Two-Level Litigation before the Administrative Judiciary: Establishing the Principles of Justice

التقاضي على درجتين أمام القضاء الإداري: إرساء لقواعد العدالة

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Abstract: The subject of two-level litigation is highly significant. This paper examines the extent to which the Algerian administrative judicial system enshrines this fundamental principle through the analysis of the various constitutional and legislative texts that illustrate the basis of both subject matter and territorial jurisdictions. The intention of both the constitutional founder and the Algerian legislator to establish the principles of justice in administrative disputes and to enhance the protection of individuals' rights and freedom has become evident as illustrated in the newly created administrative judicial bodies, namely the "Administrative Courts of Appeal". Indeed, two-level litigation can only be achieved through one mechanism only, that is the appeal, when the entire administrative dispute is transferred from the first instance to the second instance for re-examination of both factual and legal aspects and then, ensures the fulfilment of the purpose of this principle, which consists fundamentally, in safeguarding and guaranteeing the litigants' rights.

ملخص: إنّ موضوع التقاضي على درجتين يعد من المواضيع الهامة جداً، ولهذا تم البحث في مدى تكريس النظام القضائي الإداري الجزائري لهذا المبدأ الجوهري من خلال تحليل مختلف النصوص الدستورية والتشريعية التي تجسد قواعد الاختصاص النوعي وكذا الإقليمي. أين ظهرت نية كلّ من المؤسس الدستوري والمشرع الجزائري في إرساء قواعد العدالة في الخصومة الإدارية وتعزيز حماية حقوق الأفراد وحرياتهم على حد سواء، ويظهر هذا جليا في إنشاء هيئات قضائية إدارية جديدة والمتمثلة في "المحاكم الإدارية للاستئناف". وعليه لا يمكن تحقيق التقاضي على درجتين إلا بوسيلة واحدة وهي الطعن بالاستئناف، أين ينتقل النّزاع الإداري برمته من الدرجة الأولى إلى الدرجة الثانية لإعادة النظر فيه من النّاحتين الموضوعية والقانونية وبهذا تتحقق الغاية والهدف الذي يحمله هذا المبدأ والمتعلق أساسا بحقوق المتقاضين وضمانها.

كلمات مفتاحية: الخصومة الإدارية–التقاضي على درجتين–المحاكم الإدارية للاستئناف–حماية المتقاضي.

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1. INTRODUCTION

The Human being has been striving for long to achieve justice. Humanity has struggled for centuries to attain this goal, particularly through the judiciary. However, human fallibility may affect judicial decisions, as every judicial ruling is a human act susceptible to error. Therefore, it is essential to re-examine disputes both factually and legally, through the mechanism of appeal, which represents the practical implementation of the two-level litigation principle.

This principle allows a dispute to be reviewed before a higher judicial authority, establishing justice and reinforcing the fair trial concepts, attached to which is linked to including the right to litigate at two levels-, a principle central to this study, especially in the administrative domain.

This principle gives the litigant the right to challenge injustices present in first-instance judgments. Appellate judgments carry more authority and credibility than first-instance rulings because the judges who issue them are generally more experienced seniors. Hence, this principle is fundamental to the administration of justice. While a judgment represents a statement of truth and prevents re-litigation, errors and omissions are inevitable. A judge may deviate from the correct path due to bias, lack of focus on evaluating facts, or limited knowledge of the law and its application. It is unreasonable to leave litigants to bear the burden of such errors without granting them a second opportunity before a specialized and independent authority. The second level of litigation corrects factual inaccuracies and ensures proper application of the law.

The principle of two-level litigation first appeared in civil law and later expanded to administrative law, particularly in France, as the pioneer of administrative justice, which adopted judicial duality. Colonized countries, including Algeria, inherited this system. Algeria faced several challenges, particularly after independence, in establishing this principle in administrative law. Each constitutional amendment aimed to strengthen and expand it to create a robust and effective judicial system.

