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# *Participatory democracy between connotation and legal consecration frameworks in the Algerian legislation*

# الديمقراطية التشاركية بين الدلالة وأطر التكريس القانوني في التشريع الجزائري

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**Abstract:**

Participatory democracy, a trend in democratic thought, combines the principle of consultativeness with a culture of discussion and engagement among citizens. This approach enables citizens to articulate their views and present a summary to legislators and decision-makers.

The impact and contribution of participatory democracy vary, but it enhances the role of public affairs governance by facilitating direct engagement with authorities at local and national levels, ensuring informed decision-making that addresses the needs and concerns of the populace.

**Key**words: Democracy, Decision-making, Participatory democracy, Representativeness, Local authorities

**الملخص:**

تمثل الديمقراطية التشاركية أحد الاتجاهات الحديثة في الفكر الديمقراطي، حيث تقوم على مبدأ التشاور وتعزيز ثقافة النقاش والتفاعل بين المواطنين بشأن القضايا العامة. ويتيح هذا النموذج للمواطنين التعبير عن آرائهم وصياغة مقترحاتهم في شكل خلاصات تقدم إلى المشرعين وأصحاب القرار

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ورغم تباين مستويات تأثير الديمقراطية التشاركية ودرجات المساهمة فيها، إلا أنها تسهم بفعالية في تعزيز حوكمة الشأن العام من خلال إرساء آليات للتفاعل المباشر مع السلطات على المستويين المحلي والوطني، بما يضمن اتخاذ قرارات أكثر استنارة واستجابة لاحتياجات المجتمع وتطلعاته

**الكلمات المفتاحية**: الديمقراطية، صنع القرار، الديمقراطية التشاركية، التمثيلية، الجماعات المحلية.

## *1/ Introduction*

Democracy does not adhere to a singular model or concept; rather, it encompasses various forms. Among these are direct democracy, exemplified by referendums, where citizens vote directly on issues, and representative democracy, in which individuals elect representatives to voice their views and fulfill their goals. Additionally, there is semi-participatory democracy, which integrates elements of both direct and representative democracy,[1] allowing for a blend of citizen participation and elected representation.

Participatory democracy transcends its role as a mere technical management tool, representing a novel paradigm grounded in theoretical principles. This model is characterized by its conceptual elements that provide a holistic perspective and set it apart from other methodologies. It emphasizes developmental foundations that prioritize individuals and their aspirations for the future.

This approach aims to translate documented ideas and visions into tangible programs tailored for various segments of the population, addressing the resulting conflicts and interactions within local communities. These dynamics often involve political parties and local elites vying for popular legitimacy.

Additionally, there is a notable state influence in local matters, while civil society is increasingly adopting a development-oriented, entrepreneurial approach rather than a purely voluntary one, fostering a more enlightening perspective for the local populace.[2]

Thereof, the subsequent problematic can be formulated as follows:

What constitutes the conceptual framework of participatory democracy? How do the mechanisms established within Algerian legislation facilitate its effective implementation?

We will explore the topic through two main section. The first section focuses on the connotation of participatory democracy, while the second one examines the legal consecration frameworks for participatory democracy within Algerian legislation.

## *2/ The connotation of participatory democracy*

Participatory democracy encompasses the fundamental right of individuals, regardless of gender, to engage in the electoral process and choose their perspectives either directly or via representatives chosen through democratic elections. This approach emphasizes the involvement of citizens in shaping programs, policies, and decisions[3]**.** that affect their lives.

Participatory democracy, often referred to as semi-direct democracy, emphasizes the importance of meaningful public engagement by redistributing power and authority within society. This system empowers citizens to periodically exercise their rights in a transparent environment, facilitating their involvement in the public policies making. Such participation occurs within a larger context shaped by political engineering, which seeks to enhance democratic processes and governance. [4]

The erosion of citizens' trust in public institutions and the state's commitment to addressing their needs and interests has resulted in the rise of a modern democratic framework for managing public affairs, which empowers citizens in local governance.

The English sociologist Anthony Giddens emphasizes that participatory democracy fosters social exchange mechanisms by reallocating social roles within its scope. He argues that this form of democracy plays a crucial and perhaps transformative role in the restoration of social solidarity.[5]

### *2.1/ Distinctions between participatory democracy and representative democracy*

British sociologist Anthony Giddens describes representative democracy as a "governance model defined by regular elections, universal suffrage, freedom of thought, the broad right to seek public office, and the establishment of political organizations".

