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Recent procedural Developments in administrative matters under Law No: 22_13, enacting the Code of Civil and Administrative Procedure

المستجدات الإجرائية في المادة الإدارية وفق القانون رقم 22_13 المتضمن قانون الإجراءات المدنية والإدارية

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Abstract:

This study seeks to shed light on the most important amendments and developments introduced by Law No. 13-22, which amends and supplements the Code of Civil and Administrative Procedure No. 08-09, through an analytical and critical approach designed to bring out the new provisions, particularly those relating to administrative matters, which have been the focus of the recent amendment. This amendment has introduced a number of important provisions relating to litigation before the administrative courts, foremost among which is the establishment of administrative courts of appeal as a second instance for administrative litigation, alongside certain partial amendments affecting Article 800 of the same Code. The amendment also included a review of the procedures for the enforcement of judicial instruments containing financial obligations incumbent upon administrative bodies, by repealing Law No. 91_02 and reincorporating its provisions into Article 986 of Law No. 08_09, as amended by Article 10 of Law No. 22_13, as well as other provisions affecting various aspects of litigation procedures.

Keywords : Administrative Court of Appeal, territorial jurisdiction, subject-matter jurisdiction

الملخص:

تهدف هذه الدراسة إلى إبراز أهم التعديلات والمستجدات التي أقرها القانون رقم: 22-13المعدل والمتمم لقانون الإجراءات المدنية والإدارية رقم: 08-09 وذلك من خلال مقاربة تحليلية ونقدية لإبراز الأحكام الجديدة، خصوصا تلك المتعلقة بالمادة الإدارية التي حظيت بالحيز الأكبر من التعديل الأخير، فقد أفرز هذا التعديل جملة من الأحكام الهامة المرتبطة بالتقاضي أمام القضاء الإداري وعلى رأسها استحداث المحاكم الإدارية للاستئناف كدرجة ثانية للتقاضي في المادة الإدارية، إلى جانب بعض التعديلات الجزئية التي طالت المادة 800 من القانون نفسه. كما شمل التعديل إعادة النظر في إجراءات تنفيذ السندات القضائية المتضمنة إلتزامات مالية على عاتق الهيئات الإدارية، من خلال إلغاء القانون رقم 91_02 وإعادة إدراج أحكامه ضمن نص المادة 986 من القانون رقم: 08-09 المعدلة بالمادة 10 من القانون رقم 22_13 فضلا عن أحكام أخرى تمس مختلف جوانب إجراءات التقاضي.

الكلمات المفتاحية: المحكمة الادارية للاستئناف، الاختصاص الاقليمي، الاختصاص النوعي.

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Introduction:

The Algerian legal system has undergone a series of legislative reforms aimed at enshrining the principles of the rule of law and guaranteeing the rights and freedoms of individuals. Among the most notable of these was the enactment of Law No. 22-13 of 12 July 2022, amending and supplementing Law No. 08-09 on civil and administrative procedure. This law introduced a number of procedural reforms in the field of administrative law, in response to the urgent need to strengthen administrative justice and streamline litigation procedures, thereby ensuring the effective and swift resolution of administrative disputes.

The significance of this topic lies in its ability to highlight the practical value of the new procedural amendments, particularly those concerning appeal procedures, time limits for adjudicating cases, and the expansion of the administrative judge's powers, as well as the reinforcement of the principle of legal and judicial certainty. Its importance is also highlighted by the fact that it contributes to assessing the extent to which these developments have succeeded in overcoming the shortcomings revealed by the practical application of the previous provision.

This research aims to outline the developments introduced by the Code of Civil and Administrative Procedure, as amended in 2022, in the field of the reorganisation of administrative courts; accordingly, we pose the following question: **What are the most significant procedural reforms introduced by Law 22-13 in the field of administrative matters? And to what extent do they contribute to establishing a more effective and efficient administrative justice system**?

We relied on an analytical approach in this research, studying and analysing the legal provisions governing the jurisdiction of the administrative courts as set out in the Code of Civil and Administrative Procedure, particularly following its amendment by Law No. 22-13 of 2022.

We also employed a comparative approach by comparing these provisions with the situation under Law No. 08-09 of 2008, in order to identify the most significant amendments affecting the jurisdiction of the administrative judiciary and the extent to which they have enhanced the effectiveness of judicial oversight of administrative actions.