Observers of the Algerian judicial system post-independence can see the transformation from 1962 to the present. Successive constitutional changes introduced judicial systems aligned with certain economic, social, and political objectives, creating legal rules focusing on judicial affairs, such as the transition from a single-tier to a dual-tier judiciary with the 1996 Constitution, which enshrined legislative and judicial pluralism.

The legislator contributed to establishing an independent judicial system that separates administrative from civil cases through distinct procedures, jurisdictions, and levels, facilitated by the Code of Civil and Administrative Procedures.

Constitutional and legislative amendments have further reinforced the principles of litigation, particularly two-level litigation before the administrative judiciary. The 2020 Constitution explicitly provided for the creation of administrative judicial bodies to hear appeals from administrative courts. Legal amendments, such as Law No. 22-13 amending and supplementing Law 08-09 on civil and administrative procedure, further organized the subject-matter jurisdiction of administrative courts of appeal, reflecting the practical application of this fundamental principle in administrative justice. Other successive amendments to ordinary and organic laws also support this framework.

Through this study, we aim to outline the general rules of two-level litigation in administrative justice, its importance, rationale, and objectives, as well as its role in protecting individual rights and freedoms. This includes examining the subject-matter jurisdiction of administrative courts of appeal and the exceptions thereto.

Based on the above, the following research question is raised: **How has the adoption of the principle of two-level litigation in the administrative judicial system affected the course of administrative disputes?**

2. Two-Level Litigation as a Guarantee of a Fair Trial before the Algerian Administrative Judiciary

The topics of human rights protection, which have received extensive attention from legal scholars, researchers, and others, have evolved over time. Among these rights, procedural and judicial rights are particularly important, especially the right of a person to a fair trial, which is the most significant right a person enjoys when involved in any dispute—whether civil, administrative, or criminal. Individuals must have their procedural rights respected, including fundamental principles of justice and procedural law, which aim to ensure a fair trial throughout the judicial process until a judgment is issued and enforced.

Algeria has undergone legal reforms in relatively recent periods (constitution. Presidential Decree No. 438-96, 2020), affecting the justice system. Several laws were amended, and new laws enacted, aimed at ensuring the principle of a fair trial, bringing justice closer to citizens, and improving judicial performance. This includes upholding principles related to justice, such as equality and equal opportunity, as enshrined in the Constitution, international charters and declarations, and the fundamental principles of justice, particularly as they relate to

procedural law, which governs the conduct of disputes before the courts.

One of the most significant legislative reforms in the Code of Civil and Administrative Procedures is the introduction of the principle of two-level litigation in administrative matters, recognizing that judges, being human, may err. Contemporary legal systems generally allow appeals against judgments to a higher court. Every litigant has the right to have a judgment reviewed by a higher instance to correct errors or deficiencies, thereby safeguarding the principle of a fair trial.

Thus, the establishment of administrative courts of appeal represents a fundamental guarantee for the proper administration of justice by ensuring a fair trial and protecting the right to defense. This reinforces the principle of two-level litigation in administrative law, which is one of the essential principles of justice. Such principles contribute to judicial security for litigants and inspire confidence by giving them the opportunity to present their case before these appellate bodies to verify the correctness of first-instance rulings.

Administrative judges are tasked with balancing the powers of authority and the rights of private individuals. This requires both objective and subjective factors to ensure that they can fulfill this role effectively, applying their expertise to cases and reinforcing their role as creators or interpreters of legal norms that protect rights and freedoms. In administrative law, judges safeguard legality while balancing individual and collective freedoms with public interest.

In other words, protecting rights and freedoms requires an effective judiciary that works in tandem with the legislative authority. It is insufficient for the legislature merely to enact laws; there must also be an independent judicial body to ensure proper application. This is one of the most important rights of litigants. Citizens' trust in their country depends largely on the confidence that if their rights are violated, they will find recourse in a fair judicial system that guarantees them their due rights.

2.1 Historical Origins of the Principle of Two-Level Litigation

The principle of two-level litigation dates back to ancient times. It was known in the judiciary of Pharaonic Egypt, where the legal system operated in two stages: the provincial court and then the court of appeal, which issued a new judgment replacing the previous one (al-Tahwi, 2003, p. 49).

