ADMINISTRATIVE COURTS OF APPEAL AS A BODY ESTABLISHED IN THE ADMINISTRATIVE ARTICLE IN ACCORDANCE WITH LAW 22-13 AMENDING THE CODE OF CIVIL AND ADMINISTRATIVE PROCEDURE

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Abstract:
The Algerian Constitution of 2020, through Article 179, introduced a new addition to the Algerian administrative judiciary by establishing independent judicial bodies representing the second level of adjudication in administrative matters. This addition is manifested in the Administrative Courts of Appeal.
The adoption of Law 22-13 amending the Civil and Administrative Procedures Code of 08-09 explicitly activated these bodies. The law clarifies their jurisdiction, whether as appellate bodies for judgments and orders issued by the administrative courts of first instance, or as bodies of first instance dealing with specific cases, as explicitly stated. The law also regulates their composition, the procedures to be followed before them and the manner in which cases brought before them will be decided. Thus, pending their actual establishment in practice, this step represents a significant leap by the Algerian legislature in the field of administrative justice, consolidating the principle of judicial duality.
Keywords: *Administrative justice, appeal, administrative courts of appeal.*

1- INTRODUCTION:

An appeal is considered a second level of litigation where the case is reviewed a second time before a separate judicial authority. It involves independent judges with greater expertise and specialisation.
Appellate courts are therefore the latest and fairest level of adjudication. They give the aggrieved party the right to go back to court to defend their rights. At the same time, they give the judiciary the opportunity to review judgments that may need to be reconsidered.
It is worth noting that the Algerian legal system recognised this type of appeal in administrative matters, but before non-independent judicial bodies. The Council of State, as an appellate body, used to review the judgments of the administrative courts, in accordance with Article 902 of the Civil and Administrative Procedure Code 08-09[1], which states: "The Council of State is competent to decide on appeals against judgments and orders issued by administrative courts".
The Council of State also has jurisdiction to hear appeals in cases assigned to it by specific provisions.
However, with the adoption of the 2020 Constitution[2], new independent bodies specialising in administrative appeals have been created. These bodies are responsible for reviewing the judgments of the administrative courts of first instance, as provided for in Article 179[3] of the

[1]- Law No. 08-09, dated 18 Safar 1429, corresponding to 25 February 2008, containing the Civil and Administrative Procedures Law, Official Gazette, Issue 9, dated 17 Rabi Al-Thani 1429, corresponding to 23 April 2008.
[2]- El Djazair News 2020", Official Gazette, issue 82, dated 15 Jumada Al-Awwal 1442, corresponding to 30 December 2020.
[3]-Article 179 states: "The State Council is the body that evaluates the work of the administrative courts of appeal, administrative courts, and other bodies that adjudicate administrative matters."

Constitution. This has been further confirmed by the enactment of Law 22-13[1] amending the Code of Civil and Administrative Procedure, which contains more detailed provisions on their jurisdiction, composition, appeal procedures and decision-making process.

Given that these bodies are new to the Algerian administrative justice system, questions arise as to how appeals can be lodged with them, what judgments can be reviewed and what procedural steps are involved.

In order to answer these and other questions, the study is divided into two parts: The first will focus on the definition of the jurisdiction of the Administrative Courts of Appeal. The second will deal with the procedural aspects of the appeal procedure and the judgments handed down.

2- Determination of the jurisdiction of the administrative courts of appeal:

The administrative courts of appeal are a new body within the Algerian judicial system, created by the 2020 Constitution. They have two types of jurisdiction: an appellate jurisdiction and a first instance jurisdiction for certain types of cases.

2.1Jurisdiction of the administrative courts of appeal as an appellate body:

Article 900/1 bis of Law 22-13 states: "The Administrative Court of Appeal is competent to rule on appeals against judgments and orders issued by administrative courts. It is also competent to rule on cases referred to it by special provisions".

The Algerian legislator has therefore defined the specific jurisdiction of the Administrative Courts of Appeal, limiting it primarily to hearing appeals, as a second level of judicial authority, against judgments and orders issued by the Administrative Courts of First Instance. The Administrative Courts of First Instance are public law administrative tribunals. The number and territorial jurisdiction of these courts are determined by regulations[2].

