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The Legal System of the National Flag in Algerian Legislation

النظام القانوني للعلم الوطني في القانون الجزائري

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Abstract

The Algerian national flag constitutes a fundamental symbol of state sovereignty and national unity, deeply rooted in the Revolution of November 1st, 1954, and the founding values of the People's Democratic Republic of Algeria. The Algerian legislator has afforded it enhanced legal protection through an integrated framework of institutional, legislative, and regulatory provisions that govern the standards of its manufacture, usage, maintenance, and protection.

This study analyzes the legal regime, technical specifications, and applicable regulations governing the national flag under Algerian law. It highlights its constitutional foundations, administrative oversight mechanisms, and the deterrent system established to prevent any desecration of its dignity. Furthermore, the effectiveness of this framework is contingent upon achieving the requisite balance between the freedom to use the national flag as an expression of national identity and the necessity of safeguarding it against any trivialization or abusive use.

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Key words

National flag, State Sovereignty, National Unity, The Revolution of November 1954, National Identity.

الملخص

يُشكلّ العلم الوطني الجزائري رمزًا أساسيًا لسيادة الدولة ووحدتها الوطنية، ويرتبط ارتباطًا وثيقًا بثورة الأول من نوفمبر عام 1954، والقيّم المؤسسة للجمهورية الجزائرية الشعبية الديمقراطية . وقد منحه المشـــرع الجزائري حماية قانونية معززة من خلال إطار متكامل من الأحكام المؤسسية ،التشـريعية والتنظيمية، التي تُنظّم كيفيات وضوابط صناعته، استخدامه والصيانة وكذا حمايته.

تُحلّل هذه الدراسة، النظام القانوني والخصائص التقنية والتنظيمات المعمول بها التي تُنظّم العلم الوطني في القانون الجزائري، مع تسليط الضوء على أسسه الدستورية، وآليات الرقابة الإدارية، والنظام الردعي المُقرر لمنع أي مساس بكرامته، .أما فعالية هذا الإطار ترتبط بضـرورة تحقيق التوازن المطلوب بين حرية إستخدام العلم الوطني كتعبير عن الإنتماء الوطني والحاجة إلى الحفاظ عليه من أي إبتـــذال أو إستخـــدام مســـيء.

الكلمات المفتاحية

العلم الوطنـــي، سيـــادة الدولة، الوحدة الوطنية، ثورة نوفمبر 1954، الهوية الوطنية.

Introduction

The Algerian national flag is one of the most prominent symbols of state sovereignty, due to its legal and historical connotations, which are embodying the collective identity and the nation's unity and sovereignty. It is associated with the glorious revolution November, 1th, 1954, which through its significant sacrifices led the legitimate foundation for the establishment of the modern national -state.

The Algerian legislator has given this symbol its due attention, and is providing it a precise legal framework that goes beyond the

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obligation of moral respect; it extends to detailed regulations concerning its fabrication and manufacturing , use, raising, and lowering, as well as enacting strict measures in case of burning these rules. The importance of this subject increases in the current context, which is knowing profound institutional and digital transformations; that have given rise to new approaches to deal with sovereign symbols, whether in public spaces or across digital platforms. This necessitates a rereading of the legal framework governing the protection of the national flag.

From this perspective, this study sheds light on the legal system of the national flag according to Algerian law; by analyzing the constitutional and legislative provisions governing it , outlining the aspects of legal protection afforded to it; highlighting the adequacy of the current legal texts in achieving the desired protection for the national flag, and the extent of its harmony with its status as a sovereign symbol reflecting the sovereignty of the state and the unity of the Algerian people.

This study begins by posing the following problem: **to what extent has the Algerian legislator achieved a balance between enshrining the freedom to use the national flag as a symbol of national belonging, and imposing strict regulatory and penal restrictions to protect it from vulgarization, distortion or misuse**?

The study relies on descriptive analytical method, through the analysis of constitutional texts and regulatory decrees related to the national flag and its modalities of use, as well as presenting the mechanisms of administrative control, and there role to ensure the respect of the legal rules related to the national flag.

For the purpose of addressing this subject, the study is divided into two sections: the first relates to the legal dimensions of the national flag, while the second addresses the aspects of legal protection of the Algerian national flag.

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1. The Legal Dimensions of the Algerian National Flag

We cannot discuss the legal dimensions governing the Algerian national flag in isolation from its **militant** and **historical context**; the framed law did not invent the symbol, but came to consecrate the official character of a reality that has been formulated by popular resistance over decades. The visual identity began in the Ottoman era with the color red, and then moved to the bicolor (green and white) during the reign of Emir Abdelkader during the nineteenth century, as a symbolic declaration of the birth of the modern state[1] (الموعد، 2024). The current design crystallized in the 1930s (1934) and achieved His popular legitimacy when the unarmed people covered him with the blood of the demonstrators on May 8, 1945, before the November 1st, 1954 Manifesto adopted him as the official and only symbol of national sovereignty. Therefore, the Algerian legislator was keen to constitutionalize it and surround it with peremptory legal texts that cannot be agreed upon to violate them, starting from the determination of its technical characteristics through the conditions for its completion and use, and these dimensions are manifested in:

1.1 . The National Flag in Algerian Constitutions

The Algerian constitutions have protected the national flag within the provisions relating to the Fundamental Principles Governing Algerian Society, as an indication of the importance of this subject and its precedence over other matters[2](شريط، 2008) , emphasizing the necessity of respecting it, and protecting it from all forms of insult or disrespect. This constitutional enshrinement embodies the status of the national flag as an expression of national sovereignty and the unity of the Algerian people, also of the values of the glorious November Revolution that established the Algerian Democratic Republic.

1ـ جريدة الموعد اليومي. (2024، نوفمبر 24). العلم الوطني... راية مجدت تاريخ شعب كتب مجده بالدم. ص 17.

2ـ شريط، الأمين. (2008 .(*الوجيز في القانون المستوري والمؤسسات السياسية المقارنة*)الطبعة السادسة). ديوان المطبوعات الجامعية، ص 119.

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1.1.1. The Constitution of September 10th, 1963[3], it is understood from the text of its article number six [4] that the constitutional legislator aimed to define the shape of the flag, its colors, and its symbolism

1.1.2. The 1976 Constitution[5], to define the characteristics of the national flag, merely referred to the law, in accordance with its fourth article, which stipulated that "**the national anthem, the characteristics of the state seal, and the flag, are defined by law.**" ; the same approach taken by the constitutional framers in **the Constitution of February 18th, 1989**[6], in accordance with its fifth article, which stated that "**the national emblem, the seal of the state, and the national anthem are defined by law**". as well as the 1996 Constitution[7], where the constitutional framers entrusted the ordinary legislature with the mission of regulating the national flag, in accordance with the fifth[8] article.