To address this issue, we have divided the research into two sections: the first section deals with the procedural provisions introduced in administrative litigation, whilst the second section addresses the establishment of a two-tier system of litigation through the administrative courts of appeal.

Section One: Recent procedural provisions in administrative

Through the recent amendment to the Code of Civil and Administrative Procedure, the legislature has introduced a series of new provisions aimed primarily at simplifying and clarifying certain legal procedures. Among the most notable of these are the regulation of conflicts of jurisdiction between different judicial bodies, as well as disputes concerning the cases brought before them. However, the most significant aspect of this amendment is the establishment of an Administrative Court of Appeal as a new judicial body added to the structure of the administrative judiciary.

Subsection One: Urgent Amendments to Administrative Disputes Procedures under Code of Civil and Administrative Procedure and the Organisation of the Judiciary

Sub-section One: The Expansion of the Jurisdiction of Administrative Courts and the Review of Certain Provisions Relating to Summary Proceedings

Administrative disputes consist of a proceeding arising from the activities of the administration and its officials in the course of performing their duties; however, they lose their raison d'être if referred to an ordinary judge, given that public legal persons are in such cases subject to the jurisdiction of the same courts to which individuals are subject.

First: Expansion of the jurisdiction of administrative courts

In view of the legal issues raised by Article 800 of Law No. 98-02 concerning the subject-matter jurisdiction of administrative courts, given that it did not cover all aspects, the legislature intervened under Law No. 22-13 to redraft the content of this article, without prejudice to the general principle defining the scope of judicial jurisdiction.

With reference to Article 800, it is clear from its first paragraph that the legislator excluded certain disputes from the jurisdiction of the administrative courts and assigned their adjudication to other judicial bodies, notwithstanding the general jurisdiction exercised by administrative courts over administrative disputes. (Article 800(1) of the Code of Administrative Procedure). These courts are originally composed of at least three judges, including a president and two assistants (Article 800 of Law No. 22_13, dated 12 July 2022, comprising the Code of Civil and Administrative Procedure). However, the text does not specify the nature of these disputes precisely, which implies that the legislator intended to refer to disputes falling within the jurisdiction of the administrative courts of appeal, as provided for in Article 900(3) of Law No. 22-13.

As for the second paragraph of Article 800, it added two new jurisdictions to the administrative courts, which now hear disputes relating to national public bodies and national professional organisations, whereas these cases previously fell within the jurisdiction of the Council of State (Article 9 of Organic Law 98-01). This was part of the amendments introduced by Organic Law No. 22-11, amending Organic Law 98-01 on the jurisdiction of the Council of State.

Second: Recent developments in summary proceedings

Among the most notable developments introduced by the recent amendment to the Code of Civil and Administrative Procedure is the extension of jurisdiction to include the judicial officer in the field of establishing facts at risk of future disappearance, whereas under the previous law this jurisdiction was restricted to the court-appointed expert.

This is done on the basis of a petition, pursuant to which the judge may issue an order to the expert or judicial officer to establish those facts in an official record, even in the absence of an existing legal dispute, as provided for in Article 939 of the Code.

The amended Article 940 also stipulates that the judge hearing urgent matters may order, even in the absence of a prior administrative decision, the adoption of any measure necessary for the investigation, without the legislator specifying the nature of such a measure; this contrasts with the situation prior to the amendment, when the text was limited to referring to the appointment of an expert. To the legislator's credit, it acted wisely in granting the judge of urgent matters broad discretionary powers enabling him to order whatever investigative measure he deems appropriate to achieve justice (Fahima, 2022).

Sub-section Two: Review of the procedure for filing the petition to initiate proceedings and cases of interruption and suspension of appeal time limits

The petition to initiate proceedings is the first step in the litigation process, through which the litigant submits their written claims to the court, seeking protection of a right which they allege has been infringed by their opponent. Given the importance of this petition, the legislator has accorded it special attention by requiring it to contain essential and indispensable information.

First: Enabling the parties to submit opening petitions electronically: The legislator required that such petitions contain essential information, failing which they would be declared inadmissible. This differs from the provisions of Article 169 of the Code of Civil and Administrative Procedure, which allow an action to be brought before the Judicial Council through a written petition signed either by the party concerned or by a lawyer registered with the National Bar Association and filed with the registry of the Judicial Council.