He argues that "this form of democracy often leads to a situation where groups operate independently of the average voter, frequently influenced by partisan political agendas". Giddens perceives representative democracy as a product of liberal democracy, aiming to distribute the risks faced by both leaders and citizens that emerged in the aftermath of the two world wars.[6]

***2.2/ Participatory democracy and good governance***

The notion of good governance was first introduced in 1989 through a World Bank report focusing on sub-Saharan African nations. In this report, the World Bank characterized good governance as the method by which authority is exercised in the management of economic and social resources aimed at fostering development. **[7]**

Mr. Mohamed Sayed Ahmed further elaborated on good governance, describing it as an outcome that arises organically rather than through premeditated planning or the establishment of a specific system.

He emphasized that it emerges from necessity rather than preconceived notions, highlighting that good governance is fundamentally a political initiative guided by leaders and structured by administrative frameworks. The objective is to engage individuals voluntarily in political processes to enhance their quality of life and overall well-being.**[8]**

Good governance and the principles of democracy are intertwined, sharing foundational elements that promote citizen involvement in governmental operations and decision-making. This relationship is anchored in the principles of accountability and transparency, which are crucial for both participatory democracy and effective governance.

Consequently, their connection is one of functional interdependence, unified by shared values such as political oversight,

transparency, accountability, the empowerment of civil society, and the acknowledgment of citizenship rights, all while upholding human rights and recognizing the distinct roles of political actors.[9]

### *2.3/ Participatory democracy and local governance*

Participatory democracy aims to foster the principle of citizenship at the local level by promoting public consultation and dialogue. This approach is designed to cultivate a culture of communication and interaction, moving away from oppressive authoritative structures and rebuilding citizens' trust in their political and administrative institutions. As a result, decisions made within local neighborhoods gain credibility and legitimacy, while also enhancing direct public oversight.

In addition, participatory democracy focuses on reinforcing the elements of citizenship and empowering local governance through the active involvement of civil society in local government processes. By improving the relationship between local authorities and citizens, this model encourages the identification and promotion of shared interests,[10] ultimately leading to a more inclusive and effective governance framework.

### *2.4/ The citizen participation role in supporting participatory democracy*

Participatory democracy, particularly through the involvement of citizens in decision-making processes to shape and execute collective initiatives within their communities, significantly influences local populations and the choices made regarding the development of their regions across social, economic, cultural, and environmental dimensions.

In this context, citizen engagement is crucial for fostering democracy at the local level for various reasons, including:

- Enhance transparency in political decision-making and financial management;
- Improve the relationship of trust between citizens and local authorities and their credibility;
- Promote an active, informed and responsible citizenship for true democracy;

- Facilitate dialogue between citizens and the municipality, resolve conflicts and find solutions;
- Promote active citizenship and civic sense among citizens;
- Improve city management and local urban development;
- Share responsibility for local urban development between authorities and citizens.[11]

### *3/ The legal consecration frameworks for participatory democracy within Algerian legislation*

Algeria is recognized as one of the nations that has incorporated participatory democracy into its legal framework and legislation. In its pursuit of adapting and enhancing local communities, Algeria initiated this process with the introduction of the Algerian Constitution in 1996, which was later amended in 2016 to include the concept of participatory democracy for the first time.

The 2020 Constitutional Amendment further solidified this commitment, alongside the establishment of new laws governing local authorities. Notably, Law N°.11-10 concerning municipalities and Law N°.12-07 pertaining to the state (wilaya) were enacted to bolster local community management through the active involvement of key stakeholders.[12]

### *3.1/ The legal consecration of participatory democracy in the 2020 Constitution amendement*

The framers of the constitution established participatory democracy in the 2020 constitutional amendment, incorporating various mechanisms that facilitate both political and social engagement. Political participation is manifested through instruments such as referendums, elections, political parties, and local involvement, whereas social participation is reflected in the presence of associations and unions, as well as the freedoms of the media and public assembly, including the right to demonstrate.[13]

The concept of participatory democracy within local communities was first introduced in the Algerian Constitution with Article 15 of the 2016 constitutional amendment. This notion was further reinforced by

Article 16 of the 2020 Constitutional Amendment, which emphasizes: "the state's role in promoting participatory democracy at the local level, particularly through the involvement of civil society".