Administrative tribunals are also general or regional courts of first instance in administrative matters[3]. They are specialised bodies with territorial jurisdiction. With regard to their specific jurisdiction, the Algerian legislator, in accordance with the recent amendment contained in Law 22-13, has adopted an organic criterion as well as a substantive criterion. They are considered to be the first-instance bodies competent to rule on all cases involving the State, the provinces, the municipalities, public bodies of an administrative nature, national public bodies and regional professional bodies, subject to appeal[4].

Therefore, the administrative dispute is primarily determined by considering the nature of the administrative entity being challenged. This has been the practice and has been confirmed by the Administrative Chamber of the Supreme Court in its decision of 23/01/1970[5], as well as by the Administrative Dispute Court in its decision of 17/07/2005[6].

Article 801 of the same law adds that, in addition to the jurisdiction conferred on the Administrative Courts by article 800, they shall have jurisdiction to hear and determine actions or proceedings for the annulment of administrative decisions, actions or proceedings for interpretation, as well as actions or proceedings for the review of the legality of decisions issued by the Province, by decentralised bodies within the State at provincial level, by municipalities and other administrative bodies, by regional professional organisations and by local public bodies of an

[1]- Law No. 22-13, dated 13 Dhu Al-Hijjah 1443, corresponding to 12 July 2022, amending and supplementing Law No. 08-09 containing the Civil and Administrative Procedures Law, Official Gazette, issue 48, dated 18 Dhu Al-Hijjah 1443, corresponding to 17 July 2022.

[2]- Mohamed El SaghirBaali. "Concise Guide to Administrative Disputes", Dar Al-Alam for Publishing and Distribution, Algeria, 2002, p. 140.

[3]- Khaloufi, Rachid. "Law of administrative disputes: Organisation and Jurisdiction of Administrative Justice", 2nd edition, Diwan Al-Matbouaat Al-Jamiyah, Algeria, 2005, p. 212.

[4]- Article 800 of Law 22-13.

[5]- Decision of the Supreme Court, Administrative Chamber, dated 23.01.1970, quoted in:Barbarah, Abdelrahman. "Explanation of the Civil and Administrative Procedures Code", 1st edition, Baghdad Publications, Algeria, 2009, p. 484.

[6]- Decision of the Court of Dispute, dated 17/07/2005, cited in:Barbarah, Abdelrahman. Same reference as above, p. 484.

administrative nature. They also have jurisdiction in cases of general jurisdiction and those entrusted to them by special provisions.

In addition, article 802 of the same law identifies two types of disputes that do not fall within the jurisdiction of the administrative courts, namely disputes relating to traffic offences and disputes relating to compensation for damage caused by a vehicle belonging to the State, the province, the municipality or one of the public bodies of an administrative nature.

However, the establishment of the jurisdiction of a court to rule on a dispute as an administrative dispute, in accordance with Articles 800-801 of the aforementioned Code, is not sufficient for the court to be considered competent. In addition, the court must have territorial jurisdiction in accordance with Article 803 of the amended and supplemented Civil and Administrative Procedures Code of 08-09, which refers to Articles 37 and 38 of the same Code. We can thus see that the Algerian legislator has adopted a fundamental criterion in the allocation of territorial jurisdiction among the administrative judicial bodies, based on the principle that the judicial authority competent to consider the dispute is the one located in the jurisdiction of the defendant. If the defendant has no known place of residence, jurisdiction is attributed to the judicial authority in the area of the defendant's last known place of residence. If this is not the case, the court in the jurisdiction of the chosen place of residence will be considered competent.

On this basis, it is the plaintiff's responsibility to locate the defendant. Therefore, the plaintiff must initiate proceedings before the judicial authority in the jurisdiction of his or her domicile, according to the above-mentioned circumstances.