Prior to the amendment, Articles 815 and 826 of the Code of Civil and Administrative Procedure provided that proceedings before the Administrative Court had to be initiated by a petition signed by a lawyer, under penalty of inadmissibility.Following the recent amendment, mandatory representation by a lawyer has been abolished, and the modernisation of justice has been incorporated into modern working mechanisms, enabling parties to litigate electronically, a method adopted by comparative administrative courts, notably in France.

On reading Article 815 of the Code of Civil Procedure, we note that the requirement for a document to be signed by a solicitor has been removed, and that the legislature has granted litigants the right to bring proceedings without the assistance of a solicitor, contrary to the previous situation; as representation by a lawyer before it has become optional (in accordance with Article 14 of Law 22-13). Where one of the parties to the dispute, whether plaintiff or defendant, is the State, the province, the municipality, a public institution of an administrative nature, or a national or regional public body, then, in accordance with the previous arrangement, they shall be represented by the relevant minister, the governor, the president of the municipal council, or the legal representative of the public institution of an administrative nature or the national or regional public body (Ahmed and Qasim Al-Eid, 2023).

Second: Distinction between the interruption and suspension of time limits: In the Code of Civil and Administrative Procedure, the legislator did not distinguish between cases of interruption and suspension of time limits; indeed, all such cases constituted grounds for the interruption of time limits. However, pursuant to the amended Article 832, a distinction is now made between cases of interruption and suspension of time limits. The cases of interruption of time limits are:

_ An appeal before a court lacking jurisdiction

_ The death of the claimant or a change in their legal capacity.

As for the cases of suspension of time limits, these are:

_ A request for legal aid

_ Force majeure or a fortuitous event (Ghani, 2024).

Sub-section III: The Issue of Conflicts of Jurisdiction

With reference to Article 4 of Law No. 22-13, which amended the provisions of Article 808, conflicts of jurisdiction arising between two administrative courts falling within

the territorial jurisdiction of the same Administrative Court of Appeal shall be settled by the President of that Court (Article 808 of Law No. 22-13, dated 12 July 2022, comprising the Code of Civil and Administrative Procedure),

This differs from the position under Law No. 08-09, pursuant to which the Council of State was competent to settle conflicts of jurisdiction between two administrative courts. Moreover, the legislator expressly conferred such jurisdiction upon the President of the Administrative Court of Appeal, unlike the previous framework, where the provision was drafted in general terms and vested jurisdiction in the Council of State as an institution rather than in its President.

However, in the event of a conflict of jurisdiction between an administrative court and the Administrative Court of Appeal, jurisdiction is vested in the President of the Council of State to adjudicate the conflict and determine the competent authority. According to the same article, if a conflict of jurisdiction arises between two administrative courts of appeal or between such a court and the Council of State, jurisdiction to resolve the conflict shall be vested in the Council of State sitting as a joint chamber, which indicates that the legislator attached importance to the body in which the dispute arose and recognised the jurisdiction of the Council of State sitting as a joint chamber.

_ In addition to the possibility of appealing against orders issued by the presidents of administrative courts of appeal before the Council of State, as provided for in Article 812 of the Code of Civil and Administrative Procedure, the legislature has granted litigants the opportunity to request a review of orders issued by administrative courts of appeal, unlike the previous law, which considered orders issued by the Administrative Court to be non-appealable, thereby undermining the principle of two-tier litigation.

Sub-section Four: The legislator's enshrinement of the principle of two-tier litigation by deeming an appeal in administrative matters to have suspensive effect

One of the most significant developments introduced by the legislator in the amendment to the Code of Civil and Administrative Procedure is the enshrinement of the principle that the exercise of remedies against judgments of administrative courts or even administrative courts of appeal has the effect of suspending the dispute and halting the enforcement of the contested judgment (Article 900 bis 02 of Law 22_13, dated 12 July 2022, which incorporates the Code of Civil and Administrative Procedure). This means that a judgment issued by an administrative court does not acquire absolute res judicata effect, but is considered a partial judgment that can only be enforced after the time limits for lodging various appeals have expired without the opposing party having exercised them.