3 - the Algerian Constitution of 1963, issued in September 10th, 1963, published in the Official Journal, No.64. which was approved by the people in the 1963 referendum.
-It considered the first Algerian Constitutional document.

4 - Article 6, of the 1963 Constitution, (OJ63-64) which states « **Its emblem is the green and white flag with a red crescent and star in the middle**».

5 - The Algerian Constitution of 1976, issued by Ordinance No.76-97, dated November 22th,1976, Official Journal, No.94 of November 24th, 1976. (November 24, 1976).

6 - The Algerian Constitution of 1989, issued by Presidential Decree No .89-18, dated February; 28th1989, concerning the publication in the Official Journal, relating to the amendment of the Constitution of the People's Democratic Republic, the constitutional revision adopted by referendum of February,23th,1989. Official Journal, No. 09, February 23th,1989.

7 - The Algerian Constitution of 1996, issued by Presidential Decree No. 96-438 on december7th,1996, concerning the promulgation in the Official Journal of the People's Democratic Republic of the constitution revision adopted by referendum of November 28th,1996 , Official Journal, No. 76, dated December 8th,1996, as amended by Law No. 02-03 dated April 10th, 2002, Official Journal, No .25,dated April 14th,2002, then amended by the Law No.08-19,dated November 15th,2008, Official Journal, No.63,on November16th,2008.

8 - Article number five of the 1996 constitution stated « The national flag, the state seal, and the national anthem shall be determined by law ».

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In these instances, it is observed that the constitutional framers implicitly referred the mission of regulating that, to the ordinary legislator, within the framework of respecting constitutional principles, particularly the protection of national symbols and the guarantee of public rights and freedoms.

1.1.3. The constitutional amendments of 2016[9] **and November 1st, 2020**[10]**, respectively, through** Article **6**, whose text came out identical, stipulated that "**the national flag is a gain of the First Achievement Revolution, and it is unchangeable. It is a symbol of the Republic; it is green and white, with a star and a red crescent in the center**."

It is apparent from the two texts that the constitutional founder made a qualitative leap, not merely acknowledging the existence of the national flag, but also granting it enhanced constitutional protection by safeguarding it from any amendment or change.

This distinguishes it from many other constitutional provisions that are subject to revision. This approach highlights the constitutional founder's will to preserve national symbols as elements that unify the people and guarantee the continuity of the state.

According to the foregoing,, it is clear that the constitutional practice in Algeria towards the national flag reflects the development of the state from the stage of legal establishment to the stage of constitutionalization and fortification, where the nature of the flag has moved from being a mere **technical symbol** according to the 1963 constitution, to **codify it** within the **constants of the nation**, which is immune from amendment in the last two constitutional amendments

9 - The Constitutional Amendment of 2016, issued by Law No. 01-16, March 6th, 2016, Official Journal, No.14, dated March 7th, 2016.

10 - Presidential Decree No.20-442, December 30th, 2020, relating to the promulgation of the Constitutional Amendment approved in the November 1th, 2020, Official Journal, No. 82, dated December 30th, 2020.

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of 2016 and 2020. therefore, we shall attempt to analyze this approach by comparing the various constitutional milestones:

Immediately after independence, the constitutional founder, through Article six of the Constitution of September 10th, 1963 referred to above, sought to **define visual identity**, as it gave the Algerian state its first **official identity**. He established a law for the flag that was adopted by the people and fought under which the martyrs fought, the culmination of a process that began since the design of the flag in its current form in 1934 and its historic appearance in the demonstrations of May 8th, 1945 [11] (جديدي، 2013، صفحة 147), where the legislator considered it the "symbol of national sovereignty" recognized by the United Nations.

The stage of regulatory referral , the stage of the issuance of constitutions (1976, 1989, 1996) witnessed a transformation in the constitutional style; instead of detailing the colors in the core of the constitution, the constitutional founder in the 1976 constitution (Article 4) and the constitutions of 1989 and 1996 (article 5) was content to acknowledge the existence of the flag and refer the determination of its technical characteristics to the ordinary legislator (the law). This approach was not a retreat from the importance of the symbol, but rather aimed to leave the precise geometric details to specialized legal environments, such as **Law 63-145**, which detailed scales and color fluctuations, noting in this case that the national flag remained a symbol of the republic immune from exploitation, distortion or monopoly, but with organizational flexibility that enabled the ordinary legislator to protect these symbols and ensure their respect[12]**.** (يحلى، 2020، صفحة 571)

The constitutional amendments of **2016 and 2020** constituted a qualitative and radical leap, as Article 6 redefined the flag as one of the gains of the November 1, 1954 Revolution, and explicitly declared that

11- معراج جديدي. (2013). نشأة العلم وأسسه القانونية .*المجلة الجزائرية للعلوم القانونية والاقتصادية والسياسية*، جامعة الجزائر 01، 50(2)، ص. 143–147.

12 - يحلى رابح. (2020). الحماية الجزائية للعلم والنشيد الوطنيين أثناء المباريات الرياضية .*مجلة الدراسات الحقوقية*، جامعة تيسمسيلت، 7(2)، ص. 570–581.

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it is "unchangeable", and here the will of the constitutional founder to provide "enhanced protection" that goes beyond the ordinary legal protection appears, as the flag was included in Articles 212 and 22 of the Constitution of 2016 and 2020, which prohibit any constitutional amendment that harms national symbols. This rooting makes the flag a "historical legacy" and a "landmark of the nation" that is not subject to the vicissitudes of politics, ensuring the continuity of the state and the unity of the people across generations

Thus, we conclude that while the 1963 constitution focused on **definition**, and the constitutions of 1976 and 1989 on regulation, the constitutions of the millennium came to consolidate **permanence and fortification**. Through these cauldrons, the Algerian flag has moved from a legal article describing colors, to a constitutional national constant, which prevents the law itself from being violated, which is a mirror of the maturity of the Algerian constitutional experience in protecting the elements of national identity as an irrevocable social contract and change.

1.2 - The Legal and Technical Characteristics of the National Flag (The technical design)

The Algerian legislator intervened within the framework of protecting the national flag by defining its dimensions and colors, according to the following:

1.2.1. Law 63-145 of April 25th, 1963[13], It is noted, that this law in its preamble, presented the reasons that prompted its issuance, considering that Algeria had become independent and that it was the supreme choice as a symbol of national sovereignty, and that it did not come from nothing, but is the flag that the Algerian people raised with great effort in the mountains and cities and for which our heroic

13- Law No. 63-145, April 25th, 1963, defining the technical specifications of the national emblem, Official Journal, No. 26, April 30th,1963, p. 394.