Additionally, various articles underscore the tenets of participatory democracy, with Article 35 highlighting: "the commitment of institutions to ensure equal rights and responsibilities for all citizens, regardless of gender, by eliminating barriers that impede personal development and hinder active participation in political, economic, social, and cultural spheres".

Emphasizes: "…the importance of encouraging youth involvement in political affairs…". This is further supported by Article 16, which underscores the commitment to participatory democracy within local communities. The Constitution reflects a vision for a democratic and participatory state, grounded in constitutional principles that aim to enhance communication and foster dialogue between citizens and their government. It also seeks to empower civil society in the decision-making processes that affect local communities, thereby reinforcing constitutional rights and freedoms.

These rights encompass the ability of individuals to actively participate in governmental policy-making, to access relevant information, and to request official documents and statistics. They form the cornerstone of participatory democracy, enabling citizens to engage meaningfully in decision-making processes at both local and national levels. By guaranteeing such rights, the Constitution ensures transparency, accountability, and an informed citizenry capable of influencing public policies. Moreover, these participatory rights are closely linked to other fundamental freedoms, including equality before the law, the right to vote, the opportunity to run for public office, freedom of assembly, and the right to form and join associations, unions, and political parties. Collectively, these provisions strengthen the democratic framework and empower civil society, ensuring that citizens can contribute effectively to the political, social, economic, and cultural life of the community.

Additionally, the Constitution guarantees equality, the right to defend oneself, the right to vote, and the opportunity to run for office in various elections. Other protected rights include the freedom to assemble, form and join associations, establish and join unions and political parties, as well as the right to express opinions freely.

### *3.2/ The legal consecration of participatory democracy in local administration*

The Municipality Law includes a dedicated chapter titled "Citizen Participation in Managing Municipal Affairs," which outlines the principles of participatory democracy in local governance. This chapter comprises four articles that specifically address the implementation of participatory democracy within the context of municipal administration, which are:

- **Article 11** thereof establishes that the municipality serves as the foundational structure for the implementation of democracy at the local level. The municipal people's assembly has a responsibility to engage with citizens by providing information regarding local matters and seeking their input on choices and priorities related to economic, social, and cultural development. To enhance this communication, various media channels may be utilized, and the council is permitted to present an annual report detailing its activities to the public.
- **Article 12** also seeks to enhance local democracy by promoting the municipal people's council, thereby creating a conducive environment for citizen engagement in addressing their challenges and enhancing their quality of life. These efforts are implemented in alignment with the existing legal framework.
- **Article 13** which permits the President of the Municipal People's Assembly to seek assistance from local advisors, experts, or representatives of accredited local associations to provide guidance and support in the assembly's activities or its committees. This provision enhances decision-making by incorporating a range of diverse expertise.

- **Article 14** affirms the entitlement of individuals to access the records and deliberations of the Municipal People's Assembly, along with the resolutions made. Any interested party is permitted to request copies of these documents, either in their entirety or in part, in accordance with the stipulations outlined in the applicable laws.[14]

The principles of participatory democracy are established in these and other provisions of Algerian law, which empower citizens to engage in local decision-making processes. This legal framework plays a significant role in promoting transparency and accountability in the administration of public affairs within local communities.

Numerous additional articles within the Municipal Law uphold the principles of participatory democracy, akin to the previously mentioned texts, particularly Articles 22, 26, 36, and 103.

By outlining and examining these legal provisions that enshrine the foundational principles of participatory democracy, we can infer the different tiers of participatory democracy implemented in Algeria, which align with those recognized at the international level within local communities .[15]

### *3.3/ Some laws stipulating the principle of participatory democracy*

We will provide just two instances:

#### *a/ Law pertaining Environmental protection within the framework of sustainable development*

The framers of the constitution have established participatory democracy within various articles. A notable instance is Article 03, Paragraph 08 of Law N°.10-03, which underscores the importance of information and participation.

This provision asserts that every individual is entitled to be adequately informed about the environmental conditions and to engage in prior processes related to decisions that could potentially have adverse effects on the environment.