This system has numerous advantages, both preventive and corrective. It ensures justice by motivating lower courts to carefully consider their rulings. Similarly, Islamic law is among the systems closest to achieving justice, fairness, equality, and social justice. The principle of reviewing judgments in higher courts

is reflected in several cases cited in the Qur'an, Hadith, and statements of the Companions.

For instance, in Surah Al-Anbiya, verse 78, it is stated: *"And [We recounted] to David and Solomon, when they judged concerning the field where the sheep of the people had grazed on it, and We were witnesses to their judgment."*

In this verse, the sheep destroyed a field, and David judged the case in favor of the field's owner. The two men then approached Solomon to review the judgment, and Solomon proposed a ruling that was more merciful to both parties (al-Bayhaqi & Ata, 2003, p. 118).

From the Sunnah, Abu Huraira narrated that the Prophet Muhammad (peace be upon him) said: Two women brought their children before David (peace be upon him) after a wolf had taken one child. David ruled in favor of the elder woman. Later, they approached Solomon (peace be upon him), who ruled in favour of the younger woman to protect the child (Al-Qurtubi, 1964, p. 27).

This story illustrates the permissibility of reconsidering a prior judgment before another judge if one of the parties feels aggrieved. Both prophets examined the case independently and issued separate judgments, showing an early precedent for the principle of two-level litigation.

Referring to positive law, we find that the French judicial system was pioneering in adopting the principle of litigation in two instances, as France implemented it with the emergence of the feudal system at the end of the tenth century. Feudal lords had judicial authority over their territories, but if corruption appeared in a feudal lord's judgment, their decision could be appealed. After this system, the ecclesiastical system emerged, which followed a three-tiered judicial structure (the bishop, the diocesan archbishop, and the Pope) (al-Alwan, 2016). At the beginning of the thirteenth century, authority - including judicial authority - became concentrated in the hands of the king. A judge's ruling would first be presented to the king's lower officials, then to the king's direct subordinate, then to the parliaments' courts (regional courts), and finally the appeal could be taken to the king. Observing this period, it is clear that the levels of litigation were not fixed (Amer, 1988, p. 129).

In the mid-sixteenth century, a royal decree reduced the jurisdiction of feudal courts, limiting them to minor cases only. The king's subordinates became the second level for this judiciary and the first level for disputes outside feudal jurisdiction. Important cases were appealed to the parliament, with the king always representing the final judicial authority. Consequently, when the French Revolution

occurred in 1789, oneof its priorities was to limit multiple layers of litigation. Indeed, the National Assembly (the French Parliament) abolished the system of repeated and tiered appeals and established ordinary courts of appeal, ensuring that disputes were not subject to more than two levels of litigation.

On 31 December 1985, a special law was issued to reform the French administrative judiciary, followed later by a comprehensive codification of all legislative and regulatory texts governing its bodies - including the Council of State, the exceptional administrative courts, and administrative courts - under the title *Codification of Administrative Justice*, pursuant to Law 389 issued on 4 May 2000, which came into force in January 2001. The purpose of this law was to reduce the burden on the Council of State without affecting its fundamental characteristics as the government's primary advisor, and without excessively increasing the number of its technical members who perform both advisory and judicial functions, thereby preserving the Council's judicial value as one of the state's distinguished bodies (Hindi, 2009, pp. 10-11).

The Algerian legislator adopted a similar approach to the French system regarding two-tier litigation in administrative courts, starting with the 1996 Constitution and the recognition of judicial duality. This principle was further reinforced through specific legislative texts, namely Organic Law No. 98-01 concerning the Council of State, Law No. 98-02 concerning administrative courts, and Article 6 of Law 08-09 relating to civil and administrative procedural law. However, a major shortcoming in the correct application of this principle during that period was the existence of an incomplete administrative appellate system lacking an independent body to hear disputes a second time, ensuring a fair trial that protects rights and freedoms. Sometimes final jurisdiction was assigned to the Council of State, while at other times it served both as an appellate and a cassation instance simultaneously, a practice that is illogical both procedurally and logically. These provisions remained in effect

until the issuance of the 2020 Constitution, which introduced a new phase in administrative justice by creating judicial bodies representing the second tier of litigation in administrative matters, as will be detailed in the second part of this study.