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martyrs were martyred. It is what united the patriots inside and outside the country.

The annex to this law went on to specify the colors of the flag precisely, its dimensions, and the details of its components, and confirmed that the national flag is rectangular in shape, consisting of two equal stripes, green and white, with a crescent and star red colors in the center. It also specified the precise proportions of the dimensions and shades of the colors to ensure the uniformity of its shape and prevent any distortion of it.

- Regarding the composition of colors (green and red), Ministerial Circular No. 01294 of June 16th, 1998, which interprets the aforementioned law, elaborated on this in detail:

Green is composed of an evenly balanced mixture of yellow and blue. In contrast, red must be pure, fade resistance, and free from blue and yellow. Its wavelength, according to ROOD's contrasting color wheel, and its place in the normal spectrum, are determined proportionally in this law and must be respected.

The length of the rectangle is equal to one and a half times its width (the length of the flag = its width x1.5), where the width is the height of the flag. The green half is the closest to the flag pole and the white half is on the other half. [14]

The star is drawn in its entirety on the white half inside a circle whose radius is equal to one-eighth (1/8) of the height of the flag. As for the crescent, the radius of its outer circle is equal to one-quarter (1/4) of the height of the flag and the radius of its inner circle is one-fifth (1/5) of the height of the flag.

14- Ministry of Interior and Local Communities Circular, No. 1225, dated June16th,1998, the national flag operation.

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1.2.2. Decree 63.249 of July 10th, 1963[15], defining the characteristics of the emblem bearing the National flag

According to this decree, the legislator clarified the technical characteristics of the emblem bearing the national flag. It is noted that its first article defined the geometric characteristics, indicating that the emblem bearing the national flag consists of a geometric shape inscribed within a rectangle bearing a red star and crescent.

The colors and dimensions of the emblem bearing the national flag are those of the national flag. The emblem includes the symbols of the Republic of Algeria (ج ج) in Arabic language, as it is the official language of the country.

The aforementioned ministerial circular detailed its technical characteristics and the place of its installation as follows:

-It stipulated that the emblem bearing the national flag must be installed at the entrance of buildings that house sovereign bodies and administrations that possess the powers of public authority, as stated in Presidential Decree No 97-365 dated 27-09-1997 in its third article.

-The emblem bearing the national flag, with its number, is placed inside a rectangle whose length must be equal to 1.3 of its width (length x width 1.3).

- It consists of two upper curves and a point that meet at the emblem's point, two curves centered in the width of the rectangle below.

-Both of these latter (two curves)are of specific dimensions, which must be adhered to in the creation of the emblem bearing the national flag.

15- Official Journal, No. 49, dated July19th,1963, p.727.

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Based on the information set out above, it is clear that Law No. 63-145 is a founding reference and the parent legislation that transferred the flag from revolutionary action to the legal text. This is confirmed by the legislator through the preamble of this law, which referred to the legitimacy of the struggle, and considered the flag as the embodiment of the blood of the martyrs and the spontaneity of the mountains. Technically, it appears that the technical engineering of this symbol is determined by precise and strict mathematical proportions, whether the proportions of colors (green and white) or the position of the star and the crescent and their color gradient to ensure its protection from visual abandonment.

With regard to the installation of the emblem bearing the national flag in accordance with Decree No. 63-249 on the entrances of sovereign buildings, it highlights the legislator's will to formally institutionalize the facades of public administrations, in a way that requires respect and prestige preservation. Accordingly, the precise regulation as a mechanism for the architecture of prestige is legally aimed at preventing any "visual diligence" that may lead to the dilution of the symbol or its loss of its sovereign significance, thus transforming the flag from a mere piece of cloth into a visual institution strict administrative through the aforementioned law.

1.3. Regulation of the Use of the National Flag

The general framework regulating the methods of using the national flag, is consisting of:

1.3.1. **Presidential Decree No. 97-365 of September 27, 1997**[16], concerning the conditions for the use of the national flag, the emblem bearing the national flag, and the miniature flag, which repealed the Decree No. 325-84 of November 3rd, 1984[17], it referred to the general protection afforded to the flag , and obligated its preservation and the conformity

16- Official Journal, No. 64, dated october1st,1997.
17- Official Journal, No. 55, dated november7th,1984, p. 1868-1869.

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of its use, as well as the emblem it bears and the miniature flag, to the specifications defined in the applicable laws and regulations ; by protecting it from any blemish that is incompatible with the respect due to it. Any violation to this decree, exposes the concerned administration to administrative penalties and may constitute a criminal act. It (decree) also addressed the situations in which the flag should be raised, specifying the bodies and administrations concerned with raising it, as follows:

A. Raising the national flag permanently: it is noted from this text ,that permanently raising the national flag is the general principle[18], free from any defacement that is incompatible with the respect due to it, at the headquarters:

1. Buildings housing sovereign bodies and public administrations with public authority powers:

The legislator defined the public administration as that which possesses the privileges powers of public authority and the interests of sovereign bodies. Therefore, all bodies enjoying sovereignty and the privileges of public authority shall raise the flag at all times, unless otherwise provided by law.

2. The various elected councils: the Communal People's Assembly, the Provincial People's Assembly and the National People's Assembly.

3. Oversight and advisory bodies, which are listed in the 2020 Algerian Constitution in Chapters Four and Five. Chapter Four is entitled "**Oversight Institutions**," and Chapter Five is entitled "**Advisory Bodies**.". Oversight bodies include: the Constitutional Court, the Court of Accounts, the Independent Electoral Authority, and the High Authority for Transparency, Prevention, and Combatting Corruption.

18- Article two of the Executive Decree 97-365, dated September 27h,1997, states: «the national flag is raised permanently ...»

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Advisory bodies include: the High Islamic Council, the High Security Council, the National Economic, Social, and Environmental Council, the National Human Rights Council, the National Observatory for Civil Society, the High Youth Council, the National Council for Scientific Research and Technologies, and the Algerian Academy of Sciences and Technologies.

4. Political parties, associations, and national organizations, after obtaining legal accreditation in accordance with the relevant legal texts, namely whether Organic Law No. 12-04 relating to political parties and Law No. 12-06, relating to the associations, both dated January 12, 2012, respectively, in addition to national organizations.

