

The self-employment System in Algeria: Between Support and Supervision

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Abstract:

In light of global economic and social developments, self-employment has become a strategic tool for fostering economic growth and creating job opportunities. Accordingly, Algeria has recently introduced the self-employed contractor model as part of its efforts to integrate the informal sector into the formal economy by establishing a legal and regulatory framework that simplifies procedures and enables

individuals to engage in economic activities lawfully. The enactment of Law No. 23-22 on self-employment underscores the role of self-employed contractors as a key mechanism for supporting the national economy and promoting sustainable development.

This study aims to analyze the legal framework governing self-employed contractors in Algeria, with a particular focus on the conditions for registration, rights, obligations, and regulatory oversight of their activities.

Keywords: *self-employed contractor; formal economy; self-employment; regulatory oversight.*

Introduction:

Amid the increasing economic challenges faced by Algeria, self-employment and self-employed contracting have become vital options for young people seeking independent job opportunities.

The concept of self-employed contracting represents an innovative model enabling individuals to manage their own projects, thereby promoting an entrepreneurial spirit and reducing unemployment rates. In light of global economic and social developments, self-employment has emerged as a strategic option to support economic growth and create employment opportunities.

In this context, the role of self-employed contracting stands out as one of the modern models reflecting a shift from traditional work concepts. It allows individuals to establish small projects legally, ensuring professional independence and fostering creativity and innovation.

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Recently, the Algerian government adopted this model as part of its efforts to strengthen the informal economic sector and transform it into a formal one. This has been achieved through the provision of a legal and regulatory framework aimed at simplifying procedures and enabling individuals to engage in economic activities legally. The issuance of Law No. 22-23, which regulates this type of self-employment, underscores the importance of self-employed contracting as an effective tool for supporting the national economy and promoting sustainable development.

Based on this, the study seeks to analyze the legal framework for self-employed contracting in Algeria, focusing on the conditions, rights, and obligations imposed on self-employed contractors, as well as highlighting the challenges they face and exploring ways to improve the system to meet market demands and developmental needs.

Problem Statement: To what extent does the legal framework governing self-employed contracting in Algeria strike a balance between facilitation and supervision?

Methodology: This study adopts a descriptive and analytical approach to comprehensively analyze the subject. It will focus on the key provisions of Law No. 22-23 related to the conditions required to obtain the status of a self-employed contractor, review the eligible activities under this system, and shed light on the benefits, advantages, legal obligations, and the role of the National Agency for Self-Employed Contractors in organizing and supervising this type of self-employment.

Chapter I: The Conceptual and Economic Framework of the Self-Employment System in Algeria

The self-employment system has emerged as a modern mechanism that combines legal innovation with economic necessity. It provides a structured framework for individuals seeking independent professional activities within a regulated environment. In addition to its legal characteristics, this system plays a strategic role in addressing Algeria's socio-economic challenges, particularly unemployment and informal economic activity. This chapter aims to define the concept of self-employed contracting, distinguish it from related legal categories, and explore its economic rationale and contribution to national development.



First Subtitle: Definition of Self-Employed Contracting and Its Distinction from Similar Concepts

First section: Definition of Self-Employed Contracting:

The concept of Self-Employed Contracting is relatively modern and has gained prominence alongside the rise of entrepreneurial activities. The European Commission defines self-employment as "an individual's ability to transform ideas into activities, which includes creativity, innovation, risk-taking, and the ability to plan and manage projects to achieve defined objectives."⁽¹⁾

From a legal perspective, the concept of self-employment has been codified in various legal systems. For instance, French law recognized it through Law No. 2008-776,⁽²⁾ which modernized economic regulations. Similarly, Morocco was among the first Arab countries to adopt this model with Law No. 13-114, issued on March 12, 2015⁽³⁾. Tunisia followed suit with Decree No. 33 of 2020, establishing a system for self-employment on June 10, 2020.⁽⁴⁾

In Algeria, Law No. 22-23 governs self-employment. Article 2 of the law defines a self-employed contractor as "any natural person who individually conducts a profitable activity listed among the qualifying activities under this law and whose annual turnover does not exceed a limit set by regulation." This legal definition emphasizes the independent and lawful nature of the activity. A self-employed contractor is an individual conducting a small-scale economic activity formally to integrate the informal sector into the national economy⁽⁵⁾.

self-employed contractors are thus considered economic actors with legal status, enabling them to operate independently within a regulated framework that defines their rights and obligations. This model is an optimal solution for promoting entrepreneurship and facilitating market entry for individuals with innovative ideas or skills but lacking the resources to establish large companies.

