The Procedural Requirements for the Admissibility of Administrative Lawsuits Under the Civil and Administrative Procedures Law

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Abstract: This study examines the procedural requirements for the admissibility of administrative lawsuits under Algeria's Civil and Administrative Procedures Law. It highlights the dual judicial system and the necessity of jurisdiction, standing, interest, and capacity as foundational conditions. The paper distinguishes between general requirements-such as subject matter and territorial jurisdiction, and the formal statement of claim-and specific prerequisites, including the existence of a prior administrative decision, the optional but consequential grievance procedure, and strict statutory deadlines. By analyzing Articles 819–830, the study underscores how these rules balance individuals' rights to challenge administrative acts with the imperative of stability in administrative practice.

Keywords: Administrative litigation, Administrative Procedures Law, Procedural requirements, Capacity to litigate, Statement of claim, Administrative grievance.

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Introduction:

Establishing justice among individuals is one of the fundamental functions of the state, which can only be achieved through the judiciary, regarded as one of the essential institutions of the state. The establishment of the judiciary, its comprehensive maintenance, the protection of its independence, and the prevention of external influence upon it serve as indicators of a country's level of development and prosperity. The state performs its judicial function through judicial authorities of various types and levels, whose jurisdiction extends to all natural and legal persons, including the state itself and its institutions. This becomes even more comprehensive when a special judicial structure is dedicated to disputes in which the state or one of its bodies is a party, as is the case in Algeria, which has adopted a dual judicial system.

Although the right to resort to the judiciary is guaranteed both internationally and constitutionally, it remains subject to a set of conditions designed to prevent abuse of the right to litigation. Among these are conditions upon which the admissibility of a lawsuit depends, referred to by the legislator as the conditions for admissibility. These conditions are of two types: substantive and procedural.

Our study focuses on the procedural requirements for the admissibility of administrative lawsuits. These requirements constitute the cornerstone of ensuring the proper functioning of administrative justice, as they regulate the right of individuals to challenge administrative decisions and actions before the courts. Procedural requirements refer to the set of rules and procedures that a claimant must fulfil for their case to be accepted before the administrative judiciary. These requirements vary, encompassing matters related to judicial jurisdiction, the procedures for filing a lawsuit, and statutory deadlines.

The central issue from which this study originates is the following: What are the procedural requirements for the admissibility of administrative lawsuits under the Civil and Administrative Procedures Law?

To address this question, our study is divided into two main axes: the first entitled The General Procedural Requirements for the Admissibility of Administrative Lawsuits, and the second entitled The Special Procedural Requirements for Filing Administrative Lawsuits.

I. TITLE 1 : The General Procedural Requirements for the Admissibility of Administrative Lawsuits

Determining the competent judicial authority is among the most prominent procedural requirements for the admissibility of administrative lawsuits, as judicial jurisdiction constitutes a fundamental principle of public order that cannot be subject to agreement or derogation. Following Algeria's adoption of the dual judicial system, administrative justice has been distributed among administrative courts, administrative courts of appeal, and the Council of State, thereby ensuring judicial hierarchy and the unification of jurisprudence.

Jurisdiction here refers to the authority of a court to adjudicate a specific dispute according to its nature or location. The absence of this requirement leads to a ruling of inadmissibility. Hence, the importance of this axis lies in defining the legal framework that enables litigants to direct their claims to the competent authority, whether in terms of subject-matter jurisdiction linked to the nature of the dispute, or territorial jurisdiction linked to the location of the parties or the origin of the dispute. Studying these requirements helps avoid conflicting judgments, ensures the proper functioning of administrative justice, and consolidates the principle of legal security for litigants.

The Procedural Requirements for the Admissibility of Administrative Lawsuits Under the Civil and Administrative Procedures Law

First Subtitle: Requirements Related to the Judicial Authority

Judicial jurisdiction is a fundamental matter in determining the competent authority, particularly after the adoption of judicial dualism. Jurisdiction refers to the legal authority to adjudicate a specific dispute brought before the courts, and the absence of such authority results in lack of jurisdiction. The competent court is the one legally empowered to decide a particular case under a specific provision[1].