In addition to these provisions showed in accordance with this executive decree, which serves as the general framework for the national flag, it shall be raised permanently in:

1. Court sessions and all judicial bodies, in accordance with the Ministerial Decision of the Minister of Justice dated December 17th, 2005, which standardizes the symbols displayed within the courtrooms of judicial bodies[19].

2. In educational institutions, in accordance with the Ministerial Decision of the Ministry of National Education dated September 6, 1986, published in Official Journal (No. 47 dated November 19th, 1986, on page 1932), concerning the raising of the national flag at institutions affiliated with the Ministry of National Education[20], as well as Article 20 of Law No. 08-04 dated January 23th, 2008, the guiding law on national education (OJ, No. 04, January27th, 2008)[21].

3. Administrative officials –like employees practicing senior positions in the state, and the offices of the heads of advisory bodies,

19- Official Journal, No. 22, dated April 09 th,2006, p. 06.

20- The article 20 of the law No. 08-04 dated January 23th, 2008, the guiding law on national education states: «...the lifting of the national emblem.…»

21- Official Journal, No. 04, January27th, 2008.

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heads of oversight bodies, and elected officials–must display a miniature national flag on their desks.

4. The Presidents of the Communal People's Assembly is required to wear the sash in the national colors , whenever they participate in or preside over solemn ceremonies and official events, in accordance with the Article fourth of the Executive Decree N 13-105 dated March 17th, 2013, which includes the model internal regulations of the Municipal People's Council [22], as well as the ministerial decision issued by the Ministry of the Interior and Local communities dated February 7th, 2016, which specifies the technical features of the sash in the national colors and the occasions for its wearing by the President of the Communal People's Assembly[23]. Furthermore, he is required to **wear it** during official ceremonies, such as the handover of duties, the signing of twinning agreements, and the solemnization of marriage contracts.[24](اكرور، 2019)

The National Flag shall also raise in accordance with special procedures when it pertains to:

- International means of transport: where it is subject to the rules and customs prevailing in this field.

- The military field: where its raising is subject to specific military rules and regulations.

B. Temporary raising of the national flag

The regulation of temporary raising of the national flag is left to an executive decree, issued when necessary, which specifies the cases in which it is raised temporarily and the times when it is lowered ; so that it is not left vulnerable to neglect and change due to time and climate.

22- Official Journal, No. 15, dated March 17th, 2013.

23- Official Journal, No. 20, dated March 20th, 2016, p. 16.

24. أكرور، ميريام. (2019). الحماية القانونية للعلم الوطني *مجلة صوت القانون*، جامعة خميس مليانة، 6(2)، 84–85، 1020–1030.

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It is usually raised on national occasions[25] (محمد،رامي، 2022), official visits, and public celebrations.

C. Cases of lowering

In exceptional cases, the general rule is that it is raised permanently in the aforementioned public administrations and bodies. The national flag is only lowered by an official decision in specific cases: particularly in the case of the declaration of national mourning[26], in which case it is lowered to one-third of its height.

The analysis of the provisions of **Presidential Decree No. 97-365** and the various regulatory texts mentioned above demonstrates that the Algerian legislator has institutionalized the presence of the national flag in public life, transforming it from a mere banner into a **sovereign protocol**. The permanent hoisting of the flag over the headquarters of sovereign bodies, courts, and educational institutions reinforces the concept of **state continuity**. In parallel, the requirement for officials to place a "miniature flag" on their desks embodies the symbolism of authority and responsibility at the core of daily administrative work.

Beyond these functional protocols, the flag is essentially a **political document written in colors**, as it reflects the state's sovereignty and its established identity. This significance is manifested through the following:

The flag represents the state as a unified nation and a permanent entity; it is a collective framework that provides security and identity for all. Moreover, upholding it in public spaces serves as a political

25 - رامي، سيدي محمد. (2020). أهمية إحياء المناسبات الوطنية في الحفاظ على الذاكرة الوطنية الجزائرية .*المجلة الدولية للدراسات الإنسانية*، جامعة خنشلة، 1(2)، 226.

26- Presidential Decree, No. 18-113, April 11th, 2018, including a national mourning declaration, Official Journal, No.21, dated April 11th, 2018, p. 04,

message against attempts to fragment society into conflicting sub-identities[27]. (ع المرشد، 2022)

On the other hand, it serves as a symbol for achieving political stability and strengthening national cohesion, especially in times of crisis. Hoisting the flag and enshrining it in educational curricula, national celebrations, media, and all technological platforms aims to build a **unified collective memory**, instill a doctrine of loyalty, and promote patriotic values among rising generations. This strengthens the citizen's trust in their state and motivates them to accept sacrifices for its sake. Furthermore, military parades led by the flag—such as Independence Day displays and images of the "Glories of November"—convey political messages abroad reflecting strength and readiness, while internally reinforcing a sense of security and reassurance. (جزار، 2025)[28]

The national flag also embodies diplomatic messages during international meetings and travel protocols, acting as a **visual ambassador** of national sovereignty.

The same applies in cases of **national mourning**, where protocol strictly regulates the process of "lowering the flag to half-mast"; it is raised to the top of the pole and then lowered to the middle in a symbolic gesture expressing collective grief under the nation's banner.

Consequently, the national flag performs dual functions: **internally** by consolidating national unity, and **externally** by representing the state and its values. This makes the flag an indispensable element in the management of public affairs and state-building (Fadel, 2025)[29].

27. عبد المرشد، حيدر. (2022). *السياسات الرمزية والدولة*. سلسلة منشورات مركز البيان للدراسات والتخطيط، ص 3.

28. جزار، مصطفى. (2025). دور السياسة العامة الرمزية في تحقيق الاستقرار السياسي *مجلة مدارات سياسية*، مركز المدار المعرفي للأبحاث والدراسات، الجزائر، 9(1)، ص. 195-204.

29 - Fadel, Abdel Ghani. (2025, September 25). *Al-Alam: The supreme national symbol for the embodiment of national identity in protocols and diplomacy*. Syria TV.