Subsection Two: Recent procedures related to the enforcement of judicial instruments

The Code of Civil Procedure did not contain any explicit provision empowering the courts to require public bodies to take specific measures or to compel them to comply through financial penalties. This legislative gap led to a widespread pattern of automatic non-compliance with judicial rulings and a rise in the proportion of unenforced enforcement orders. In view of these issues, the legislature introduced new provisions on enforcement into the Administrative Code under Law 22-13, with the aim of enhancing the effectiveness of the judiciary and ensuring compliance with its rulings.

Subsection- One: Repeal of the provisions of Law No. 91-02 and their incorporation into Article 986 of Law 22-13

One of the most significant provisions of Law No. 22-13 is the repeal of the provisions of Law No. 91-02 (Law No. 91-02 dated 8 January 1991, which sets out the special rules applicable to certain judicial decisions), which previously established special rules for certain judicial decisions, and the transfer of those rules to Article 986 of the Code of Civil and Administrative Procedure. This article provides that where a judgment or enforceable instrument obliges a public legal entity to pay a sum of money to a private legal entity, the bailiff shall undertake the various procedures relating to compulsory enforcement by way of deduction from the account held with the Public Treasury.

Sub-section Two: Review of provisions relating to enforcement

It is clear from the new amendment to the Code of Civil and Administrative Procedure that the legislator has not introduced any new provisions regarding the enforcement process, which is considered one of the shortcomings of this amendment, particularly given the numerous issues associated with the enforcement of administrative court judgments and the difficulty of compelling the administration to comply with enforcement orders (Ahmed and Qasim Al-Eid, 2023).

Referring to the provisions governing enforcement, we note that the bailiff follows almost the same procedures as those provided for in Law No. 91-02, which was repealed by Article 14/02 of Law No. 22-13, where those procedures were referred to Article 986 of Law No. 08-09, which in turn referred to the legislative provisions in force at the time. The legislator has reintroduced the same provisions within the new Article 986. The enforcement procedures are as follows:

_ The bailiff shall formally notify the judgment debtor of the obligation to comply with the terms of the enforcement order and pay the costs within a period of two months.

_ If the judgment debtor refuses to comply after the deadline has expired, the bailiff shall draw up a report of non-compliance, then submit a claim for collection to the provincial treasurer of the jurisdiction where the judgment debtor is based, by means of a written petition accompanied by the supporting documents and the creditor’s current account number.

A comparison between Article 986 and Law No. 91-02 reveals that the legislator has distinguished between collection procedures for private law entities and public law entities:

_Where the debt is between private law entities, the bailiff shall directly handle the proceedings and submit the request in the form of a petition to the treasurer.

_ However, where the debt is between persons governed by public law, the beneficiary administration is responsible for submitting the petition and supporting documents directly to the Treasurer, without the involvement of the bailiff.

However, the legislator has required the Treasurer, prior to commencing the collection process, to request information from the judicial authority that issued the judgment within a period of three (3) months. This raises the question of the usefulness of such a long period, as it could have been reduced to one month or less to avoid prolonging the proceedings, which would be detrimental to the interests of the beneficiary of the collection.

The law also permits the public administrations and bodies referred to in Article 800, which have benefited from a judicial judgment or decision involving monetary sums against other

public administrations or bodies, to apply directly to the provincial treasurer at the registered office of the party against whom the judgment was issued, requesting enforcement, accompanied by the necessary petition and supporting documents (Article 986 of Law No. 22-13, dated 12 July 2022, comprising the Code of Civil and Administrative Procedure).

Section Two: Towards the consolidation of two-tier litigation through administrative courts of appeal

Subsection One: Establishment of the Administrative Court of Appeal

This principle is explicitly enshrined in Article 6 of the Code of Civil and Administrative Procedure, which provides that: "Litigation shall be conducted in two tiers unless otherwise provided by law."

The consolidation of this principle was not limited to ordinary legislation; it was also enshrined in the 2020 Constitutional Amendment under Article 165 (Article 165 of the 2020 Constitutional Amendment), reflecting its constitutional importance in ensuring justice. The legislature has further reinforced this principle through Amendment No. 22-13 to the Code of Civil and Administrative Procedure, pursuant to Article 2 thereof, which amended Article 33 of Law 08-09. The new wording provides that: "**The court shall rule on all cases with judgments subject to appeal**" (Article 02 of Law 22-13, dated 12 July 2022, incorporating the Code of Civil and Administrative Procedure).