1. Subject-Matter Jurisdiction of Administrative Courts:

Subject-matter jurisdiction refers to the authority granted to each level of courts within the same judicial body to adjudicate disputes according to their nature, regardless of their value. It is a fundamental criterion for distributing cases among courts, as it is linked to the legal relationship at issue. Being part of public order, it cannot be altered by agreement[2].

The Algerian administrative judiciary includes the Council of State, administrative courts of appeal, and administrative courts[3]. Accordingly, the subject-matter jurisdiction of these bodies will be addressed successively from the first to the highest level.

- **Administrative Courts:**

Subject-matter jurisdiction of administrative courts refers to their competence to hear cases assigned to them under legislation, namely disputes in which public authorities are parties. According to Article 1 of Law No. 98-02 and Article 800 of the Civil and Administrative Procedures Code, administrative courts are established as general jurisdiction courts in administrative matters. This means they are competent to hear all administrative disputes, regardless of the parties or subject matter, with jurisdiction limited to judicial-not consultative-functions.

The Algerian legislator adopted the organic criterion in defining administrative disputes and assigning jurisdiction to administrative courts, focusing on the status of the parties rather than the nature of the activity. Thus, jurisdiction is vested in administrative courts only if one of the parties is a public entity.

Articles 800 and 801 specify that administrative courts, as courts of first instance, have jurisdiction over annulment actions against administrative decisions, interpretative actions, legality review actions, full jurisdiction cases, and other matters expressly assigned to them. Consequently, administrative courts hold general jurisdiction in administrative disputes, except for those entrusted to other judicial bodies[4].

- **Administrative Courts of Appeal:**

The administrative courts of appeal were established under Article 179 of the 2020 constitutional amendment, which stipulates that the Council of State supervises the work of administrative courts of appeal, administrative courts, and other bodies adjudicating administrative matters.

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[1] لغوثي بن ملحة، القانون القضائي الجزائري، الديوان الوطني للأشغال التربوية، الجزائر، 2000، ص.178.

[2] عوض أحمد الزعبي، أصول المحاكمات المدنية، دار وائل للنشر، الأردن، 2006، ص.297.

[3] Pursuant to Article 04 of Organic Law No. 22-10 of 9 June 2022 concerning Judicial Organization, Official Gazette, No. 41.

[4] This applies to traffic violations and disputes arising from any action concerning liability aimed at seeking compensation for damages caused by a vehicle belonging to the State, one of the wilayas, municipalities, or public institutions of an administrative nature; in addition to the exceptions provided under special legislation such as lease disputes, customs disputes, and social security disputes.

This was followed by Law No. 22-07 on judicial division, which created six administrative courts of appeal located in Algiers, Oran, Constantine, Ouargla, Tamanrasset, and Béchar. Law No. 22-10 on judicial organization and Law No. 22-13 on civil and administrative procedures further consolidated their role.

Their subject-matter jurisdiction is primarily appellate, as per Article 900 bis, but exceptionally, the Algiers Administrative Court of Appeal acts as a court of first instance in annulment, interpretative, and legality review actions concerning decisions issued by central administrative authorities, national public bodies, and national professional organizations[5].

- **Council of State:**

The Council of State exercises general jurisdiction as a cassation court under Article 901 of the Civil and Administrative Procedures Code, which reproduces Article 9 of Law No.22-10 on judicial organization. It adjudicates cassation appeals against final judgments and decisions issued by administrative courts and courts of appeal, as well as other cassation appeals expressly assigned to it. In certain cases, it also acts as an appellate court[6].

2. Territorial Jurisdiction of Administrative Courts:

Determining territorial jurisdiction is crucial to avoid procedural errors and missed deadlines, given the strict time limits for administrative appeals.

- **Administrative Courts:**

According to Article 803 of the Civil and Administrative Procedures Code, territorial jurisdiction is determined by Articles 37 and 38[7].