However, there are a number of exceptions to this rule, the purpose of which is to facilitate the plaintiff's access to justice for certain reasons[1]. These exceptions are defined in relation to the "domicile of the defendant", which is primarily defined in Article 804 of Law 22-13.

Thus, once the Administrative Tribunals have decided the cases brought before them in accordance with their specific or territorial jurisdiction, as explained above, they issue a judgment or order accordingly. This judgment or order may be appealed by any of the parties before the administrative courts of appeal.

Pursuant to Law 22-07[2], the Algerian legislator has designated, in accordance with Article 08 of the same law, the seat of six (6) administrative courts of appeal, located in Algiers, Oran, Constantine, Ouargla, Tamanrasset and Béchar.

Furthermore, in order to activate the territorial jurisdiction of the administrative courts of appeal, article 09 of the aforementioned law stipulates that "administrative courts shall be established within the jurisdiction of each administrative court of appeal".

2.2The first-instance jurisdiction of the administrative courts of appeal:

In addition to the above, it is noteworthy that the Algerian legislator, in accordance with Law 22-13 amending the Code of Civil and Administrative Procedure, has granted these bodies (the Administrative Courts of Appeal) the power to hear certain other cases as a body of first instance. This is confirmed by article 900/3 of the aforementioned law, which states that "The Algerian Administrative Court of Appeal shall have jurisdiction as a body of first instance in actions for the annulment, interpretation and assessment of the legality of administrative decisions issued by central administrative authorities, national public bodies and national professional organisations".

The general principle in administrative matters is that administrative courts of first instance have jurisdiction to hear and determine disputes, while higher courts act as appellate or cassation courts. It is noteworthy, however, that the legislator has explicitly granted the newly established appellate body the power to consider certain administrative disputes as a court of first instance. On this basis, both the organic criterion and the substantive criterion have been used to determine the first-instance jurisdiction of this type of court. It has been granted the power to rule on disputes

[1]- MessaoudChehiboub. "General Principles of Administrative Disputes: Jurisdiction Theory, Part 3", Diwan Al-Matbouaat Al-Jamiyah, Algeria, 1999, pp. 472-473.

[2]- Law No. 22-07 of 4 Shawwal 1443, corresponding to 5 May 2022, on the Judicial Department, Official Gazette, No. 32 of 13 Shawwal 1443, corresponding to 14 May 2022.

relating to actions for annulment, interpretation and review of legality in disputes relating to actions for annulment, interpretation and review of legality against decisions issued by the following bodies:

2.2.1Central administrative authorities: Generally refers to administrative bodies represented by ministries and their external services at local level[1], which have the legal capacity to take final decisions in administrative matters on behalf and for the account of the Algerian State as a whole[2].

2.2.2National public bodies: As far as Algerian legislation is concerned, there is no specific legal provision defining the entities meant by national public bodies. In light of this, some scholars have defined this type of body as "institutions and organisations entrusted with carrying out specific activities to meet the needs of the national group in various areas of public life of the State"[3]. They may include, for example, the National Council, the Higher Council of Information, the National People's Assembly, etc[4].

2.2.3National professional organisations: Generally refers to compulsory associations to which members of a profession must belong, where membership is considered a prerequisite for practising the profession[5].

In addition, the Algerian legislator has conferred on the Administrative Court of Appeal, in accordance with Article 900/2 bis of Law 22-13 referred to above, the power to hear cases assigned to it by specific provisions. Accordingly, it is often given jurisdiction as a body of first instance in cases where one of the independent administrative authorities, such as the Competition Council, the Supreme Council of the Magistracy or the Council of State, is a party. Until the issuance of these specific regulations confirming this, this type of cases will be dealt with.

Once this type of case has been decided by the Administrative Court of Appeal in the first instance, if an appeal is lodged against these judgments, the Administrative Court of Appeal for Algiers has exclusive jurisdiction to hear the appeal, to the exclusion of other courts, in accordance with the recent amendment to Law 22-13 on civil and administrative procedure.

With regard to judgments handed down by the Administrative Court of Appeal of Algiers, the Council of State is competent to hear appeals against such judgments, in accordance with Article 902 of Law 22-13[6].