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1.3.2. Executive Decree No. 22-209 dated June 30, 2020[30]. (Codifying the Activities and Oversight)

This decree constitutes the regular legal framework for the conditions of practicing the activity of fabricating the national flag, as well as the mechanisms for monitoring its producers and users at present, this Executive Decree repealed the Executive Decree No. 99-252 of November 7th, 1999,[31]as amended and supplemented by Executive Decree No. 13-108 of March 17, 2013.[32]

It defines the rules relating to practicing this activity, the administrative control imposed on users and makers of the national flag, in addition to stating the penalties prescribed in case of violation of its provisions. This decree addressed a number of essential issues, including:

A. Conditions for practicing the activity of producing the national flag

The activity of producing the national flag is one of the activities that Executive Decree No. 15-234 of August 29, 2015, as amended and supplemented by Executive Decree No. 20-355 of March 30, 2020[33], defines the conditions and the methods of practicing regulated activities and professions subject to registration in the Commercial Register, which repealed the provisions of Decree Executive No. 40-97 dated January 18, 1997[34], and defines the specific nature of the activity and its connection to national symbols. Its practice is not considered

30 - Official Journal, No .47, April 11th. 2022, p.07.

31 - Official Journal, No .79, dated November 07th, 1999, p p. 06-08.

32 - Official Journal, No .16, dated March 20th, 2013, p p. 06-07.

33- Executive Decree No. 20-355, November 30th,2020, which defines the conditions and modalities for carrying out regulated activities and professions subject to registration in the Commercial Register, Official Journal, No. 73, dated December 6th,2020, p. 08–09, amending and supplementing the Executive Decree No. 15–234, August 29th,2015, Official Journal, No. 48, dated 9 September 2015, p. 07–08.

34- Official Journal, No. 20, dated January 19th,1997.

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an ordinary commercial activity regulated by the rules of commercial law; rather, it is subject to authorization from the governor territorially competent to the location of the activity.

A.1. Administrative authorization to Make the National Flag[35]

The production of the national flag is a regulated activity, subject to registration in the Commercial Register, related to the symbols of the state and collective identity. The rules regulating it are mandatory rules that cannot be derogated from by agreement. Its practice requires an administrative license issued by the governor, in accordance with Articles 4 to10 of Executive Decree No. 22-249, which stipulates that the practice of producing the national flag is contingent

upon an authorization issued by the territorially competent governor (Wali), after the opinion of the Provincial Committee for the National Flag. This authorization is **personal and non-transferable.**

-**Procedures for issuing an authorization to practice the activity of producing the national flag**:

This authorization is issued upon application by a natural person holding Algerian nationality and moral entities proven to be subject to Algerian law. Furthermore, the applicant must possess suitable stores for the activity, with an appropriate size and equipped with design instruments.

The application is submitted to the municipality where the activity takes place, which then forwards it, through the territorially competent governor, to the Provincial Committee for the National Flag, as specified in Article 14 of this decree.

After the Provincial Committee for the National Flag receives the file, it must study it and ensure that every physical or moral person

35- Administrative authorization is an administrative instrument through which the Wilaya Committee exercises its prior and subsequent control even the activity of manufacturing the flag.

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wishing to engage in the activity of making and fabricating the national flag and the emblem bearing the national flag, meets the required conditions in accordance with article six(06) of the same decree, after investigate them, then issues an opinion within 20 days from the date of receiving the application file.

The competent Wali, within his territorial jurisdiction, shall rule on the application based on the opinion of the Wilaya's committee for the national flag, during a period not exceeding tend days from the date of receipt of such opinion.

The decision of the competent territorial Wali, that includes either authorization to practice the activity of making the national flag, which is exclusively within the national territory, or the decision to reject the application, shall be notificated to the concerned party through the head of the municipal people's council in the location of the stores. The rejection decision must be justified so that the applicant can appeal it before the regulatory department of the municipality within eight days from the date of notification, accompanied by the documents justifying the request. This allows the head of the concerned municipal people's council to forward the concerned party's file to the governor, who in this case has ten (10) days to respond, starting from the date of receipt, to decide on it.

A.2. Compliance with Technical Standards

The maker of the national flag, the emblem bearing the national flag, and the miniature flag must adhere to the specifications defined by the applicable legal and regulatory texts, particularly those specifying the color tones, dimensional ratios, and the position of the star and crescent in the center of the white stripe, as stipulated in Law No. 63-145 mentioned above.

Where required—in this case—the authorization holder is obligated to provide a written undertaking to strictly comply with the technical specifications of the national flag as defined by law, the license is

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required to provide a written undertaking to strictly respect the legally defined technical specifications for the national flag, and attached to the file submitted with the authorization application. In that framework, it should be noted that the repealed Decree No. 99-252, of November 7th, 1999, as amended and finalized, required the flag maker to provide a written undertaking. However, the current executive decree does not include this stripe. Nevertheless, practical experience has proven that attaching this document is necessary for the maker of the national flag.

A.3. Registration in the Commercial Register

The activity of fabricating national flag and the miniature flag, like other commercial activities, requires registration in the Commercial Register. However, in practice, the legal issue of the authorization and its relationship with registration in the Commercial Register arises[36]. (يلس، 2021-2022، صفحة 66) Article 25 of Law No. 04-08 of August 14th, 2004[37], governing the conditions for the exercise of commercial activities, stipulated that the person concerned must obtain a temporary authorization issued by the competent authority prior to submitting an application for registration in the Commercial Register. However, practical application demonstrated that the actual exercise of the activity was contingent upon obtaining the final license. Following its amendment by Law No. 18-08 of June 10th,2018[38], notably Article 4 thereof, which amended the aforementioned Article 25, registration in the Commercial Register for the purpose of practicing a regulated profession is now effected without the prior requirement of obtaining a license or prior authorization. Nevertheless, the effective commencement of the regulated activity remains legally subject to the trader's acquisition of an administrative authorization.

36. يلس، آسيا. (2021–2022). *النشاطات التجارية: محاضرات موجهة لطلبة السنة الأولى ماستر، تخصص قانون الأعمال*.كلية الحقوق قالمة، مطبوعة بيداغوجية.ص66.

37- Official Journal, No. 52, dated August t 18th,2004.

38- Official Journal, No. 35, dated January 19th,2018.

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2. Aspects of Legal Protection for the Algerian National Flag

National flags are often seen as carrying significant symbolic value; therefore, their physical protection has been the subject of legal regulation in many countries. As Justice **John Paul Stevens** of the United States Supreme Court stated:«The flag is more than a symbol of 'nationhood and national unity'... it also embodies the ideas that made the society free. ».[39] (law library of congress, global legal research directorate, june2005) .

Given the importance of preserving and protecting the symbol of national sovereignty, Executive Decree 22-249 established two bodies, the National Flag Committee and the Provincial Flag Committee. Within this study, will therefore address the National Flag Committee[40], the Provincial Committee[41], and the legally prescribed penalties.