2.2 The Role of Two-Tier Litigation in Protecting Rights and Freedoms

The subject of public rights and freedoms is one of the most important topics at both international and national levels. Numerous conventions and conferences have been held on this matter, prompting many countries to incorporate a range of

public rights and freedoms into their constitutions, followed by laws specifying the bodies and mechanisms for their protection and the procedures to address any violations, regardless of whether the violator is an individual or a public institution.

Algeria, like other countries, places great importance on human rights and public freedoms. This was enshrined by the constitutional founder in the first post-independence constitution (1963), which stated in Article 11: "The Republic grants its approval to the Universal Declaration of Human Rights."

In reality, exercising public freedoms and enjoying them does not only depend on constitutional recognition and codification in various laws, but also on the guarantees provided by these laws, as well as international guarantees reflecting the significant concern of international legal regulation for rights and freedoms. Thus, an integrated legal system is required, starting with recognition and ending with the activation of various principles, rules, and safeguards, in order to achieve the effective enjoyment of public freedoms by individuals.

Referring to the Algerian Constitution of 2020, it is the fundamental law guaranteeing individual and collective rights and freedoms, affirming the principle of the people's freedom of choice, legitimizing the exercise of authority, ensuring legal protection and overseeing the work of public authorities in a society governed by legality (Constitution of 2020, Presidential Decree No. 438-96 of 7 December 2020). It also enables the full development of human beings in all their dimensions. Accordingly, the judiciary, in all its levels, represents one of the most important guarantees ensuring respect for human rights and fundamental freedoms. The judiciary must therefore operate independently, ensuring the rule of law, and the judicial activity must be impartial and fair toward individuals' rights.

This requires the presence of independent and specialized judges in administrative matters and the provision of a second opportunity for the litigant to escalate a dispute to a higher level if dissatisfied with first-instance judgments or orders. Therefore, establishing justice institutions, their structures, and judges is of little use if the law does not recognize the right to two-tier litigation, which is the heartbeat of sound governance. The judiciary serves as its faithful guardian through essential judicial mechanisms that protect rights and freedoms, including annulment claims, full-judgment claims, and urgent claims.

For example, annulment claims are among the most important and effective administrative claims due to their role in protecting the principle of the rule of law and legality and in affirming the protection of human rights and freedoms in contemporary states. They are a vital legal and judicial tool for activating judicial oversight of administrative actions, as they eliminate unlawful acts and

retroactively nullify their legal effects (Najia, 2005).

Full-judgment claims are self-initiated judicial claims brought by those with standing before competent courts, according to the procedures and formalities set out in civil and administrative procedural law, to seek full and fair compensation for damages suffered due to harmful administrative actions.

As a general rule, an administrative decision is enforceable once it is properly formed and meets conditions for validity, and its execution is not suspended except by special provision. Thus, the administration may enforce its decisions on individuals unilaterally, even if challenged before administrative courts, as enforcement ensures public security and continuity of public services. If appeals automatically suspended decisions, this could disrupt state interests and essential services. However, there are cases where executing a decision may have irreversible or harmful consequences; in such cases, the legislator grants individuals the right to request the suspension of execution under specific conditions.

The jurisdiction of urgent judicial proceedings also covers administrative contract disputes. If urgency is present, the judge may take all precautionary measures, as the matter cannot tolerate delay and may result in imminent harm or consequences that cannot be remedied.