Generally, jurisdiction lies with the court in whose district the defendant resides. If the defendant has no known residence, jurisdiction lies with the court of their last known residence. If a domicile of choice is designated, jurisdiction lies with the court of that domicile, unless otherwise provided by law. In cases involving multiple defendants, jurisdiction lies with the court of the residence of any one of them.

- **Administrative Courts of Appeal:**

Territorial jurisdiction was defined by Executive Decree No. 22-435, which established six administrative courts of appeal located in Algiers, Oran, Constantine, Ouargla, Tamanrasset, and Becher. Each court supervises the administrative courts within its territorial jurisdiction, as detailed in the decree's annex.

Finally, it should be noted that territorial jurisdiction of administrative courts of appeal is considered a matter of public order, as stipulated in Article 900 bis 4, which refers to Article 807 affirming that territorial jurisdiction belongs to public order.

Second Subtitle: Requirements Related to the Plaintiff and the Statement of Claim

Referring to Article 13 of the Civil and Administrative Procedures Code, the Algerian legislator has specified two conditions for initiating an administrative lawsuit: legal standing and interest. Unlike the former Civil Procedures Code, it did not explicitly include capacity as a requirement. Article 459 of the latter had stated: "No one may bring an action before the courts unless they possess legal standing, capacity to litigate, and an interest therein…".

[5] Pursuant to Article 900 bis, paragraph 03.
[6] Pursuant to Article 936 of Law No. 22-13.
[7] By way of exception to these general rules, as provided in Article 804 of Law No. 22-13.

This legislative shift raised questions regarding the exclusion of capacity as a condition for the validity of initiating lawsuits, particularly since the legislator restricts the acts of persons lacking or deprived of capacity under explicit provisions of the Civil Code[8]. This indicates that the omission was not accidental. Indeed, Article 64 of the Civil and Administrative Procedures Code provides:

- ❖ Lack of capacity of the parties.
- ❖ Lack of capacity or authorization of the representative of a natural or legal person.

Thus, Article 64 clarifies the importance of capacity as a condition for the validity of procedural acts. The absence of standing or interest results in inadmissibility of the lawsuit, whereas the absence of capacity results in nullity—a more severe sanction. Nullity implies the invalidity of a legal act due to the absence of one of its essential elements, thereby restoring the parties to their pre-act status, as if the act had never existed. In contrast, inadmissibility may be remedied by correcting the procedural defect.

From a combined reading of Articles 13 and 64, it is evident that the legislator explicitly considered standing and interest as conditions for admissibility, while treating capacity as a condition for the validity of procedural acts.

As for the statement of claim, it is a written document prepared by the plaintiff personally, or by their representative or lawyer, through which the litigation is initiated. The statement must contain specific formal details under penalty of inadmissibility, in accordance with Article 15 of the Civil and Administrative Procedures Code. Through the statement of claim, the subject matter of the request, the parties to the dispute, and the supporting documents are clearly identified[9].

TITLE 2: Specific Formal Prerequisites for the Admissibility of Administrative Litigation

Beyond the general requirements pertaining to jurisdiction, standing, and the petition itself, the Algerian legislator has articulated a set of specific formal prerequisites distinguished by their precision and rigor, insofar as they are intrinsically tied to the nature and distinctiveness of administrative litigation. These prerequisites are designed to safeguard the seriousness of administrative appeals, to reinforce the principle of stability of administrative decisions, and to avert the overburdening of the judiciary with unfounded claims. Chief among these are:

The necessity of a prior administrative act serving as the object of the challenge; the requirement of prior administrative grievance, which affords the administration an opportunity to revisit its decisions before judicial scrutiny; and, lastly, strict compliance with the statutory time limit for instituting proceedings.

The latter requirement is of public order, and its breach entails inadmissibility. Accordingly, the examination of these specific prerequisites assumes considerable importance, as it illuminates the legislator's effort to reconcile the individual's right to contest administrative acts with the imperative of ensuring stability in administrative practice.

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[8] بوصنوبرة خليل، الوسيط في شرح قانون الاجراءات المدنية والادارية، ج.01، منشورات نوميديا، الجزائر، 2010، ص.146.