2.1. The National committee for National Flag

The National Committee for national Flag is formed under the chairmanship of the Minister in charge of the Interior ,or his representative, in the presence of a representative of the Minister in charge of Foreign Affairs, a representative of the Minister in charge of Mujahideen, a representative of the Minister in charge of National Education, a representative of the Minister in charge of Vocational Training and Education, a representative of the Minister in charge of Digitization and a representative of the Minister in charge of Trade, a representative of the General Directorate of National Security, and a representative of the National Gendarmerie Command, all as members.

39- Library of Congress, Global Legal Research Directorate. (2005, June). *Comparative summary: Flag desecration under the laws of selected foreign nations* (p. 1).
40- Articles 11 to 13 of the Executive Decree No. 22-249 dated June 30th,2022
41- Articles 14 to 17 of the same Executive Decree No. 22-249 dated June 30 th,2022

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Pursuant to Article 11 of the aforementioned Executive Decree, the National Committee **for** National Flag is tasked with ensuring the preservation and protection of this national symbol through the processes of coordination, proposal, monitoring, and follow-up:

-Coordination : the National Committee Coordinates activities of the provincial committees and their follow-up, preparation of a national database of those who have designed the national flag, and ensuring its periodic updating.

-Proposal: The National Committee proposes measures and provides guidance in the field of designing the national flag and its use.

-Follow-up: It simultaneously monitors the extent to which those who design the national flag adhere to the technical guidelines in accordance with the legislation and regulations in force, and the extent to which its users, including public administrations and sovereign bodies, adhere to the conditions and procedures for using the national flag, and submitting reports to the Minister of the Interior in case of any breach thereof.

-Its organization and its workflow shall be by decision of the Minister in charge of the Interior .[42]

42- Pursuant to the decision of the Ministry of the Interior and Local Communities dated December11th, 2000, which establishes the National Committee for the National Flag within the framework of Executive Decree No. 99-252 dated November7th, 1999, repealed by Executive Decree No. 22-249 referred to above**:**

Article 02**:**

The Committee shall meet in ordinary session twice a year. It may also meet in extraordinary session upon invitation of its Chairperson or at the request of half of its members. Meetings shall be held at the headquarters of the Ministry of the Interior and Local Communities.

Article 03:

The Chairperson shall set the agenda of the meetings. Invitations accompanied by the agenda shall be sent to the members of the Committee fifteen (15) days before the date

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2.2. The Provincial Committee for the National Flag

Pursuant to the provisions of Article 16 of the same Executive Decree, it is established by provincial decision, under the chairmanship of the Wali or his representative, its secretariat is entrusted to the department in charge of regulation at the provincial level. It is composed of the Provincial Director of Regulation and General Affairs, as a member; the Provincial Director of Mujahedeen, as a member, Provincial Director of National Education, as a member; Provincial Director of Vocational Training and Education, as a member; the Provincial Director of Trade, as a member; in addition to the competent security services, the Head of Provincial Security and the Commander of the Territorial Group of the National Gendarmerie as members. This committee undertakes the following tasks:

of the meeting. This period may be reduced in the case of extraordinary sessions, provided it is not less than eight (8) days.

Article 04:

At each meeting, the Committee shall prepare a report on the follow-up of the implementation of the decisions and directives approved at the previous meeting by the Wilaya Committees for the National Flag.

Article 05:

Meetings of the Committee shall be valid only if at least two-thirds of its members are present. If this quorum is not met, the Committee shall meet lawfully upon a new invitation within the following fifteen (15) days, regardless of the number of members present. The results of the Committee's deliberations shall be recorded in minutes signed by the Chairperson or his/her representative.

Article 06:

The Committee may seek technical assistance from qualified persons, bodies, and specialized services to help it carry out its duties.

Article 07:

The decisions and directives of the National Committee shall be communicated to the Wilaya Committees for the National Flag.

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2. 2. 1. Tasks of the Provincial Committee for the National Flag

A. **Implementing the directives of the National Committee for the National Flag**: in this case, the Committee for the National Flag is responsible for implementing the directives and instructions issued by the National Committee regarding the national flag, whether concerning users or manufacturers.

B. **Receiving, studying, and verifying the files of the authorization application submitted for the activity of creating the national flag and the emblem bearing the national flag**[43]

- The committee ensures that the applicant, whether a natural or moral person, wishing to engage in the activity of making the national flag and the emblem bearing the flag, meets the conditions stipulated in Executive Decree No. 22-249, specifically Article six (6) thereof.
- Providing an opinion on these applications to the competent governor, at least, for the purpose of issuing the authorization.
- Maintaining a database of those who create the national flag at the local level and updating it periodically.

C. Taking charge of the following supervisory missions

-Regarding the user of the national flag

- Monitoring the extent to which the institutions, bodies, and administrations concerned on the territory of the province –wilaya- comply with respect the conditions and modalities methods of using the national flag and its conformity to the legally defined technical specifications, and compiling a list of entities that fail to use it properly and notifying them to rectify the matter by replacing it urgently.

43- Instruction of the Ministry of the Interior and Local Communities, addressed to the Walis, No. 02/2000, dated February20th, 2000, concerning the production, manufacture, and use of the national flag, the emblem bearing the national flag, and the miniature flag.

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• Supervising the national flag process and monitoring its progress across the territory of each province (tearing, discoloration due to time, climate, and poor quality of materials used).

• Conducting periodic inspection visits culminating in reports submitted to the Walis for assessment and imposition of penalties against the negligent body, in accordance with the provisions of Articles 14 and 15 of the same executive decree.

• Warning the negligent parties to take the necessary measures to rectify the matter urgently, under penalty of **criminal and administrative penalties**.[44]

• The committee assesses the necessary needs at the level of each Wilaya's territory for the national flag, the emblem bearing the national flag, and the miniature national flag, enabling it to prepare a program for supplying and renewing the flag. This program takes into account the province's financial resources and the production capacity of the institution responsible for fabrication, to meet the needs expressed by the administrative authorities regarding the national flag.[45]

-Regarding the manufacturers and custodians of the national flag, the province committee undertakes the following tasks:

• Conducting continuous and meticulous oversight by organizing periodic visits to the institutions responsible for making the national flag to ascertain the extent of compliance with manufacturing standards and the technical specifications defined in the applicable legislation and regulations.

• Oversight focuses on the condition of the raised national flag, the affixed emblem bearing the national flag, and the miniature flag, and their conformity to the technical specifications defined in the applicable legislation and regulations.

44- Circular of the Ministry of the Interior and Local Communities referred to above.
45- Instruction of the Ministry of the Interior and Local Communities, previously cited.

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• The results of the oversight operations must be the subject of a report sent to the Wali and the head of the province committee for evaluation and the imposition of appropriate penalties in the event of a proven violation.