Article 02, paragraph 07 of the same legislation highlights the significance of fostering media engagement and public awareness,

alongside encouraging the involvement of various stakeholders in initiatives aimed at environmental protection

Furthermore, Article 07 affirms the entitlement of individuals, whether they are natural or legal entities, to seek information pertaining to the environmental conditions from the appropriate authorities.

This right encompasses access to all available data, irrespective of its format, concerning the environment and the associated laws and procedures designed to safeguard it.[16]

These provisions underscore the fundamental importance of individuals' rights to be informed and to actively participate in environmental matters. By ensuring these rights, the legislation promotes transparency, accountability, and community engagement in environmental protection efforts.

Citizen involvement empowers individuals to contribute meaningfully to environmental decision-making within the framework of participatory democracy. The law not only grants the right to engage in environmental initiatives and raise awareness about ecological issues but also ensures access to relevant environmental information. Such access is essential for implementing measures and procedures aimed at safeguarding the environment and preventing its degradation.

***b/ Law on planning and urban development***

The significance of planning and urban development in enhancing the quality of life for citizens and fostering local community development has led the Algerian legislator to incorporate elements of participatory democracy. Specifically, Articles 14, 15, 26, and 36 of the Planning and Urban Development Law focus on the principle of participation. These articles outline procedural methods that facilitate citizen involvement in decision-making processes alongside the administration, presented in:

- The Algerian legislator mandates the consultation process as an essential requirement. Article 15 of the relevant law emphasizes the importance of engaging with local associations, chambers of commerce and agriculture, as well as professional organizations.

This engagement is particularly crucial during the formulation of the master plan for development and construction, as well as the land use plan

- The public inquiry method allows citizens to voice their opinions when the draft master plan for development and construction, as well as the land use plan, is introduced by the President of the Assembly.

Article 11-1 of Municipality Law 11-10 stipulates that the municipality is the foundational structure for fostering democracy at the local level and enhancing local governance within neighborhoods.

Furthermore, Article 12 of the same legislation assigns the President of the Municipal People's Assembly the duty of cultivating a conducive environment for local initiatives, which are designed to inspire and engage citizens in addressing their challenges and improving their quality of life.

The law underscores the significance of participatory democracy in local planning and construction efforts, recognizing that such involvement empowers citizens to tackle urban issues and contributes to the development of a democratic framework aimed at elevating living standards.

For instance, the engagement of community members in urban matters is exemplified by the investigations conducted by local authorities when reviewing building permit applications.

As stipulated in Article 56 of Executive Decree N°.15-19, individuals are entitled to access documents related to the permit application after submitting a copy of the building permit decision at the Municipal People's Assembly's headquarters.[17]

### *3.4/ The challenges facing the implementation of participatory democracy within Algerian legal frameworks*

The primary barriers and difficulties encountered in implementing participatory democracy within local governance can be identified as follows:

***a/ The absence of a formal code of ethics:***

Significantly undermines the system, as it fails to mandate adherence to ethical standards among citizens. This shortcoming results in inadequate development and training of administrative leaders, ultimately diminishing the efficiency and effectiveness of public participation. Furthermore, it obstructs the establishment of essential communication channels that empower citizens to assert their rights in managing public affairs.[18]

***b/ The weakness of citizen participation:***

Additionally, the mechanisms for citizen participation are notably weak, lacking the necessary structures that enable individuals to engage in and influence decision-making processes. Such mechanisms are crucial for ensuring that citizens can voice their opinions and engage in dialogue, thereby contributing to the formulation of public policy and the oversight of administrative activities. This situation also highlights the need for training administrators in effective communication strategies to foster better interactions with the public.[19]

In this context, Algeria is working to strengthen the capacities of local authorities and civil society through cooperation with the European Union and the United Nations Development Program. An agreement was signed to finance the "Participatory Democracy and Local Development" program, which aims to improve strategic planning systems and enhance local democracy. The program particularly focuses on integrating women and youth and involving them in governance at all levels.[20]

***c/ The lack of democratic governance and the fragility of civil society***

Stem from an insufficient separation from political entities, inadequate representation, a shortage of skilled personnel, and a deficit in experience.