3. Organizational and Jurisdictional Consolidation of the Principle of Two-Level Litigation in Administrative Matters

The judicial sector is considered one of the most important sectors in the state, as it functions as a safety valve in society and plays a crucial role in achieving justice among individuals and ensuring stability in their transactions. Since independence, the Algerian judiciary has undergone several transformations that affected judicial bodies of all types and levels, particularly the administrative judiciary. Before the new constitutional amendment of 2020, administrative disputes were adjudicated before the administrative courts and the Council of State, where the principle of two-level litigation was not effectively or practically applied in disputes of the magnitude of administrative cases, which resulted in the infringement of many rights and freedoms.

For this reason, the Algerian constitutional founder introduced a new tier in the hierarchy of the administrative judiciary, representing the second instance of litigation within the Algerian administrative judicial system: the Administrative Courts of Appeal.

The Algerian legislator acted wisely by establishing this administrative judicial level, as it represents the actual implementation of the principle of two-level

litigation. It ensures self-judicial review through the supervision of lower courts by higher courts, prompting judges of the administrative courts to pursue justice and carefully examine the claims of the parties and the proper application of the law. Furthermore, this body allows litigants the opportunity to correct first-instance court rulings that may have been issued in error, due to ignorance of the law, or through oversight in its application.

Accordingly, Administrative Courts of Appeal are an essential necessity for any fair and well-organized administrative judicial system. They represent an effective level for achieving judicial justice and balancing the idea of justice with the principle of legal stability, and they constitute guarantees that cannot be dispensed with, regardless of the care taken in selecting and supervising judges or the effort and diligence they devote to studying disputes before ruling on them.

3.1Legal Framework of the Administrative Courts of Appeal

These administrative judicial bodies derive their legal basis primarily from the 2020 Constitution, the supreme law in a state governed by law. Article 179, paragraph 2, explicitly states:

"The Council of State represents the supervising authority over the Administrative Courts of Appeal and administrative courts..."

Through this provision, the constitutional founder explicitly established this judicial body as the second instance for administrative litigation, addressing the previous gap in the administrative judiciary compared to ordinary courts.

Following this constitutional amendment, the Algerian legislator enacted a series of laws to accompany the changes in administrative justice and provide a legislative basis for the Administrative Courts of Appeal. Law No. 22-07 concerning judicial division specifies their number at the national level under Article 8.

Additionally, Organic Law No. 22-10, dated June 9, 2022, concerning judicial organization, provides in Article 4:

"The administrative judicial system includes the Council of State, the Administrative Courts of Appeal, and administrative courts."

This law also defines their jurisdiction, composition, and organization in Articles 29 to 38.

Among the recent amendments for the Administrative Courts of Appeal is Law No. 22-13, amending and supplementing Law No. 08-09 concerning the Code of Civil and Administrative Procedures. It regulates procedural rules before these courts in Articles 900 bis to 900 bis 9.

Administrative regulations also specify the territorial jurisdiction and

administrative and financial management of these appellate bodies. To date, two executive decrees have been issued: Decree No. 220-435 dated December 11, 2022, determining the territorial jurisdiction of the Administrative Courts of Appeal and administrative courts, and Executive Decree No. 23-120 dated March 18, 2023, which outlines administrative and financial management procedures for these courts.

3.2 Composition and Structure of the Administrative Courts of Appeal

Article 30 of Organic Law 10/22 specifies the composition of the Administrative Courts of Appeal as follows:

Judges of Judgment:

- President, at least with the rank of Council of State Advisor,
- Vice President or two Vice Presidents, if necessary,
- Heads of Chambers,
- Heads of Sections, if necessary,
- Advisors.

State Prosecutors:

- State Prosecutor, at least with the rank of Council of State Advisor;
- Assistant State Prosecutor or two, if necessary.

This article emphasizes that both the president of this judicial level and the state prosecutor must hold the rank of advisor, and that the courts consist of advisors rather than ordinary judges. This ensures that the appellate courts, which supervise the decisions of administrative courts, benefit from experienced personnel while providing an effective opportunity for second-instance judgment.