The Algerian legislator, in Article 900 bis 4 of Law 22-13, which refers to Article 807 of the Civil and Administrative Procedure Code 08-09[7], considers the rules of jurisdiction, both substantive and territorial, to be imperative rules relating to the public interest of society and therefore to the

[1]- Lahcen Ben El Sheikh AthMellouya. "Civil and Administrative Procedures Law (An Interpretive Legal Study)", Dar Huma, Algeria, no year of publication given, p. 406.

[2]- Adel Bouamran. "Lessons on Administrative Disputes", Dar Al-Alam for Publishing and Distribution, Algeria, no year of publication given, p. 406.

[3]- Mohamed El SaghirBaali. "Intermediate Guide to Administrative Disputes", Dar Al-Alam for Publishing and Distribution, Algeria, no year of publication given, p. 157.

[4]- Adou, Abdelkader. "Administrative Disputes", Dar Huma for Publishing and Distribution, Algeria, 2012, p. 57.

[5]- SaachJazia. "The System of the Council of State in the Algerian Judiciary", Ph.D. thesis in Law, Department of Public Law, Faculty of Law, University of Algiers, 2008, p. 313.

[6]- Article 902 of Law 22-13 states: "The Council of State is competent to rule on appeals against the decisions of the Algerian Administrative Court of Appeal in cases of annulment, interpretation and assessment of the legality of decisions taken by the central administrative authorities. The specialised and territorial jurisdiction of the administrative courts is part of the general system. Lack of jurisdiction may be raised by either party at any stage of the proceedings. It must be raised automatically by the judge". National public authorities, national professional organisations".

[7]- Mohamed AbdelhamidMasoud. "Procedural issues in litigation before the administrative judiciary: General Theory of Administrative Claims from Institution to Judgment", Manashat Al-Ma'arif, Alexandria, 2009, p. 191.

general legal system[1]. This requires the judge to raise them ex officio if they are not raised by the parties, regardless of the nature of the case[2].

3. Procedure and time limit for appeals to the Administrative Court of Appeal:

3.1 Procedure for lodging an appeal with the Administrative Court of Appeal:

With reference to Article 900/6 bis of Law 22-13, which states: "The provisions of articles 539 to 542 of this law shall apply to the procedures for filing and registering appeals".

We note that the legislator has maintained the same procedures for filing appeals in administrative matters that were applicable under Law 08-09, the Civil and Administrative Procedures Act.

In general, in order to bring an action before the judiciary, and specifically before the Court of Appeal, according to Article 539 of Law 08-09, the request must be made in the form of a petition, which must be submitted in writing by the plaintiff to the court registry[3].

The petition is therefore the document that initiates the litigation, the acceptance of which is subject to certain rules. The petition specifies the subject of the claim, the parties to the dispute and the documents on which the claim is based. Accordingly, a petition to commence proceedings must be drafted in a specific format and contain specific elements[4].

The petition for appeal must contain a number of items of information, some of which are general and not specific to the petition for appeal submitted to the administrative courts. These requirements apply to all petitions, regardless of the court to which they are submitted. These requirements help the judge to identify the parties, to determine the subject matter of the case and to understand the claims of the parties. These requirements are set out in Article 540 of Law 08-09.

Furthermore, article 541 of the same law stipulates that the appeal must be accompanied by an identical copy of the judgment under appeal, under penalty of formal rejection. In addition, there are specific requirements applicable only to administrative appeals, as established by the Algerian legislator through amendments to the Civil and Administrative Procedures Code. One of the most important requirements is the mandatory representation by a lawyer before the Administrative Court of Appeal. Failure to do so will result in the rejection of the appeal. This is stated in Article 900/1 bis, which emphasises the requirement of legal representation before the Administrative Court of Appeal[5].

There are also specific provisions for certain types of cases, such as direct tax disputes, where the law requires the petition to be written on stamped paper (papier timbre). In real estate cases, the petition must be notarised. In addition, in cancellation cases, the petition must be accompanied by the decision being challenged.