[9] مشري راضية، تحرير العرائض القانونية، مطبوعة بيداغوجية موجهة لطلبة السنة أولى ماستر قانون عام، كلية الحقوق والعلوم السياسية، جامعة 8 ماي 1945 قالمة، الجزائر، السنة الجامعية: 2021/2020، ص.37؛ اطلع عليها بتاريخ: 2025/02/11 على الساعة 06:30، متاح على الرابط: https://2u.pw/meUlnquo

Moreover, it reflects the doctrinal and procedural developments introduced by the 2022 amendment to the Code of Civil and Administrative Procedure, enacted in the wake of the 2020 constitutional revision.

First Subtitle: The Requirement of a Prior Administrative Decision

The Algerian legislator obliges the claimant to attach the contested administrative decision to the initiating petition, particularly in actions for annulment, interpretation, or review of the legality of an administrative act. The existence of such a decision thus constitutes a fundamental prerequisite for instituting these types of proceedings-an imperative condition of public order[10].

Administrative decisions, in this context, encompass acts issued by[11]:

• Central administrative authorities (the Presidency of the Republic, the Prime Minister's Office, ministries) and their decentralized services.

• National public bodies, such as higher councils, Parliament, judicial organs, and the Constitutional Court when engaged in administrative acts concerning their functioning and management.

• Public institutions of an administrative character, both national and local.

• Professional organizations at the national and regional levels.

• The wilaya, through its deliberative body (the People's Provincial Assembly) and its executive authority (the wali and affiliated services such as the General Secretariat, directorates, and districts).

• Municipalities, through their three organs: the Municipal People's Assembly, its president, and the municipal administration (the secretary-general and various departments).

• Public industrial and commercial establishments in their relations with the State.

• Acts issued by the de facto official.

While the general principle is that all administrative decisions are subject to review by the administrative judiciary, certain acts of the executive branch remain beyond judicial scrutiny. This exclusion may be grounded in legal, political, or purely practical considerations[12].

Specifically, certain administrative acts fall outside the scope of administrative litigation because they fail to meet the definitional criteria of an administrative decision subject to challenge, or because they are inherently linked to the prerogatives of State authority and sovereignty, either whether internal or external. Such acts include legislative measures, judicial acts, and acts of sovereignty.

[10] Article 819.

[11] رداوي مراد، محاضرات في القرارات والعقود الإدارية، مطبوعة بيداغوجية محكمة موجهة لطلبة السنة الثالثة حقوق تخصص قانون عام، كلية الحقوق والعلوم السياسية، جامعة محمد بوضياف المسيلة، الجزائر، السنة الجامعية: 2022-2023، ص.07، اطلع عليها بتاريخ: 2025/02/14 على الساعة 15:15، متاح على الرابط:https://2u.pw/SFraiMnn

[12] بعلي محمد الصغير، القرارات الإدارية، دار العلوم للنشر والتوزيع، الجزائر، 2005، ص.21.

Second Subtitle: The Requirement of Prior Administrative Grievance and the Requirement of Time Limit

1. Prior Administrative Grievance:

The Algerian legislator has placed before the citizen the procedural step of prior administrative grievance before litigating against the administration in court. This mechanism reflects the legislator's intent to reduce administrative disputes and resolve them at an early stage through simpler means, without resorting to judicial proceedings. Administrative litigation is not the sole avenue for resolving such disputes; rather, the legislator has introduced the grievance procedure as an alternative path for early-stage resolution outside the jurisdiction of administrative courts.

A grievance may be defined as a complaint, request, or petition submitted by the aggrieved party to the relevant administrative authority, seeking reconsideration of the contested decision on grounds of illegality or lack of appropriateness. Article 830 of the Code of Civil and Administrative Procedure provides: "The person concerned by the administrative decision may submit a grievance to the administrative authority that issued the decision within the time limit prescribed in Article 829 above".