Second section: Distinction from Similar Concepts

The term "self-employed contractor" differs from other related concepts under Algerian law. It is crucial to distinguish self-employment from the following terms:

1. self-employed contractor vs. Sole Proprietorship (EURL): *A sole proprietorship has a separate legal personality distinct from its founder and requires an initial capital investment, whereas a self-employed contractor does not. Additionally,⁽⁶⁾ while a self-entrepreneur's liability*

is technically unlimited, it remains minimal due to the small scale of their activities.

2. self-employed contractor vs. Microenterprise: The Algerian SME Development Law defines microenterprises as employing 1 to 9 people with an annual turnover of less than 40 million DZD or total annual assets not exceeding 20 million DZD. Unlike microenterprises, a self-employed contractor works alone and cannot be considered an employee, as they operate independently.⁽⁷⁾ Furthermore, the annual turnover of a self-entrepreneur is capped at 5 million DZD, whereas microenterprises can exceed this amount up to 40 million DZD.

3. self-employed contractor vs. Startup: A startup, as defined in Article 11 of Executive Decree No. 20-254⁽⁸⁾, refers to a business entity meeting the following criteria:

- Established within the last eight years.
- Based on innovative goods, services, or business models.
- Annual turnover not exceeding a set limit determined by the National Committee.
- At least 50% of the capital owned by natural persons, certified investment funds, or entities holding a startup label.
- Employs no more than 250 individuals.

In contrast, a self-employed contractor typically engages in traditional or simple service activities that do not require significant innovation or capital investment. Additionally, they do not constitute a legally independent entity like a startup.

4. self-employed contractor vs. artisan: In Algerian law, both the self-employed system and the artisan system provide legal frameworks for practicing independent work. However, they differ in terms of conditions, procedures, rights, and obligations.

The Self-employed Contractor: A self-employed contractor is a natural person who carries out a professional, commercial, or artisanal activity independently, without being bound by an employment contract with any entity. They work for their own account and are subject to a specific tax and social security regime. This status is characterized by flexibility, allowing the individual to engage in a wide range of activities-including commercial, artisanal, and service-based activities -provided that their annual turnover does not exceed the legally defined limit.

whereas an artisan is a natural person who practices a purely

artisanal activity (such as carpentry, blacksmithing, tailoring, etc.)⁽⁹⁾ independently or within a small workshop. The artisan's activity is closely tied to manual or technical skills required by the craft. Registration in the Artisan Register is mandatory, and the artisan may be required to present certificates or documents proving their competence and experience in the craft they practice.

Thus, the fundamental difference between the two systems lies in the scope of activities, regulatory requirements, and legal obligations. The self-employed contractor enjoys greater freedom in the variety of activities they can perform, while the artisan is subject to stricter professional and regulatory conditions due to the specific nature of artisanal work.

Second Subtitle: Economic and Social Dimensions of the Self-Employment System

First section: Importance of the Self-Employment System in Stimulating the National Economy:

The adoption of the self-employment system in Algeria has opened new horizons for independent work, especially given the increasing unemployment rates and the lack of job opportunities in both the public and private sectors⁽¹⁰⁾. This system allows the integration of a wide range of individuals into the economic cycle, serving as an effective mechanism to transition informal sector activities into formal economic structures.

This model also contributes to the creation of a diverse local economic fabric, based on small-scale, flexible, and adaptable projects that can respond quickly to market demands. It fosters an economic dynamism that encourages local economic integration and effectiveness.

Second section: Economic Analysis of the Self-Employment System

1. The Macro-Economic Impact on the Local Economy: Direct and Indirect Job Creation: Through individual projects in digital services, consulting, and other service sectors⁽¹¹⁾.