However, it is noteworthy that the new amendment introduced by Law 22-13, which relates to the amendment of the Civil and Administrative Procedure Act in this regard, expanded the methods and procedures for filing a lawsuit before the administrative judicial bodies. It allowed parties to file a claim either in the traditional paper-based manner or electronically. This is confirmed by Article 900/1/1 of Law 22-13, which states: "The provisions of Articles 815 to 828 of this Law shall apply before the administrative courts of appeal". With regard to Article 815, it is stated that a complaint may be submitted to the administrative court either in paper form or electronically. It is therefore

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[1]- René Chapus. "Droit du contentieux administratif", 10th edition, Montchrestien, 2002, p. 237.

[2]- The French Council of State has confirmed this in many of its decisions, stating that the rules of jurisdiction, both specialised and territorial, are part of the general system. Examples include its decision of 5 July 2000 and another decision of 6 December 2002. Quoted from: MaryseDeguerge. "Procédure administrative contentieuse", Montchrestien, p. 129.

[3]- Hassan El-SayedBasyouni. "The role of the judiciary in administrative disputes: A Comparative Applied Study of Judicial Systems in Egypt, France and Algeria", Alam Al-Kutub, Cairo, no year of publication given, p. 219.

[4]- Barbarah, Abdelrahman. Same reference as above, p. 46.

[5]- With regard to the conclusion drawn in this point, it can be inferred that the Algerian legislator considered that, following the amendment of Law 22-13 on civil and administrative procedure, it was no longer obligatory for a case to be brought before the administrative courts of first instance by a lawyer, unlike in ordinary courts. This requirement is limited to the administrative courts of appeal.

clear that the Algerian legislator is gradually moving towards the introduction of electronic methods and the promotion of distance litigation. This approach offers advantages in serving citizens and the judiciary alike, speeding up procedures, saving time and reducing effort.

3.2Deadline for lodging an appeal with the Administrative Tribunal:

Administrative disputes are distinguished from other disputes by the specific time limits imposed on the parties at each stage of the judicial process. The purpose of the time limit is to allow the litigants to explore the possibilities that will allow them to consolidate their legal position with regard to the administrative act they wish to challenge, and thus to assess their chances of obtaining their rights.

On the other hand, considering that the public interest requires the stability of administrative matters so as not to hinder the normal functioning of the administration, it is necessary to set a specific time limit for the discussion of its matters[1].

According to Article 900/7 of Law 22-13, the time limit for lodging an appeal with the Administrative Court of Appeal is subject to the same provisions as those applicable to administrative appeals pursuant to Articles 829 to 832 of Law 08-09. These articles state that the provisions concerning the time limits for filing an appeal before the administrative courts of appeal are applicable. It is clear, therefore, that the legislator has dealt with the requirement of a time limit in accordance with specific and precise general rules, regardless of whether it concerns the administrative stage (appeal) or the judicial stage.

In addition, Article 950 of Law 22-13 makes the time limit for appeals more explicit. It stipulates that the appeal must be lodged within one month for decisions of administrative courts and within two months for decisions of administrative courts of appeal. The time limit is reduced to 15 days in the case of urgent decisions.

Thus, compared to the Law 08-09 on civil and administrative procedure, it can be seen that the legislator has reduced the time limit for appealing against judgments of lower courts to one month. However, the time limit for appealing decisions of the administrative courts of appeal remains two months.

It should be noted that it is possible to deviate from the general time limit for administrative disputes if there is a special provision governing it, based on the principle that "special provisions limit the general ones". The time limits provided for in the Code of Civil and Administrative Procedure do not apply to cases governed by special provisions[2].

The time limit is considered to be an essential condition relating to the public interest and therefore to the general system. This is confirmed by the Algerian legislator in the Code of Civil and Administrative Procedure. Articles 829, 830, 950 and 956 of the law show that the legislator has set a specific and precise time limit for the filing of a claim and an appeal, thus avoiding any ambiguity. In addition, article 69 of the same law states that "the judge must automatically raise the objection of inadmissibility if it concerns the general system, in particular in cases of non-compliance with the time limits for filing appeals or the absence of appeal procedures".