Under Article 830, the grievance is optional. Thus, the individual adversely affected by an administrative decision enjoys the freedom to either pursue the grievance procedure or directly initiate judicial proceedings. The grievance thereby constitutes merely an administrative stage for dispute resolution, rather than a mandatory condition for admissibility of the administrative action[13].

From this provision, it is evident that the Algerian legislator has adopted the mechanism of hierarchical grievance; whereby the complaint is addressed to the official who issued the contested decision, requesting its withdrawal. The official retains discretion to uphold the decision, annul it, invalidate it prospectively, or even retract it entirely[14].

2. Consequences of initiating an administrative grievance for the parties:

The choice of the injured party to submit an administrative grievance signifies opting for the amicable route prior to resorting to administrative litigation. This choice entails a set of consequences that affect the complainant himself, the administration before which the grievance is lodged, and even the judicial authority before which the administrative action may be brought in the event of an unsuccessful grievance procedure.

a) Consequences of initiating an administrative grievance for individuals:

Submitting a grievance before the competent administrative authority produces several effects for the complainant himself, namely:

- **Certain knowledge of the decision:**

Certain knowledge is a concept developed by French administrative jurisprudence. It refers to the situation where an individual's awareness of an administrative decision is not limited to the formal means of notification prescribed by law.

If the concerned party has full and comprehensive knowledge of the content and substance of the administrative decision, enabling him to determine his legal position and stance toward

[13] With certain exceptions, prior grievance is mandatory in matters relating to taxes and duties, as well as in disputes concerning social security.

[14] In turn, the determination of the type of grievance carries exceptions, whereby prior grievance is mandatory in the field of tax disputes and in social security disputes.

it, such knowledge substitutes for publication or notification in fulfilling the legislator's intent. Consequently, the legal effect of the decision's enforceability against the concerned persons arises from the date of establishing such certain knowledge. Certain knowledge is thus considered a means of rendering administrative decisions effective, whether they are explicit, implicit, or negative. Submitting a grievance against an administrative decision constitutes conclusive evidence of certain knowledge of its content, as the grievance itself is a presumption of proper awareness that excludes ignorance of the decision[15].

Accordingly, filing a grievance against an administrative decision is deemed proof of certain knowledge of its content, evidencing the complainant's pursuit of his rights, protection of his interests, preservation of his legal position, and attempt to remove any material or moral harm that may result from the decision.

- **Rejection of the contested decision:**

Submitting an administrative grievance is a clear indication of the complainant's dissatisfaction with the administrative decision issued against him, perceiving it as infringing upon his legal position or causing direct or indirect harm to his interests. This procedure reflects the complainant's desire to find an amicable solution without resorting to litigation[16], thereby reducing judicial disputes and alleviating the burden on administrative courts. Moreover, the grievance provides the administration with an opportunity to review its decision, reconsider it, correct it, amend it, or even withdraw it if found unlawful. This reinforces the principles of administrative justice and achieves a balance between protecting individual rights and ensuring the proper functioning of public services.

b) Consequences of the administrative grievance for the administrative authority to which it is submitted:

The consequences of the administrative grievance for the authority vary depending on the position it takes toward the grievance, which raises three possibilities:

- **Case of acceptance of the grievance by the administrative authority:**

In this scenario, three situations must be distinguished[17]:

First, the authority responds positively to the grievance within the prescribed time for its examination and before the annulment action is filed. It withdraws, cancels, or amends the contested decision as it deems appropriate. In this case, its decision is discretionary and not subject to review, since the dispute ends at its inception, and the grievance achieves its intended purpose.

Second, the authority responds positively within the prescribed time, but after the complainant has already filed an annulment action. Administrative jurisprudence has consistently held that the litigation is considered terminated, with the complainant (plaintiff) bearing the costs for filing prematurely.

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[15] زينب علي كامل عبد الحسين، العلم اليقيني في القرار الاداري (دراسة مقارنة)، مذكرة ماجستير تخصص قانون عام، كلية القانون، جامعة بابل، العراق، 2019، ص.07.

[16] مرية العقون، تنظيم التظلم الاداري في قانون الاجراءات المدنية والادارية، مجلة الحقوق والعلوم الانسانية، مجلة صوت القانون، جامعة الجيلالي بونعامة خميس مليانة، م.07، ع.01، ماي 2020، ص.399.