According to Article 900 bis 5 of Law 13/22, the Administrative Courts of Appeal sit in panels, with assistants required to have the rank of advisor, unlike first-instance assistants. This confirms that the selection of second-instance judges is based on expertise and competence due to the nature of their jurisdiction and the significance of their judicial decisions.

Regarding the structural organization, the Administrative Court of Appeal comprises judicial and non-judicial components. The judicial structure includes chambers and the public prosecutor's office, organized into chambers according to the type and volume of judicial activity as determined by a presidential order after consulting the state prosecutor. Chambers may be further divided if necessary. The public prosecutor is assisted by deputies.

Non-judicial structures include the General Secretariat and the Registrar's office, responsible for administrative management and operational support of this

judicial body.

3.3 Judicial Jurisdiction of Administrative Courts of Appeal

The jurisdiction of the Administrative Courts of Appeal is divided into subject-matter jurisdiction and territorial jurisdiction, and it is considered of public order, according to Article 807 of the Code of Civil and Administrative Procedure. A party may raise a plea of lack of jurisdiction at any stage of the proceedings, and the judge may also raise it ex officio.

Firstly: Subject-Matter Jurisdiction

According to Article 29 of Organic Law No. 22-10 and Article 900 of Law No. 22-13, these courts have original jurisdiction over appeals against rulings and orders issued by administrative courts. They also have jurisdiction over specific cases granted by special provisions. Among these is Order No. 21-01 (Article 129 of ordinance No.21-01 containing the organic law relating to the Electoral System , 26 Rajeb 1442 corresponding to 10 March 2021), which grants Administrative Courts of Appeal jurisdiction to examine appeals against decisions concerning the appointment of voting members.

The law stipulates that polling stations consist of a president, a vice-president, two assistants, and additional members selected from residents of the relevant province, excluding candidates, their relatives up to the fourth degree, and their political party members. If objections are raised to this list and accepted, they must be submitted in writing by candidates or party representatives within 5 days of the list being posted. If the coordinator of the delegation does not respond, the rejection decision must be communicated to the concerned parties. This decision may be appealed before the competent administrative court, and its judgment can be further appealed before the Administrative Court of Appeal, which issues a final and unappealable ruling.

These courts also have jurisdiction in cases of conflicts of jurisdiction between two administrative courts under the same appellate district.

In addition to their original jurisdiction, the Administrative Court of Appeal in Algiers enjoys special jurisdiction, making it a first-instance court for challenges against legal acts issued by central administration, national public bodies, and professional national organizations.

1. Central Authorities :
    - Presidency of the Republic: Includes the General Administration of the Presidency, committees, and general directorates. The presidency functions as the administrative authority empowered to issue administrative, organizational, or legislative decisions. The

Administrative Court of Appeal in Algiers acts as a first-instance court for claims of abuse of power against acts of entities under the presidency, provided these acts are administrative decisions.

- Prime Minister: The constitutional founder introduced, for the first time, two executive functions depending on parliamentary majority. If elections result in a presidential majority, the government is led by the Prime Minister; if parliamentary majority prevails, it is led by the head of government (Articles 103–106 of the amended Constitution of 12 November 2020). The Administrative Court of Appeal in Algiers serves as the first-instance court for annulment, interpretation, or legitimacy claims against decisions issued by services under the Prime Minister.
- Ministries: The minister, as the head of the ministry, has organizational authority over the public service under their supervision. The court examines appeals regarding annulment, legitimacy, or interpretation of ministerial decisions, whether individual or collective.

2. National Public Bodies: These organizations are responsible for serving public needs in various fields, e.g., the National Economic Council, the Higher Council of Security, the Higher Council of Information, the Higher Council of the Arabic Language, the Higher Islamic Council, and the University of Continuing Education.
3. National Professional Organizations: These bodies have to supervise specific professions with scientific specialization, developing and regulating them as a public service with legal personality. Examples include the Bar Association, the Pharmaceutical Association, and the Association of Accountants. According to Article 900 bis of the Civil and Administrative Procedure Code, the Administrative Court of Appeal in Algiers acts as a first-instance court for appeals against decisions issued by these organizations, particularly concerning registration, exclusion, or membership.