It is clear from this that the legislator has expressly confirmed the mandatory nature of the time limit, so that its expiry leads to the formal rejection of the application, which the judge may raise automatically. This principle is recognised by both lawyers and administrative judges.

Furthermore, there are specific cases in which the time limit may be extended, as determined by the legislator in accordance with article 832 of law 22-13 or by the administrative judiciary. In such cases, an extension of time is necessary. These cases include:

3.2.1 The lodging of an appeal with a non-specialised administrative tribunal:

This extension applies primarily to the filing of an administrative claim before a non-specialised administrative judicial authority. The legislator has addressed this situation in article 832/1 of the aforementioned law, making it a ground for suspending the time limits for appeal. The

[1]- Khaloufi, Rachid. "Law of Administrative Disputes: Conditions for Acceptance of Lawsuit", same reference as above, p. 182.

[2]- See Articles 950 and 956 of the Civil and Administrative Procedures Code.

administrative judiciary has confirmed this in various cases, such as the decision of the Administrative Chamber of the Supreme Court in the case of H.L. against the Mayor of Blida of 23 November 1985[1], and its decision of 28 July 1990 in the case of ZidounBoualem against the State of Blida[2].

3.2.2 Death of the applicant or change in his eligibility:

Article 832/2 of Law 22-13 states: "The time limits for appeal shall be suspended in the following two cases: death of the claimant or change in his eligibility". Therefore, in the event of the death of the claimant or a change in his or her eligibility, the time limits for appeal are suspended, resulting in an extension of the time limits.

3.2.3 Case of application for legal aid:

In Article 815 of the Code of Civil and Administrative Procedure, the legislator stipulated that the petition submitted to the administrative court must be signed by a lawyer. Article 900, repeated in article 1/2 of law 22-13, emphasises that the representation of the parties by a lawyer before the administrative court of appeal is mandatory, under penalty of the petition not being accepted.

Therefore, article 832/3 states: "The time limits for appeal are suspended in the following two cases: request for legal aid". Thus, the case of requesting legal aid is considered a reason for suspending the time limit and, consequently, for extending it.

3.2.4 Extension of the time limit due to force majeure or unforeseen events:

Article 849/2 of the Law 08-09 states: "In case of force majeure or unforeseen events, a new and final deadline may be granted". Accordingly, force majeure or unforeseen events are considered, according to the aforementioned article, as grounds for extending the time limit set by the law.

With reference to Article 832/4 of Law 22-13, we note that it considers force majeure or unforeseen events as one of the cases of suspension of the time limit. This is contrary to the practice in Law 08-09, which considered the last two cases (request for legal aid and force majeure or unforeseeable events) as cases of expiration of the time limit rather than its suspension.

3.2.5 Extension of time limits due to holidays:

If the last day of the time limit falls on a holiday, the time limit is extended to the first working day thereafter, in accordance with Article 405/4 of Law 08-09 on Civil and Administrative Procedure. Holidays within the meaning of this law include official holidays and weekly rest days, as confirmed in Article 405/3 of the same law.

3.2.6 Extension of time limits due to residence abroad:

For residents abroad, the law provides for an extension of the time limits for appeal, opposition, request for reconsideration and appeal in cassation, as provided for in the Civil and Administrative Procedure Code, for a period of two months, taking into account the circumstances of distance. This is confirmed by Article 404 of Law 08-09.

From the above, it is clear that the legislator has established the time limit requirement in order to ensure administrative stability, which has led to the establishment of time limits for filing complaints, claims and administrative appeals.

The legal nature of this requirement has been established as a public order condition, which prohibits its violation and obliges the judge to raise it ex officio.

Nevertheless, the legislator and the administrative judiciary have intervened to define exceptional cases in which the legal time limits are extended and in which the time limit cannot be considered as a mandatory condition related to public order. These exceptional cases are mentioned above and are specifically defined.