Stimulating Local Financial Circulation: By boosting demand for locally sourced services and products. **Reducing the Informal Economy:** Through the establishment of a legal framework that encourages individuals to enter the formal sector.

2.Economic Challenges Faced by the System: *Lack of Financial Support and Technical Assistance:* Despite the regulatory facilitation, financial institutions' support for self-employed contractors remains limited or complex.

Mismatch Between Approved Professions and Market Requirements: Creating a gap between the economic supply and real labor market needs⁽¹²⁾.

Absence of a Local Support Network (Local Economic Ecosystem): Such as incubators and accelerators, particularly in peripheral regions.

Third section: The Outlook of Self-Employment within the Framework of Economic Complexity and Global Integration

The concept of "local economic complexity" focuses on creating interconnections between economic activities. Individual projects, when properly integrated, contribute to the formation of local value chains, thus enhancing productivity and economic diversification⁽¹³⁾. Furthermore, encouraging digitalization and export activities allows self-employed contractors to enter global markets, especially in areas like digital marketing, web design, and consultancy services⁽¹⁴⁾.

This approach supports economic integration and increases global competitiveness, positioning the self-employment system as a strategic tool for sustainable development within the national economy.

Third Subtitle: Conditions and Procedures for Obtaining self-employed contractor Status under Algerian Law

Law No. 22-23 marks a significant step in regulating self-employment in Algeria, providing a clear and structured legal framework that enables individuals to conduct their economic activities legally and systematically. The law outlines the conditions and administrative procedures required to obtain self-entrepreneur status.

First section: Conditions for Obtaining self-employed contractor Status

To qualify as a self-employed contractor in Algeria, several conditions related to the nature of the activity and the target audience must be met. These conditions simplify administrative procedures, allowing individuals to register easily and seamlessly, thereby enhancing their opportunities in the job market. According to Article 3 of Law No. 22-23, the following criteria must be fulfilled:

1.Legal Capacity: self-employment is limited to natural persons,



excluding legal entities, as explicitly stated in Article 2 of the law, While Algerian commercial law does not specify a minimum age for engaging in commercial activities, the general provisions of the Civil Code set the legal age of majority at 19 years, barring any legal incapacity⁽¹⁵⁾.

Article 3 of Law No. 22-23 refers to the legal working age, aligning with Article 15 of Law No. 90-11,⁽¹⁶⁾ which sets the minimum age for employment at 16 years, subject to exceptions like apprenticeships or cases requiring guardian consent for minors.⁽¹⁷⁾

2. Nationality and Residency: Article 3 requires applicants to be Algerian citizens. Foreign residents in Algeria may also apply for self-entrepreneur status, provided they are legally residing in the country under applicable labor and residency laws.⁽¹⁸⁾

3. Qualified Activities: To benefit from the self-employed contractor framework, individuals must engage in profitable activities listed among the eligible categories defined by Executive Decree No. 23-197⁽¹⁹⁾.

Article 4 of the decree specifies seven fields of eligible activities, which include consulting, digital services, household services, personal care services, entertainment, institutional support, and cultural and audiovisual services. Examples include:

-Consulting and Expertise: Administrative, marketing, or training consultancy services.

-Digital Services: Website design, software development, and digital marketing.

-Household Services: Cleaning, maintenance, and organization services.

-Personal Services: Personal care, massage, and fitness training.

-Entertainment Services: Event planning and artistic performances.

-Institutional Services: Administrative or logistical support for companies.

-Cultural and Audiovisual Services: Artistic production, photography, and graphic design.

Freelance professions like medicine or engineering, as well as activities requiring specific licenses, are excluded to focus on small-scale, individual entrepreneurial activities.

4. Annual Revenue Cap: Article 51 of Finance Law No. 22-24⁽²⁰⁾ specifies that self-employed contractors are eligible for benefits under the framework if their annual turnover does not exceed 5 million DZD,

Additionally, they are subject to a single flat tax rate of 5% on their annual turnover.

second section: Administrative Procedures for Registration and Cases of Deregistration and Re-registration

1.Registration Process: Applicants must submit a registration request to the National Registry for self-employed, along with the necessary administrative documents proving compliance with the legal requirements.