Secondly: Territorial Jurisdictions:

Article 8 of the Organic Law on Judicial Division established six Administrative Courts of Appeal across the country. Their territorial jurisdiction is determined by regulation. Executive Decree No. 220-435 specifies the jurisdiction of each court, encompassing several administrative courts, the number varying by region. Appeals

against administrative court rulings can only be submitted to the corresponding appellate court (Article 10 of Law 22-07).

- Administrative Court of Appeal of Algiers: jurisdiction over the administrative courts of Algiers, Blida, Bouira, Tizi Ouzou, Djelfa, Médéa, M'sila, Boumerdès, Tipaza, and Ain Defla.
- Administrative Court of Appeal of Oran: jurisdiction over Oran, Tlemcen, Tiaret, Saïda, Sidi Bel Abbes, Mostaganem, Mascara, El Bayadh, Tissemsilt, Ain Témouchent, Relizane, and Chlef.
- Administrative Court of Appeal of Constantine: jurisdiction over Constantine, Oum El Bouaghi, Batna, Jijel, Béjaïa, Setif, Skikda, Annaba, Guelma, Bordj Bou Arréridj, El Tarf, Souk Ahras, Mila, Tebessa, and Khenchela.
- Administrative Court of Appeal of Ouargla: jurisdiction over Ouargla, Ghardaia, Laghouat, El Oued, Biskra, Ouled Djellal, Illizi, Touggourt, Djanet, El M'Ghair, and El Meniaa.
- Administrative Court of Appeal of Tamanrasset: jurisdiction over Tamanrasset, Ain Salah, and Ain Guezzam.
- Administrative Court of Appeal of Bechar: jurisdiction over Bechar, Adrar, Tindouf, Naama, Timimoun, Bordj Badji Mokhtar, and Beni Abbes.

4. CONCLUSION

The advantages of the principle of **two-instance litigation in administrative matters** can only be realized by completing the stages of litigation within the administrative judicial system. This is what the Algerian legislator did by establishing **regional Administrative Courts of Appeal**, similar to the reforms undertaken by the French legislator in 1987. The importance of these courts increases with the number of instances, bringing them closer to litigants. The appellate jurisdiction of the Council of State could also be integrated into these exceptional courts. Based on this, the following conclusions can be drawn :

- The **right to a fair trial** is one of the fundamental human rights, encompassing all guarantees, including two-instance litigation.
- The **principle of two-instance litigation** is a fundamental aspect of a fair trial, constituting a legitimate right guaranteed in all administrative judicial systems and state laws. It allows for the review of orders and judgments issued by administrative courts before a higher authority.
- Constitutional enshrinement of the two-instance litigation principle in administrative matters represents a significant legal gain that cannot be abandoned, in line with treaties ratified by Algeria and reinforced through

domestic legislation.

- The legislator has effectively consolidated the principle of two-instance litigation in administrative matters by **restructuring the administrative judiciary** and establishing Administrative Courts of Appeal as the second instance. This creates a structural balance in the Algerian judicial system by establishing three levels of litigation in administrative courts, similar to ordinary courts, with the Council of State at the top.
- The Algerian legislator has addressed the issue of **urgent orders** issued by administrative courts at first and final instance, pursuant to Article 949 of Law No. 22-13.
- The legislator has made rulings issued by the first instance of administrative courts **suspensive of execution**.

Based on the above, the following **proposals and recommendations** are presented:

- To establish a **standalone administrative procedure law**, independent from the civil procedure code, while adopting a referral system in cases of procedural similarity.
- To implement the principle of two-instance litigation for the **Supreme Judicial Council and the Court of Accounts**, making their disciplinary decisions appealable before the Administrative Court of Appeal in Algiers.
- To strengthen cooperation between the **Ministry of Justice** and **Algerian universities** to enhance understanding and application of the two-instance litigation principle in administrative matters through training courses and study days.
- To Encourage **comparative studies** in administrative law to benefit practical application and future legislation.