[1]- Decision of the Supreme Court, Administrative Chamber, dated 23/11/1985, under number 44026, cited in: Khaloufi, Rachid. Same reference as above, p. 230.

[2]- Decision of the Supreme Court, Administrative Chamber, dated 28/7/1990, under number 69998, cited in: Khaloufi, Rachid. Same reference as above, p. 231.

4. Procedures for appeals to administrative courts:

Referring to Law 22-13 amending the Code of Civil and Administrative Procedure, Article 900 repeats 9: "Articles 874 to 876 and 884 to 900 of this law shall apply to appeals before the Administrative Court".

When we examine Articles 874 and 875, we find that they have specified the procedures for scheduling the case in session and have outlined its conduct. Accordingly, the presiding judge of the panel determines the schedule for each session of the Administrative Court and communicates it to the Public Defender. The panel of judges or the President of the Council of State may also decide, at any time and if necessary, to schedule any case for the session to be decided by one of its panels.

Article 876 of the Code of Civil and Administrative Procedure requires that the parties be notified of the date of the hearing at least ten days in advance, which may be reduced to two days if necessary. It states:

"All parties shall be notified of the date of the session at which the case will be called.

Notification shall be made by the Secretariat at least ten (10) days before the date of the meeting.

In cases of urgency, this period may be reduced to two (2) days by order of the presiding judge of the panel".

This is the same requirement that is laid down in the Civil Code by Article 271 of the same law.

In addition, article 260/1 of the same law emphasises the need to also notify the Public Prosecutor's Office of the date of the session: "The Public Prosecutor's Office must be notified at least ten (10) days before the date of the session in cases where the State, one of the regional authorities or public bodies of an administrative nature are parties".

Once the case has been lodged, a hearing is scheduled and the parties are notified. After the submission of documents, requests and pleadings, and when the court considers the case ready for judgment, the pleading stage is completed. Consultations and deliberations then begin among the members of the court who have heard the pleadings, with the aim of reaching an appropriate judgment or decision on the dispute[1].

The case cannot be ready for judgment until the pleading stage has been completed. After each party has presented its arguments and the judges have observed that the parties have stuck to their claims without adding any new elements to the dispute, the case has met its requirements and is ready for judgment[2]. Consequently, the pleading stage is closed and the case is reserved for consideration. It becomes the property of the Court and is no longer under the control of the parties, who are no longer entitled to submit new defences or requests. In addition, the Public Prosecutor's Office may not submit any further observations or requests[3].

However, the decision to close the pleading stage is an act of judicial administration. Therefore, the party to whom the case is submitted has the right to reopen the case whenever necessary, either automatically or at the request of one of the parties. If there are elements that make it necessary to return the case to the docket for the proper administration of justice, the pleading stage is reopened on the basis of an oral order of the presiding judge, allowing the parties to submit memoranda, pleadings or other submissions[4]. This is confirmed by Article 268 of Law 08-09 on Civil and Administrative Procedure.

After the submission of motions, pleadings and new observations for which the pleading stage has been reopened, the pleading stage is closed. The judgment cannot be delivered before the

[1]- Mustafa Mohammed Tahami Mansoura. "Administrative Litigation Procedures: A Comparative Study", Doctoral Thesis, Ain Shams University, Egypt, 2006, p. 354.

[2]- Mustafa Mahmoud Kamil El-Sharbini. "The Invalidity of Legal Proceedings before the Administrative Judiciary: A Comparative Study", Doctoral Thesis, Faculty of Public Law, Assiut University, 2003, p. 815.

[3]- See Article 267 of the Civil and Administrative Procedures Code.

[4]- Barbarah, Abdelrahman. Same reference as above, pp. 198-199.

pleading stage of the case is closed. Otherwise, the procedure would be deficient and would have to be annulled, since it is a substantive procedure relating to public policy[1].

The purpose of this procedure is to enable the Court to put an end to the dispute before it. The most important step in reaching this conclusion is the deliberation on the merits of the case. It is through deliberation that the judges form the legal opinion to be applied to the case[2].