***d/ Participatory democracy focuses on an advisory approach:***

Where the technical and artistic departments of various groups play a crucial role in shaping citizen engagement. These groups aim to

influence the democratic process by highlighting the limitations of existing frameworks and resources.

Consequently, they advocate for participatory mechanisms to align with their perspectives, citing both a lack of experience from one side and a desire for greater efficiency as justifications for their demands from another side.[21]

### *4/ Conclusion:*

Algeria, represented by its citizens, civil society, and local governance, requires robust strategies and approaches to foster self-reliance and autonomy. It is essential to promote the principles of participatory democracy by reflecting the citizens' aspirations and facilitating their engagement with the political framework. This connection is vital to ensure that individuals actively participate in the governance and management of their nation's affairs.

***Results:***

- Participatory democracy emphasizes the active engagement of civil society and all citizens in the formulation of public policy and the creation of political frameworks, aiming to foster the development of a contemporary and progressive state.
- The formal recognition of participatory democracy serves as the foundation for establishing a robust and inclusive democratic framework.
- The limitations and deficiencies of local municipal councils in realizing and establishing participatory democracy stem from the unique characteristics of their social and political frameworks.
- Participatory democracy ensures that all citizens have equal opportunities to engage in political activities, with no exceptions, based on well-structured and organized frameworks that govern participation both administratively and systematically.
- Local authorities serve as the foundational framework for the mechanisms that legally establish participatory democracy. They aim to engage citizens in the management of public affairs, empowering them to take an active role in administration. This

involvement is supported by a series of mechanisms outlined by the Algerian legislator within both state and municipal law.

- The legislative framework, particularly Law No.10-11 concerning municipalities and Law No.07-12 pertaining to the state (wilaya), serves as a fundamental foundation for enhancing participatory democracy at the local level. These laws contain multiple provisions that clearly emphasize the importance of citizen involvement in the democratic process.
- The legal framework of participatory democracy encompasses the statutes and guidelines that promote and facilitate active citizen involvement in the decision-making processes at both local and national tiers.
- This consecration seeks to establish a legal structure that safeguards the rights of citizens while outlining processes for meaningful engagement, particularly within the context of local governance legislation.
- Legal recognition necessitates collaboration between governmental bodies and civil society to enhance active participation and ensure the protection of citizens' rights both locally and politically.

***Recommendations:***

- A legal reform is essential to ensure that citizens and local stakeholders are actively involved in the governance of local public matters, as well as in addressing development challenges and fostering democratic progress.
- Establishing a framework and processes for assessing the performance of civil society involves the adoption of performance indicators and the measurement of effectiveness that are tailored to the specific context of civil society.
- Efforts are to being made to enhance national capabilities and encourage citizen engagement in the development and execution of state policies focused on economic, social, political, and cultural advancement.

- The emphasis is on the effective implementation of sound governance practices and the allocation of diverse local and national initiatives designed to support and fulfill the objectives of sustainable development, in alignment with the stipulations of f the 2020 Algerian Constitutional Amendment. This approach aims to foster a robust and participatory democracy across all levels, particularly within municipal frameworks.
- Efforts are to be made to develop and implement practical reform strategies that promote participatory democracy while enhancing citizens' awareness of the significance of their involvement in local governance structures. This initiative aims to engage individuals more deeply, encouraging them to recognize the value of their participation in shaping community administration.
- Enhancing public understanding of local issues, recognizing their significance, acknowledging individual contributions, and emphasizing the necessity of active involvement in the political decision-making process.
- Efforts are underway to leverage digital tools, as legislation should encompass regulations that govern the use of technology to improve citizen engagement. This includes the implementation of electronic platforms that enable individuals to share their views and recommendations effectively.
- Efforts are to being made to enhance the central administrative approach, which currently lacks alignment with the principles of social participation. This involves shifting towards a decentralized management model that better reflects the concepts of political engagement and the genuine involvement of citizens and civil society.
- The importance of implementing the provisions outlined in Municipal Law 10-11 lies in facilitating legal processes that empower municipal people's councils to foster genuine participatory democracy. This approach enhances opportunities for citizens to engage actively in communication and directly influence decision-

making. It involves creating effective channels for interaction with the public and promoting citizen involvement through diverse social communication methods, particularly in the context of advancements in artificial intelligence, digitalization, the Internet, and contemporary technology.

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