[17] ماجد بن زيد بن عبد العزيز الفياض، التظلم من القرار الإداري في النظام السعودي، مجلة كلية الشريعة والقانون، ع.37، جامعة طنطا، مصر، 2022، ص.554.

Third, the authority responds positively, but after the expiry of the prescribed time for reply and after the complainant has filed an annulment action. Here, the litigation is deemed terminated since the complainant has obtained the relief sought.

- **Case of rejection of the grievance by the administrative authority:**

This means the authority refuses the complainant's requests, justifications, and proposals, being unconvinced of the legality of the grounds or the validity of the objections raised. The rejection referred to here is explicit rejection, whereby the competent administrative authority clearly and unequivocally expresses its position in a manner that leaves no room for doubt. If the act taken against the complainant emanates from an incompetent authority, or is ambiguous in meaning, it cannot be considered an explicit rejection[18].

- **Case of silence of the administration regarding the grievance:**

This occurs when the administration remains completely silent on the grievance submitted, refraining from expressing its position by either acceptance or rejection, and this silence continues until the expiry of the statutory period for reply. In such a case, its silence is deemed an implicit decision rejecting the grievance, thereby triggering a new time limit for judicial annulment proceedings against the contested administrative decision, starting from the day following the expiry of the reply period[19].

c) Consequences of the administrative grievance for the competent judicial authorities:

If the administration agrees to the complainant's request, it is certain that he will not resort to the courts to challenge the administrative decision. In the case of rejection, however, the amicable means of dispute resolution are exhausted, and recourse must be made to judicial resolution. Here, the complainant has the right to bring an annulment action against the contested administrative decision, and judicial review at this stage is a review of legality, not of expediency.

3. Consequences of initiating an administrative grievance with respect to the calculation of statutory time-limits:

In order to encourage individuals to submit their grievances to the administration prior to resorting to judicial proceedings, the legislator has stipulated that the filing of an administrative grievance interrupt the limitation period prescribed for annulment actions.

However, such interruption shall only occur if the grievance is lodged within the said limitation period. The legal rationale dictates that a grievance shall have no legal effect unless it is submitted within the original period for instituting the action.

If filed within the prescribed deadlines, it results in a variation in the calculation of the statutory time limits for bringing an administrative action. Pursuant to Article 830 of the Code of Civil and Administrative Procedure, two distinct situations are to be distinguished:

- **Case of Waiving the Grievance:**

This situation arises when the individual addressed by the administrative decision chooses to file an annulment action directly before the competent judicial authorities, in order to examine the legality of the administrative decision issued. In this case, the individual decides not to submit any administrative grievance and instead proceeds directly with an annulment action, whether for personal or general reasons. The time limit for filing an annulment action

[18] Ibid., p. 555.
[19] Ibid., p. 555.

before the administrative courts is set at four (4) months, commencing from the date of personal notification of a copy of the individual administrative decision, or from the date of publication of the regulatory or collective administrative decision[20].

- **Case of Filing a Grievance:**

If the individual concerned by the administrative decision opts to resort to a grievance as a preliminary alternative to filing an action, this entails that he may not institute an administrative action before exhausting the grievance procedures. Should he file his action prior to completing the grievance process, it shall be deemed inadmissible as premature[21].

Article 830 of the Code of Civil and Administrative Procedure prescribes a four (4) month period for filing a grievance, commencing from the date of knowledge of the decision, its notification, or its publication, depending on the nature of the decision. Once the grievance is submitted to the competent authorities, the administration is afforded a period of two (2) months from the date of submission to respond. Three scenarios may then arise:

–If the administration responds with approval and grants the relief sought in the grievance, the issue is resolved ab initio, and logically, the complainant has no grounds to pursue an annulment action, as the administration has already complied with his requests, thereby terminating the dispute.

–If the administration responds with rejection, the individual has a period of two (2) months from the date of notification of the rejection to file a judicial action. This applies equally to total or partial rejection of the grievance.