2.2. 2. Periodic evaluation of the national flag operation

The activities of the Wilaya's Committee for the National Flag, are evaluated every three months. Reports are prepared on its activities and various meetings and submitted to the National Committee for the National Flag. These reports detail the status of the national flag at the Wilaya level, including the number of production and manufacturing authorizations granted, the beneficiaries, penalties imposed on users and manufacturers, the number of authorizations withdrawn from beneficiaries for violating applicable legal and regulatory texts, as well as the various obstacles that the Committee faces in monitoring its work and the extent of its implementation of the laws regulating the national flag, as well as the directives of the National Committee[46].

In light of the foregoing, it is observed that Executive Decree No. 22-249 represents an important step in the field of legal protection, as it has shifted from safeguarding the flag as a mere "symbol" to protecting it as an industrial product subject to strict regulation.

The classification of flag manufacturing as a "regulated activity," subject to authorization by the Wali and the Wilaya Committee, reflects its removal from the sphere of free commerce and its integration into the framework of state control over this national symbol. Moreover, the legal distinction between the commercial register and the final authorization, in accordance with Law No. 18-08, demonstrates the legislator's intention to verify the technical competence of manufacturers before allowing them to produce the national flag.

46- Article 15, last paragraph, of the aforementioned Executive Decree No. 22-249

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The requirement imposed on manufacturers to provide a written undertaking to comply with the standards set out in Law No. 63-145 serves as a safeguard against "distorted flags," whether imported or locally produced through imprecise methods. This measure aims to protect the flag from any technical degradation and to preserve its constitutional status as enshrined in Article 223 of the 2020 Constitution and Article 212 of the 2016 Constitution.

Accordingly, the Algerian legislator has succeeded in building a comprehensive regulatory framework protecting the national flag. Law No. 63-145 defined the essence of the flag, while Executive Decree No. 97-365 regulated its use and operational protocols. This framework was then completed by Executive Decree No. 22-249, which focused on regulating production and controlling manufacturers.

This development reflects legal maturity, confirming that the protection of the symbol begins with the quality of its manufacturing and colors and ends with the manner in which it is displayed and respected. Furthermore, the link between administrative authorization and technical standards embodies the idea that the flag is a fixed and unchangeable symbol, and that the flag raised today is the same one carried by those who sacrificed for it.

2.3. Penalties stipulated: in this case; there are two types of sanction**.**

2 .3 .1. Administrative penalties imposed on the manufacturer

Violation of the provisions relating to the fabrication of the national flag, the emblem bearing the national flag, and the miniature flag, exposes the manufacturer to administrative penalties stipulated in Articles 18, 19, 20, 21, and 22, ranging progressively from warning to temporary suspension, up to the final withdrawal of the authorization.

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- **Warning to the person who fails to meet the conditions for making the national flag**

A warning or admonition, is considered the simplest administrative penalties that can be applied to those who violate the provisions of the laws regulating the national flag, as proven by the Provincial Flag Committee, are issued. The warning is usually given in the form of a written notice detailing the violations committed and the penalties that may be imposed for non-compliance. Continued violation despite a warning often results in more severe administrative penalties. The warning is considered a form of admonition, issued by the Wali based on a report from the Provincial National Flag Committee, reminding the violator to take the necessary measures to bring his activity into conformity with recognized legal standards. In other words, the warning is not a sanction in itself, but rather serves a means of reminding the violator of the obligation to intervene to ensure compliance of his activity (بوسلامة، 2022، صفحة 3).[47]

-**Temporary suspension of the authorization**

In the event of failure to provide facilities to the Provincial Committee during its oversight, the Wali issues a decision to suspend the authorization to make the national flag for a period not exceeding three (03) months.

-**Permanent withdrawal of the authorization**

This is one of the most severe administrative penalties that can be imposed on national flag makers. It occurs in the event of a breach of any of the conditions for granting the **authorization**, failure to address reservations after the end of the temporary suspension period of activity, failure to respect the technical specifications of the national flag, judicial liquidation, or voluntary cessation of the activity.

47. بوسلامة، حنان. (2022). الجزاءات الإدارية المترتبة عن الإخلال بالالتزام بالمعايير البيئية *مجلة الدراسات والبحوث القانونية*، (2)7، ص. 231-241.

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- **Removal from the national register**

After the penalty of withdrawing the **authorization** granted to the national flag maker by the competent territory Wali, the name of the maker is removed from the registers of national flag makers.

-**The event of final refusal of the request to deny the license or in the case of final withdrawal**

In the event that the Wali issues a decision of final refusal to grant an authorization to carry out the activity of manufacturing the national flag, after the right of appeal has been exercised, or in the event of the final withdrawal of the authorization for any justified reason—such as failure to lift the reservations after the end of the temporary suspension period, for example—the person concerned is required to apply for removal from the Commercial Register within fifteen (15) days from the date of notification of the final refusal or withdrawal of the authorization.

-As for public administrations and sovereign bodies, whose officials are responsible for replacing faded or tattered flags, negligence may result in administrative disciplinary penalties, reaching the level of serious misconduct, for failing to respect the state's authority. Regulations have established administrative penalties for public administrations and bodies in the event of violations of the regulatory decrees concerning the national flag.

2.3.2 Deterrent Penalties

The Algerian legislator did not limit itself to administrative protection, but also established penal protection for the national flag through:

• The law imposes penalties on public bodies and administrations for failing to respect the national flag. This is in accordance with the provisions of Article 459 of Ordinance 66-156 dated June 8, 1966, which contains the applicable and valid Penal Code, stipulating that "a fine

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of 30 to 100 dinars shall be imposed, and imprisonment for three days may also be imposed anyone who violates decrees or decisions legally issued by the administrative authority, unless the crimes mentioned therein are pardoned by special provisions.."

- It also criminalizes acts that involve insulting, desecrating, or abusing the national flag in any way. It is noted that this legislative trend focused on the punitive nature of legal protection, reflecting the state's will to deter and preserve the image of its sovereign symbols, considering that harming the national flag is not only an attack on a physical symbol, but also an attack on national values and collective belonging. The criminalized acts are represented in any behavior that includes a deliberate insult to the national flag, whether through destruction, desecration, public denigration, or any other act that would harm its symbolic standing.

-The commission of the crime requires criminal intent, meaning the perpetrator's knowledge of the nature of the act and their will to harm the national flag. In this context, Article 160 bis of Penal Code 156-66, Amended and Supplemented states: "**Anyone who intentionally and publicly tears, defaces, or desecrates the national flag shall be punished by imprisonment for a term of five to ten year**s."