The National Agency for self-employed contractor manages the registry and monitors, and supports self-employed contractor activities, Applications are submitted digitally via an online platform specified in Article 11 of Law No. 22-23. Requests are processed within three days, with applicants notified of acceptance or rejection.

Upon approval, the National Agency issues a self-employed Card, which:

- Serves as legal proof of self-entrepreneur status.
- Grants the holder access to the benefits of the self-employed contractor framework.
- The card includes a unique registration number tied to the national registry. It does not, however, permit unrestricted activities,⁽²¹⁾ the self-employed contractor must comply with applicable laws and regulations⁽²²⁾.

2. Cases of Deregistration from the Registry: Article 14 of Law No. 22-23 outlines cases where deregistration may occur, including but not limited⁽²³⁾ to:

- Voluntary requests submitted through the online platform or the National Agency.
- Failure to declare annual turnover or declaring zero turnover for three consecutive years.
- Exceeding the maximum annual turnover limit for three consecutive years.
- Legal or judicial obstacles preventing the continuation of the activity.

Death of the self-employed contractor. Deregistration decisions are communicated within 15 days to the self-employed contractor, tax authorities, social security agencies, and relevant banking or postal institutions. The decision also entails cancellation of the self-employed Card, resulting in the loss of associated benefits⁽²⁴⁾.



3. Appeals and Re-registration: A deregistered self-employed contractor may appeal the decision within 30 days to the Ministry responsible for startups⁽²⁵⁾. The Ministry must respond within 30 days of receiving the appeal.

According to Article 16, deregistered self-employed contractor may apply for re-registration after resolving the cause of deregistration and settling any outstanding tax or quasi-tax debts.

By establishing a clear and structured pathway for obtaining, maintaining, and regaining self-employed contractor status, Law No. 22-23 encourages individual economic participation while providing legal and administrative safeguards.

Chapter II: Privileges and Obligations of the self-employed contractor and Monitoring of Their Activity

The self-employed contractor system in Algeria was established to promote self-employment and regulate emerging economic activities, particularly in the digital sector. This system seeks to foster entrepreneurship and facilitate individual integration into the formal economy. Under the legal framework for self-employed contractor, individuals benefit from numerous advantages, including tax, administrative, and social benefits, while also adhering to several obligations. To ensure the system's efficiency, the National Agency for self-employed (ANA) was created to oversee the implementation of the law and ensure compliance with relevant regulations.

First Subtitle: Legal Privileges and Obligations of self-employed contractor: The self-employed contractor system in Algeria provides various advantages to encourage individuals to engage in self-employment and self-employment. In return, self-employed contractors are required to fulfill specific legal obligations.

First section: Privileges

The key privileges are as follows:

1. Tax Advantages Preferential Tax System: self-employed contractors benefit from a simple and flexible tax regime. While Law No. 22-23⁽²⁶⁾ outlines the framework, Finance Law No. 22-24⁽²⁷⁾ specifies that self-employed contractor achieving an annual turnover of up to 5 million DZD are subject to a reduced tax rate of 0.5% of their turnover. This preferential tax system helps entrepreneurs maximize their profits and encourages compliance with tax regulations.

-Exemption from Commercial Register Requirements self-employed

contractors are not required to register in the commercial register, reducing administrative and financial burdens compared to traditional business structures.

-Simplified Accounting: self-employed contractors are only required to maintain a basic accounting record, numbered and certified by the local tax authority⁽²⁸⁾, to document revenues and expenses without needing to prepare complex financial reports.

2. Administrative Advantages

-Ease of Registration: Registration is straightforward and conducted through a dedicated online platform managed by the National Agency for self-employed contractor,. Applications are processed within three working days,⁽²⁹⁾ after which a self-employed contractor card is issued, granting the individual an official professional identity and legal recognition.

-Bank Account Opening: self-employed contractors can open a commercial bank account specific to their business activities, facilitating financial management and improving professionalism. Despite being exempt from the commercial register, Article 9 of Law No. 22-23 allows self-employed contractor to open a bank account using their card.