The conclusion of a research paper needs to summarize the content and purpose of the article.

5. Bibliography List :

1. Books :

- Al-Qurtubi, *Al-Jami‘ li-Ahkam al-Qur’an*, edited by Ahmad al-Bardouni Ibrahim Atfish, 2nd edition, Dar al-Kutub, Cairo, Egypt, 1964.
- Abu Bakr al-Bayhaqi, Muhammad Abd al-Qadir ‘Ata, *Al-Sunan al-Kubra*, Vol. 10, Dar al-Kutub al-‘Ilmiya, Lebanon, 2003.

- Ahmad Hindi, *Principle of Two-Instance Litigation (Comparative Study)*, Dar al-Jami‘a al-Jadida, Egypt, 2009.
- Baali Muhammad al-Saghir, *Concise Guide to Administrative Disputes*, Dar al-‘Ulum, Annaba, Algeria, 2004.
- Boudiaf Ammar, *Administrative Judiciary*, Dar al-Jusur, Algeria, 2008.
- Awad Al-Qudat Muflih, *Principles of Civil Trials and Judicial Organization*, 1st edition, Amman, Dar al-Thaqafa, 2004.
- Muhammad Zaki Abu Amer, *Criminal Procedures*, Dar al-Nahda, Egypt, 1988.
- Mahmoud al-Sayyid al-Tahwi, *Appeal in Judicial Rulings*, Dar al-Fikr al-Jami‘i, Egypt, 2003.

2. Journal article :

- Ben Mansour Abdelkarim, A‘rab Saida, “Extent of Respect for the Principle of Two-Instance Litigation in Administrative Matters,” *Ma‘alim Journal of Legal and Political Studies*, Vol. 5, No. 1, 2021.
- Salam Hamza, Ben Mahmoud Bouzid, “Impact of Establishing Administrative Courts of Appeal on Electoral Disputes in Algeria,” *Algerian Journal of Human Security*, Vol. 8, No. 2, 2023.
- Smaili Awatef, “Distribution of Jurisdiction Among Administrative Judicial Bodies in Algeria after Judicial Reform and the Establishment of Administrative Courts of Appeal,” *Al-Ijtihad Journal for Legal and Economic Studies*, Vol. 12, No. 3, 2022.
- Ali Yusuf Muhammad al-Alwan, “Two-Instance Administrative Litigation and Its Role in Preserving Individual Rights and Freedoms,” *Dirasat Journal of Sharia and Law Studies*, Vol. 43, No. 1, 2016.

3. Seminar article:

• Arab Thani Najia, “Judicial Oversight of Administrative Acts as a Guarantee for Protecting Rights and Public Freedoms,” Journal of Legal and Administrative Sciences, Faculty of Law, University of DjilaliLiabes, Sidi Bel Abbes, No. 4, 2005.

4. Internet websites:

https://www.google.com/search?q=journal+officiel+alg%C3%A9rie&oq=journel+&aqs=chrome.2.69i57j0i10i11i433i512j0i10i11i512l4j0i10i11i131i433i512j0i10i11i433i512j0i10i11i512j0i10i11i

- Constitution of 2020, Presidential Decree No. 438-96 of 7 December 2020, regarding the amendment ratified in the 28 November 2020 referendum.
- Organic Law No. 22-10 of 9 June 2022 on judicial organization.

- Organic Law No. 22-11 of 9 June 2022 on the organization, operation, and jurisdiction of the Council of State.
- Law No. 22-07 of 5 May 2022 on judicial division.
- Amended Law No. 22-13 supplementing Law No. 08-09 on civil and administrative procedure.
- Order No. 21-01 of 10 March 2021 (26 Rajab 1442), concerning the Organic Law on the electoral system.
- Decree No. 220-435 of 11 December 2022, defining the territorial jurisdiction of administrative courts of appeal and administrative courts.
- Executive Decree No. 23-120 of 18 March 2023, determining the administrative and financial management of administrative courts and administrative courts of appeal.