Sub-section One: The composition of the Administrative Courts of Appeal:

In accordance with Article 30 of Organic Law 22-10 on the judicial system, the Administrative Court shall be composed of trial judges and judges from the State Prosecutor's Office, Article 34 of Organic Law No. 22-10 stipulates that the Administrative Court of Appeal shall be organised into chambers, the number of which shall be determined according to the nature and volume of judicial activity by order of the President of each judicial district after consulting the Governor of the State; where necessary, the chambers of the Administrative Court of Appeal may be divided into sections.

Sub-section two: Jurisdiction of the Administrative Court of Appeal

The Administrative Court of Appeal has two main types of jurisdiction: firstly, subject-matter jurisdiction (Sub-section I), and secondly, territorial jurisdiction (Sub-ection II).

First: Subject-matter jurisdiction of the Administrative Court of Appeal

1: The Administrative Court of Appeal as an appellate body

Pursuant to Article 900 bis of the Code of Civil and Administrative Procedure, the Administrative Courts of Appeal have jurisdiction to examine appeals filed against judgments and orders issued by the Administrative Courts, in addition to matters referred to them under specific legal provisions. (Article 900 bis of Law No. 22-13, dated 12 July 2022, comprising the Code of Civil and Administrative Procedure).

In this context, urgent orders issued by administrative courts are subject to appeal before the administrative courts of appeal within a period of fifteen (15) days from the date of official notification or ordinary service, in accordance with the provisions of Article 937 of the same Code

.2: The Administrative Court of Appeal of Algiers as a court of first instance

Article 900 bis provides that the Administrative Court of Appeal of Algiers has jurisdiction to rule at first instance on actions for annulment, interpretation and the assessment of the legality of administrative decisions issued by central administrative authorities, national public bodies and professional organisations of a national nature.

It should be noted that the legislature has vested this court, in addition to its appellate function, with jurisdiction to adjudicate certain disputes that previously fell within the original and final jurisdiction of the Council of State. This approach is a positive development that reinforces the principle of two-tier litigation by abolishing the Council of State's jurisdiction as a court of first instance and final appeal in disputes concerning decisions issued by central authorities and bodies, a situation that was considered a violation of the right to two-tier litigation and had drawn widespread criticism from legal scholars and practitioners.

Second: The territorial jurisdiction of the Administrative Court of Appeal

It should be noted that the Algerian legislature has not explicitly defined the territorial jurisdiction of the Administrative Courts of Appeal, nor has it referred to the general rules set out in Articles 37 and 38 of the Code of Civil and Administrative Procedure, unlike what was done in the area of the jurisdiction of administrative courts, where Article 803 provides for the application of the general rules of judicial jurisdiction, with Article 804 setting out certain exceptions relating to specific administrative disputes.

It follows from this that the legislator has overlooked the issue of defining territorial jurisdiction, despite establishing this judicial body and providing it with specific provisions defining its specific jurisdiction. Nevertheless, this position can be justified by the fact that the legislator intended to regulate this matter subsequently through a special law governing the functioning of the Administrative Courts of Appeal. However, this justification is insufficient, as territorial jurisdiction is a fundamental issue that should have been regulated within the general rules of civil and administrative procedure, in order to ensure clarity of the applicable rules and to prevent any potential ambiguity or conflict of jurisdiction..

Subsection Two: Procedures for Instituting Proceedings before the Administrative Court of Appeal

It is clear from an examination of Article 900 bis 1 of the Code of Civil and Administrative Procedure that the legislature has not laid down specific procedures for litigation before the Administrative Court of Appeal, but has instead referred to the application of the provisions contained in Articles 815 to 828 of the same Code, which implies that the procedures established before the administrative courts also apply before the Administrative Court of Appeal.