-Export Revenue in Foreign Currency: self-employed contractors in the digital services sector can export their services and receive revenue in foreign currencies,⁽³⁰⁾ which they can fully repatriate to Algeria. This provision promotes participation in international markets.

3. Social Advantages

-Social Security Coverage: self-employed contractors can enroll in the non-salaried workers' social security system,⁽³¹⁾ gaining access to health insurance and retirement benefits, ensuring financial and social security.

-Protection of Personal Residence: self-employed contractors can conduct their activities from their personal or family residence without risking its seizure due to business debts or obligations⁽³²⁾, as stipulated in Article 7 of Law No. 22-23.

These advantages collectively create a favorable environment for her, fostering their success and sustainability in the Algerian market.

Second section: Obligations

self-employed contractors must adhere to the following obligations

as outlined in Law No. 22-23:

-Tax Registration: they must register with the relevant tax authorities to obtain a tax identification number (NIF) within 30 days of receiving their card⁽³³⁾.

Declaration of Annual Turnover: They are required to submit an annual administrative certificate to the National Agency for self-employed contractor, issued by the tax authority, detailing their annual turnover in the prescribed format.

-Tax Compliance: Entrepreneurs must declare their turnover to the tax authorities and pay the applicable taxes.

-Compliance with Laws and Regulations: self-employed contractors must comply with the legislative and regulatory provisions governing their activities,⁽³⁴⁾ including consumer protection laws, competition rules, and health, safety, and environmental regulations.

-Registration in the Commercial Register (if applicable): If a self-employed's annual turnover exceeds the legal limit for three consecutive years, they are required to register in the commercial register. Failure to do so will result in deregistration from the national registry.

By balancing privileges with obligations, the legal framework ensures that self-employed contractors contribute to economic growth while operating within a regulated system⁽³⁵⁾.

Second Subtitle: The National Agency for Self-Employed as the Supervisory and Regulatory Authority over Self-Employed Contractors' Activities

The National Agency for Self-Employed (ANA) was established under Executive Decree No. 23-196 of May 25, 2023⁽³⁶⁾, which defines its organization and operation, in accordance with Law No. 22-23, particularly Article 5⁽³⁷⁾. The agency is the official entity responsible for managing the Self-Employed Contractor system and monitoring associated activities. It operates within the broader goal of transitioning the informal economy into a formal one.

Operating under the supervision of the Ministry of Small and Medium Enterprises, the agency is tasked with implementing government policies related to Self-Employed Contractors. It also manages the National Register of them, a critical tool for tracking economic activities carried out by registered individuals.

First section: The Legal Nature and Functions of the Agency

According to Articles 2 to 4 of Executive Decree No. 23-196, the agency is a public administrative institution with legal personality and financial independence. It operates under the authority of the Minister in charge of startups. Headquartered in Algiers, the agency can establish branches through a joint decision by the Minister of Startups, the Minister of Finance, and the authority overseeing public service.

The organizational structure of the National Agency for the Self-Employed is governed by a Board of Directors, chaired by a representative of the supervising minister and composed of representatives from various ministries and sectors, including National Defense, Interior, Finance, Digitalization and Statistics, as well as Labor, Employment, and Social Security. The Agency is managed by a Director General, appointed by decree, who oversees its administrative, financial, and operational activities. It is structured into several central directorates, primarily the Directorate of Digitalization and Information Systems, the Directorate of Support and Supervision, and the Directorate of General Administration and Resources.⁽³⁸⁾ The Agency's financing is secured through state subsidies, donations and bequests, potential contributions from national and international bodies, and revenues generated from its activities. It is subject to public accounting rules and is financially supervised by a financial controller appointed by the Minister of Finance.