The final scenario is where the administration remains silent for two (2) months, in which case its silence is deemed an implicit rejection of the grievance. The individual then acquires the right to file an annulment action within two (2) months from the expiry of the period granted to the administration to respond[22].

4. The Requirement of Time-Limit:

In the context of civil procedure, the term “time-limit” denotes a period-whether long or short established by law, the judge, or the parties, within which a specific procedural act must be performed, before the commencement of the period, either during it, or after its expiration. In administrative litigation, the time limit refers specifically to the period within which judicial review must be sought.

Unlike civil actions, which as a rule may be instituted as long as the substantive right persists and has not been extinguished by prescription, administrative actions are subject to a narrowly defined temporal framework. This restriction serves the objective of preserving stability in administrative relations. Consequently, admissibility of administrative actions is contingent upon their initiation within the statutory period. The requirement of time limit is of public order; it is not subject to derogation. The judge may raise it ex officio, and it may be invoked at any stage of the proceedings. Article 69 of the Code of Civil and Administrative Procedure explicitly provides: "The judge must raise ex officio the plea of inadmissibility when it pertains to public order, particularly in cases of non-compliance with the time-limits for appeals or in the absence of available remedies".

[20] Article 829.

[21] مرية العقون، مرجع سابق، ص.400.

[22] Article 830, Paragraphs (01) and (02).

The Procedural Requirements for the Admissibility of Administrative Lawsuits Under the Civil and Administrative Procedures Law

a. Rules Governing Time-Limits:

Since statutory time limits are matters of public order, compliance with the legally prescribed periods for challenging administrative decisions prevents such decisions from becoming immune to review and ensures that the rights of the aggrieved party are preserved. It is therefore essential to examine these time limits across the different levels of administrative adjudication:

- **Before the Administrative Court :**

The most recent amendment to the Code of Civil and Administrative Procedure (2022) did not affect the time limits for instituting proceedings before administrative courts. Article 829 remained unchanged, thereby maintaining the period for filing an appeal at four (04) months from the date of personal notification of an individual decision, or from the date of publication in the case of collective or regulatory decisions. Where a prior administrative grievance has been lodged, the time limits are adjusted: the grievance must be submitted within four (04) months from notification or publication, and the administration is afforded two (02) months to respond. If the response is negative, or if the administration remains silent, the aggrieved party then has two (02) months from the date of the negative reply or the expiry of the response period to bring the action before the administrative court[23].

- **Before the Administrative Court of Appeal:**

Under Article 950 of Law No. 08-09, the time limit for appealing judgments was originally set at two (02) months, reduced to fifteen (15) days in urgent matters unless otherwise provided by special legislation.

Following Amendment No. 22-13, the time limit for appealing judgments of administrative courts was reduced to one (01) month, while decisions of the administrative courts of appeal remain subject to a two (02) month period. In urgent matters, these periods are reduced to fifteen (15) days unless special provisions apply[24].

Furthermore, Article 833 of the same Code authorizes the administrative court, upon request, to order suspension of the contested administrative decision. Such suspension orders may themselves be appealed before the administrative court of appeal or the Council of State within fifteen (15) days of notification[25].

- **Before the Council of State:**

Following the judicial reforms introduced by the 2020 constitutional amendment, the Council of State no longer adjudicates certain administrative disputes at first and last instance. These competences were transferred to the administrative courts of appeal, while the Council of State resumed its original jurisdiction over cassation appeals against decisions and orders issued by the administrative courts of appeal. It also retains competence over appellate review of decisions and orders issued by the administrative court of appeal in Algiers.

Article 956 of the Code of Civil and Administrative Procedure, unaffected by the amendment, prescribes a two (02) month period for lodging appeals before the Council of State, calculated from the date of official notification of the contested decision, unless otherwise provided by law.

[23] Pursuant to Article 830.
[24] Pursuant to Article 950.
[25] Pursuant to Article 837.

b. Calculation of Time-Limits:

The issue raised by the calculation of time-limits concerns whether the periods prescribed in the legal provisions governing admissibility are to be reckoned in days or in months.