Sub-section One: The Appeal Stage

An appeal constitutes the practical expression of the principle of two-tier litigation, as it enables a case to be brought before a higher judicial authority for review of the judgment, decision, or order, both on matters of fact and law. An examination of the provisions introduced by Law No. 22-13 shows that the legislator has adopted two fundamental principles:

_ The general rule is that the same procedures and conditions for bringing an administrative action as set out in Article 815 et seq. of Law No. 08-09 apply.

_ However, the legislator has laid down certain specific conditions and procedures that distinguish the appeal stage from others.

First: Adoption of the referral system as the general principle

The Algerian legislator has adopted the principle of referral with regard to the time limits for bringing proceedings before the Administrative Court of Appeal, referring to the application of the provisions set out in Articles 829 to 832 of the Code of Civil and Administrative Procedure.

However, the main criticism of this approach is that the legislator has retained the same time limits for bringing proceedings before the Administrative Court of Appeal as those applicable to the Administrative Court, which may lead to a certain degree of complexity, considering that the principal jurisdiction of the Administrative Court of Appeal consists of hearing appeals against judgments rendered by the Administrative Courts.

With regard to the investigation procedures and the conduct of proceedings before the Administrative Court of Appeal, Article 900 bis 3 refers to the application of the provisions set out in Articles 838 to 873 of the Code of Civil and Administrative Procedure; that is to say, the same procedures applicable before the Administrative Court also apply before the Administrative Court of Appeal.

Similarly, Article 900 bis 6 provides that the procedures for filing an appeal shall be governed by the rules set out in Articles 539 to 542 of the same Code, which confirms that the legislator has confined itself to referring to the general rules regarding how to filing an appeal before the Administrative Court of Appeal.

Second: Mandatory representation of the parties by counsel

The representation of the parties by counsel before the administrative courts has undergone a significant development; initially, it was optional, but it subsequently became mandatory before the Administrative Court of Appeal, in line with the practice before the ordinary courts, In this context, the first paragraph of Article 800 bis 1 provides for a penalty consisting of the dismissal of the proceedings in In the event of non-compliance with the requirement of legal representation by a lawyer in the case of natural persons, Article 828 of the same law refers to the exceptions provided for in Article 800. The same regime applies to public legal entities, as established prior to the Council of State under Article 905.

However, the wording of Article 900 bis 1 is incomplete, as it uses the term ‘parties’ in the plural, implying that it covers all parties to the proceedings, both claimant and defendant. In fact, the parties to an administrative case are often a natural person and a public legal entity, which calls for more precise wording in order to avoid ambiguity and to ensure clarity regarding the scope of the obligation of legal representation by counsel.

Third: Time limits for filing an appeal

Pursuant to Article 937/1 of the Code of Civil and Administrative Procedure, orders issued by the Administrative Court in urgent proceedings may be appealed before the Administrative Court of Appeal within a period of fifteen (15) days from the date of official or ordinary service.

Article 937/2 of the same Code further stipulates that the Administrative Court of Appeal is obliged to rule on such an appeal within a period not exceeding ten (10) days.

As for interim orders issued initially by the Administrative Court of Appeal in Algiers, they are subject to the same rules and time limits for appeal, reflecting the legislature's aim of ensuring speed and efficiency in adjudicating administrative disputes of an urgent nature.

In accordance with the provisions of the law, the Council of State rules in certain cases within a period not exceeding fifteen (15) days; as regards the time limits for lodging an appeal against judgments of the Administrative Courts, these are set at one month, whereas the time limits for challenging decisions issued by the Administrative Courts of Appeal are set at two months.

These time limits are reduced to fifteen (15) days in the case of urgent orders, unless otherwise provided for by specific provisions.

These time limits are calculated from the date of official notification of the order, judgment or decision to the party concerned, and are also calculated from the date on which the time limit for opposition expires if the judgment was given in absentia. As for the party requesting official notification, the time limit begins to run from the date of such notification.

Fourth: The Effect of Appeal

Article 900 bis 2 of the Code of Civil and Administrative Procedure provides that an appeal before the Administrative Court of Appeal constitutes a transfer of the dispute, whereby it is re-submitted to the same judicial body, which will rule on it anew; at the same time, the appeal leads to a stay of execution of the contested judgment. This development is contrary to the provisions of Law No. 08-09, under which an appeal to the Council of State did not suspend the enforcement of judgments issued by administrative courts, pursuant to Article 908 of that Law prior to its amendment. Following the new amendment, however, an appeal to the Council of State now has the effect of suspending enforcement.