Functions of the Agency (Article 5, Executive Decree No. 23-196):

1.Managing the National Register of Self-Entrepreneurs: *The agency creates and updates the register, which contains data on all registered Self-Employed Contractors. This ensures transparency and effective monitoring of activities.*

2.Facilitating Registration and Deregistration: *The agency provides an online platform that simplifies the registration process for Self-Employed Contractors and handles deregistration requests for those ceasing their activities.*

3. Awareness and Guidance: *The agency offers awareness programs and training sessions to educate Self-Employed Contractors about their rights and obligations,⁽³⁹⁾ helping them comply with tax and social regulations.*

4.Coordination with Other Authorities: *The agency collaborates with the General Directorate of Taxes and the Social Security Fund for*



Non-Salaried Workers to ensure compliance with tax and social declarations.

second section: The Supervisory Role of the Agency

The Agency through a specialized technical committee, is responsible for regularly reviewing and updating the list of eligible activities. The primary sectors covered include digital services, consultancy and training, financial and social services, media, communication, and audiovisual services, as well as activities with international references. The committee may propose the inclusion, removal, or modification of any activity based on market demands and technological developments.⁽⁴⁰⁾ From an economic and social perspective, the Agency's intervention aims to integrate the informal economy into formal channels, contribute to the creation of new employment opportunities, and encourage individual entrepreneurial initiatives, particularly in digital and innovative sectors. Moreover, it seeks to strengthen the role of the digital economy and align with global economic transformations in this field.

The agency plays a crucial supervisory role to ensure adherence to the laws and regulations governing the Self-Employed Contractor system. Its key responsibilities include:

1. Verifying Data Accuracy: *The agency verifies the information provided during registration, including the nature of the economic activity and its compliance with approved activities.*

2. Monitoring Tax and Social Obligations: *The agency ensures that Self-Employed Contractors fulfill their tax declaration and payment obligations and comply with social security requirements.*

3. Detecting Violations: *The agency identifies violations such as false information, unauthorized activities, or non-compliance with legal limits. Penalties may include deregistration or fines, depending on the severity of the violation.*

4. Enforcing Annual Income Limits: *The agency ensures that Self-Employed Contractors do not exceed the legally set income limit of 5 million DZD annually. ⁽⁴¹⁾If exceeded for three consecutive years, the individual must register as a traditional business entity or face deregistration.*

5. Preventing System Abuse: *The agency collaborates with judicial and security authorities to prevent the misuse of the Self-Employed Contractor system for illegal purposes such as tax evasion or money*

laundering.

Conclusion:

The Self-Employed Contractor framework represents an attractive professional option, offering individuals independence and flexibility. However, it comes with challenges requiring effective strategies to overcome. Based on the study, several conclusions can be drawn about the system in Algeria:

Findings:

1. The Self-Employed Contractor model is an innovative approach to organizing small economic activities and integrating the informal sector into the national economy.

2. Algerian legislators have provided significant advantages for Self-Employed Contractors compared to regular traders, including preferential taxation and the ability to operate from personal residences while protecting these residences from seizure.

3. Self-Employed Contractors face various challenges, including limited funding, bureaucratic complexities, and unregulated competition.

4. The lack of technical support and ongoing training undermines the ability of Self-Employed Contractors to tackle market challenges and grow their projects

Recommendations:

1. Expanding Approved Activities: Broaden the list of eligible activities to include sectors aligned with market demands.

2. Simplifying Administrative Procedures: Further streamline administrative processes by digitizing all operations related to registration and activity monitoring. Establish specialized support offices to assist Self-Employed Contractors.

3. Enhancing Financial and Technical Support: Allocate tailored financial programs with flexible conditions and guarantees. Organize workshops and training sessions to develop managerial and technical skills.

4. Strengthening the Agency's Role: Bolster the National Agency for Self-Employed Contractors by increasing its technical and human resources, enhance inter-agency coordination to improve oversight and achieve the system's goals.

5. Promoting Social Awareness: Conduct media campaigns to highlight the importance of the Self-Employed Contractor system as an

effective economic tool. Encourage entrepreneurial culture among youth and motivate them to engage in this system.

The National Agency for Self-Employed Contractors plays a vital role in regulating and monitoring the self-entrepreneur system in Algeria. Despite the challenges, enhancing its capabilities and fostering inter-agency cooperation can improve its effectiveness and help achieve the system's objectives.

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