The Algerian legislator, in defining the statutory periods applicable to actions brought before administrative courts, employed the term months rather than days. Consequently, time limits are calculated by full months, beginning from the day following the starting point of the period and ending on the corresponding day of the subsequent month—thus reckoned month by month.

Article 405 of the Code of Civil and Administrative Procedure establishes the rules for calculating time limits, stipulating: "All periods prescribed in this Code are calculated in full. The day of notification or official service and the day of expiry are not counted.

Holidays falling within the period are included in the calculation.

Holidays, within the meaning of this Code, comprise official public holidays and weekly rest days as provided by applicable legislation.

If the last day of the period is not a working day, in whole or in part, the period is extended to the next working day.

This rule means that the day of notification or publication does not constitute the starting point of the statutory time limits; rather, the running of these periods begins on the following day, and the calculation is made by full months[26].

c. Different Situations Affecting Time-Limits:

As a general principle, time limits for instituting administrative actions are matters of public order, which the judge must raise ex officio at any stage of the proceedings. Time limits are fixed and binding by law, and the judge may not alter them. This principle admits exceptions only in cases where the legislator has provided for extension, suspension, or interruption of the period. Scholars have variously referred to these situations as "means of prolonging the period" or "grounds for interruption of the time-limit for appeal.

- **Extension of Time-Limits:**

The period is extended to two (02) months in cases of residence abroad, pursuant to Article 405 of the Code of Civil and Administrative Procedure. It is also extended due to official holidays, as clarified in Article 406, which provides that if the last day of the period is not a working day, in whole or in part, the period is extended to the next working day.

- **Suspension and Interruption of Time-Limits:**

Prior to amendment, Article 832 provided for four situations of suspension:

Appeal before an incompetent administrative court, request for legal aid, and death of the claimant or change in legal capacity, and force majeure or unforeseen event. Following amendment, Article 832 now distinguishes between interruption and suspension:

- Interruption occurs in two cases: appeal before an incompetent administrative court; death of the claimant or change in legal capacity.
- Suspension occurs in two cases: request for legal aid; force majeure or unforeseen event.

[26] صقر نبيل، الوسيط في شرح قانون الاجراءات المدنية والادارية قانون 08-09 الخصومة، التنفيذ، التحكيم، دار الهدى، الجزائر، 2008، ص.89.

Conclusion:

This study demonstrates that the formal requirements governing administrative litigation constitute a fundamental pillar in structuring the right to judicial recourse and in ensuring a balance between the protection of individual rights and the proper functioning of public administration. These requirements are not merely procedural constraints; rather, they serve as substantive safeguards that prevent the judiciary from being inundated with frivolous claims, while guaranteeing individuals a fair opportunity to challenge unlawful administrative decisions.

The research has yielded several key findings, notably:

- The most recent amendment to the Code of Civil and Administrative Procedure (2022), in harmony with the constitutional revision of 2020, introduced significant changes to certain formal requirements, particularly through the establishment of administrative courts of appeal.

- These amendments reflect the State's orientation toward digitalization in the justice sector, thereby enhancing the efficiency of judicial procedures.

- The creation of administrative courts of appeal has alleviated the burden on judicial councils and entrenched the principle of judicial hierarchy in administrative matters.

On the basis of these findings, the following recommendations may be advanced:

- The preparation of a comprehensive guide for litigants, clarifying the formal requirements and procedures before administrative courts, to be made available in both print and electronic formats and updated periodically.

- The generalization of electronic means across all stages of administrative litigation—from filing to judgment—in order to expedite proceedings and ensure transparency.

- The simplification of formal procedures through the provision of model templates for administrative petitions, published on the websites of judicial authorities, thereby facilitating access to administrative justice.

It is thus evident that the development of Algeria's administrative judicial system cannot be achieved solely through legislative amendments. It equally requires practical measures aimed at simplifying procedures and advancing digitalization, thereby ensuring the realization of prompt justice and the protection of rights in the face of administrative authority.