prospects in order to incentivize officials.
- Adapting the legislative framework by introducing specific provisions on the protection of personal data held in the Automated National Civil Status Register, defining the conditions for access to such data, and establishing the liabilities and sanctions applicable in cases of misuse or data breach.
- Activating Executive Decree No. 15-204 through periodic directives and circulars from the Ministry of the Interior and Local Communities, along with the establishment of an internal monitoring mechanism to deter administrations that continue to require citizens to produce documents retrievable electronically.

- Strengthening communication and awareness-raising among citizens regarding the advantages of obtaining documents from any municipality or electronically (where the system and electronic signature framework so permit), with a view to changing entrenched mind-sets and alleviating pressure on municipalities of birth.

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