This article makes damaging or tearing the national flag a **felony**, as the Algerian legislator punishes it with imprisonment, not just detention (Article 5 of the Penal Code), and criminalizes it with penalties that may reach ten years of imprisonment, furthermore, criminal prosecution is subject to general rules.[48] (ابوسقيعة، 2004، صفحة 234.245)

- The legislator also criminalized, in the Article 148 bis 1[49] of the Law 24-06 dated April 28th, 2024, amending and supplementing the

48 - أبو سقيعة، أ. (2004) ،*الوجيز في القانون الجزائي الخاص* (ط. 2). دار هومة للطباعة والنشر والتوزيع.، ص 234 و245.

49- Article 148 bis 1 of Law No. 24-06 dated April 28 th 2024, amending and supplementing Penal Code No. 66-166 promulgated in 1966, provides as follows: « Without prejudice to more severe penalties provided for under national legislation,

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Penal Code, insulting, defaming, or slandering the symbols of the National Liberation Revolution.

Not to mention the supplementary penalties that the judge may impose according to the general rules of penal law, which include, in addition to imprisonment and fines, confiscation of non-conforming flags or tools used in fraud, and may even reach deprivation of national and civil rights (in cases of aggravated felonies).[50] (تميم، 2016 - 2017، الصفحات 68-71)

We add that the Algerian legislator did not exclude the foreign national flag from protection, although he did not address it in the Penal Code in the same way as insulting the national flag, but he referred it to Law No. 13-05 , corresponding to July 23th,2013 on the Organization and Development of Physical and Sporting Activities[51] ,concerning by regulating and developing physical and sporting activity, which explicitly addresses the insult to a foreign flag, as stated in Article 241, which stipulates that: "**Without prejudice to the provisions stipulated in the field of flag protection... anyone who insults the anthem or national flag of a foreign state during or on the occasion of a sporting event shall be punished by imprisonment for a period of three (3) months to one (6) year and a fine of 50,000 to 100,000 Algerian dinars, or by one of these two penalties**."

After a thorough examination of the legal protection system of the Algerian national flag as a sovereign symbol embodying national identity, it becomes clear that this protection is based on a structured and progressive approach that begins with administrative deterrence,

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any person who insults, abuses, or defames—by any means—symbols of the National Liberation Revolution shall be punished by imprisonment from three (3) to five (5) years and a fine ranging from five hundred thousand (500,000) Algerian dinars to one million (1,000,000) Algerian dinars »

50- تميم، آسيا. (2017). ال*حماية الجنائية للمقدسات في التشريع الجزائري*(مذكرة مكملة لنيل شهادة الماستر، تخصص قانون جنائي). كلية الحقوق والعلوم السياسية، جامعة محمد خيضر بسكرة، الجزائر.

51- Official Journal, No. 39, corresponding to July 31st,2013.

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is reinforced by penal deterrence, and ultimately culminates in the broader objective of political stability.

At the first stage, administrative deterrence plays a preventive role by obliging public administrations and institutions to respect the national flag and ensure its display in accordance with the legally defined standards. This obligation is considered an institutional duty rather than merely an individual one, thereby reducing any negligence that could undermine the prestige of the State. The system then escalates to a more stringent level represented by penal deterrence, where any harm to the flag is no longer treated as mere damage to a physical object (a piece of fabric), but rather as an attack on national sovereignty and the collective values of the nation. This justifies the severe penalties established under criminal law, as protection here is directed more toward the symbolic and moral significance of the flag than its material form.

In this context, the political dimension of the flag emerges as a unifying element and a permanent national entity that contributes to strengthening political stability and consolidating social cohesion, particularly during times of crisis. The use of national symbols, foremost among them the flag, is considered an effective tool for mobilizing public sentiment and enhancing national consciousness, thereby facilitating the acceptance of collective sacrifices in the name of the nation and preserving the unity of national identity in the face of various challenges[52] (جزار، 2025، الصفحات 195-196).

52- جزار مصطفى ،المرجع السابق،ص. 195-196.

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Conclusion

The legal system of the Algerian national flag is characterized by enhanced protection that combines constitutional guarantees, administrative organization and penal deterrence , forming an integrated protective arsenal. However, the analysis proved the following results:

1. A gap resulting from constitutional rigidity and technical rigidity: texts remain unable to accommodate digital transformations. Moreover, the deterrent dimension of article 160 bis of the Penal Code overshadows the preventive approach, making the effectiveness of protection hostage to the vigilance of management and oversight committees.

2. Deficiencies in penal protection: Although there is explicit penal protection, it suffers from shortcomings: in article 160 bis, the legislature omitted the act of "burning" as an independent physical form of desecration, despite its prevalence in protest practices.

3. Regulatory and technical vacuum: The current system lacks technical control mechanisms for imported flags, resulting in the proliferation of flags that do not comply with the standards specified in Decree 63-145.

4. Lack of adaptation to the digital environment: The study identified a legislative lack in keeping pace with the virtual environment, as the penal texts remain linked to the physical space, leaving abusive uses in the digital space without an accurate legal description.

Recommendations

1. Legislative and technical reform

- **Technical Conformity Card:** Obliging importers and manufacturers of flags to attach a technical card proving conformity

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with the standard specifications set out in Decree 63-145, while activating the technical responsibility of the manufacturer.

• **Amending Article 160 bis:** The legal wording should be revised to include "arson" as an explicit physical act, with precise criteria to distinguish between "deliberate desecration" and "symbolic political expression" in line with modern legal jurisprudence.

2. Digital and Educational Governance

• **Cyber Censorship:** Establishing an electronic monitoring unit of the Ministry of Interior (or the Audiovisual Sector Regulation) to track the use of the flag in digital content and unauthorized commercials.

• **Legal education:** Moving from general national indoctrination to "legal awareness" by incorporating the legal culture of national symbols into the educational curriculum, and linking moral motives to criminal responsibility.

3. Strengthening the Judicial and Academic Role Jurisprudence

• Calling on the judiciary to adopt proportionate interpretations that are consistent with the criminal intent and the circumstances surrounding the fact, to ensure that constitutional rights and freedoms are not infringed under the pretext of protecting the symbol.

• **Academic Bridging:** Encouraging comparative studies linking the protection of symbols to international human rights standards, to ensure the development of a harmonious and modern Algerian legal system.

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5. The Constitutional Amendment of 2016, pursuant to Law No. 16-01 of March 6th,2016, Official Journal, No. 14, dated March 7th,2016.

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