Sub-section Two: Methods of appeal against judgments issued by the Administrative Court of Appeal

Various judicial authorities agree that judgments issued at first instance, and indeed even at second instance, are subject to review through the use of appeal procedures, whether ordinary or extraordinary. One of the most significant developments introduced by Law No. 22-13 is that the Administrative Court of Appeal is now considered a second instance of litigation, which means that the methods of appeal are now linked to the body that issued the judgment or ruling.

From the provisions of this law, it is clear that the legislator has not made any fundamental changes to the appeal procedures in administrative matters, but has kept them similar to those established in the ordinary courts, with the exception of certain details. Most notably, appeals against judgments issued by administrative courts are now lodged with the Administrative Court of Appeal rather than the Council of State, as was the case under Law No. 08-09 (Fahima, 2022).

Furthermore, Article 936 of the new law provides for the appealability of interim orders, contrary to the situation prior to the amendment, where certain orders were exempt from appeal and rendered final. This amendment effectively enshrines the principle of two-tier litigation, as it affords litigants the opportunity to have interim orders issued by the administrative court reviewed, particularly given that the judges of the latter may not always

have the necessary courage to issue interim orders against the administration, which may result in situations that are difficult to rectify later.

As for the time limits for lodging appeals, the legislator has retained the same time limits set out in Law No. 08-09, whilst introducing some minor amendments, particularly regarding the time limits for appealing against interim orders and the time limits for adjudication, whether before the Administrative Court of Appeal or before the Council of State in its capacity as an appellate body. One of the most significant of these amendments is that the time limit for appeal against judgments issued by the Administrative Court has been set at one month instead of two, which helps to reduce the time taken to reach a final decision in administrative disputes. As for appeals before the Council of State, the time limit remains set at two months from the date of lodging the appeal against judgments issued by the Administrative Courts of Appeal.

Conclusion:

The procedures introduced by Law No. 22-13, which amends and supplements Law No. 08-09, demonstrate the Algerian legislature's commitment to reforming the justice sector in line with contemporary requirements, as well as its drive to modernise the administrative judiciary and adopt scientific and technological mechanisms.

First: Results

_ Amendment of Article 800 of the Code of Civil and Administrative Procedure by broadening the concept of 'organic jurisdiction' and granting administrative courts jurisdiction to adjudicate disputes to which national public bodies and national professional organisations are parties.

_ Aligning with the state's approach to modernising the justice sector through the adoption of an electronic litigation system, thereby ensuring the simplification of procedures and the acceleration of case adjudication.

_ Making judgments issued by administrative appellate courts subject to a stay of execution, thereby resolving the previous issue whereby administrative judgments were enforceable even when under appeal, a situation which had given rise to numerous practical difficulties.

_ Expanding the procedures for enforcing judicial orders against the administration in financial cases, by repealing Law No. 91-02 and incorporating its provisions into Article 986 in a broader sense with certain additions, most notably granting the bailiff the authority to initiate proceedings before the treasurer to transfer the debt amount from the account of the administration refusing to comply to the account of the creditor under private law.

_ The principle of two-tier litigation in administrative matters has been enshrined through the establishment of administrative courts of appeal as the second tier of litigation, whilst certain cases remain within the jurisdiction of the Administrative Court of Algiers as the court of first instance in specific cases.

_ The legislator has also reduced the time limit for filing an appeal from two months to one month before the Administrative Court of Appeal, which has helped to speed up the adjudication of cases brought before it.

Here is a rewriting of the paragraph in a clearer and more structured academic style:

Second: Recommendations

_ Addressing the conflict between the text of Article 800, as amended, which granted administrative courts jurisdiction to adjudicate disputes involving national public bodies and national professional organisations, and the text of Article 900 bis, which assigned the same jurisdiction to the Administrative Court of Appeal in Algeria, particularly where actions for annulment, interpretation or assessment of the legality of decisions issued by these bodies are concerned.

_ Review the wording of Article 900 bis 1, which is phrased in a way that suggests the requirement for mandatory representation by a counsel applies only to private individuals, whereas the legislator has not imposed this requirement on public bodies, which calls for further clarification.

List of references:

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