The term "deliberation" refers to the consultation, discussion and exchange of views between the judges on the subject-matter of the case, the investigations and inquiries made in the case and the relevant legal principles raised by the subject-matter of the case and their applicability.

This stage is an intellectual process reserved exclusively to the judges after the pleadings have been completed and before the judgment is delivered. Its purpose is to select the most appropriate solutions applicable to the subject-matter of the case. It is necessary to convince the judges and shape their convictions with regard to the selection of the best solutions to be applied to the case presented, ultimately leading to an appropriate judgment[3].

Deliberation is an intermediate stage between the conclusion of the pleadings and the delivery of the judgment. It is the most important and critical stage of the dispute, since what precedes it is merely preparation, and what follows is the announcement of the conclusions reached during deliberation. It involves careful study by the judges, meticulous thought, consultation, argument and persuasion, in order to achieve a match between the real-life scenario presented to them and the legal model to be applied.

On this basis, this procedure is considered to be one of the most important procedures related to litigation. Therefore, it is generally agreed that it is a procedure that primarily concerns the public interest and, consequently, the general legal system. As such, it cannot be dispensed with and its omission leads to the nullity of the judgment given in the case, whether it is raised by the litigants or by the judge on his own initiative[4].

With regard to the Civil and Administrative Procedure Act, it can be noted that the legislator has not established a specific method to be followed for the deliberation, nor a specific place where it should take place. These matters are left to the discretion of the court, taking into account the circumstances of each case before it. There are, however, certain principles that should be observed in the conduct of this procedure:

1. The hearing should take place after the pleadings have been completed.
2. Deliberations must be held in secret.
3. At the end of this phase, the final result of the deliberation should be documented by the drafting of the judgment in a document known as the draft judgment. This draft may be drawn up by all the members of the panel or by one of them in the presence of all the members and in agreement with them. The final opinion and the reasons on which the court based its opinion are recorded. The procedure then proceeds to the stage of delivery and pronouncement of the judgment.

At the end of this stage, the final result of the deliberations is documented by writing the judgment before it is pronounced on a document called the draft judgment. This draft may be drawn up by all the members of the panel or by one of them in the presence of all the members and in agreement with them. The final opinion and the reasons on which the court based its opinion are recorded. The procedure then proceeds to the stage of issuing and pronouncing the judgment.

The judgment must fulfil a number of procedural conditions and requirements, some of which precede its delivery and others of which are related to its delivery. The validity of the latter is linked to the validity of the former, since they cannot be taken into account unless the conditions

[1]- Mustafa Mahmoud Kamil El-Sharbini. Same reference as above, p. 815.

[2]- Mohamed Said Abdel Rahman. "Judicial Judgment: Its Elements and Rules of Issuance", 1st edition, Dar Al-Fikr Al-Jami'i, Alexandria, 2008, p. 209.

[3]- Mustafa Mahmoud Kamil El-Sharbini. Same reference as above, p. 817.

[4]- Mohammed Said Abdul Rahman, the previous reference, p. 210.

precedent to the issuance of the judgment, in particular those relating to the general legal system, are met.

The rules and conditions relating to the delivery of the judgment are of paramount importance for the legal effect of the settled dispute. It is not possible to discuss the validity of the judgment unless it has been issued by a competent judicial authority and in accordance with the prescribed legal form. However, the violation of these procedural conditions and requirements does not always lead to the nullity of the judgment, depending on the impact of the concept of the general legal system. If these conditions are related to the general legal system, their violation will in any case lead to the annulment of the judgment because of their connection with the public interest.

Conclusion:

According to article 179 of the 2020 Constitution, the Algerian legislator has introduced a new transformation in the field of administrative justice. This transformation involves the creation of new judicial bodies that will constitute the second level of jurisdiction in administrative matters, known as administrative courts of appeal, instead of the Council of State as an appellate body. This step is intended to activate the principle of the separation of powers, guarantee the independence of the judiciary and increase the effectiveness of the principle of judicial dualism.

This step therefore represents a qualitative leap by the Algerian legislator in the field of administrative justice. The creation of this type of court and the distribution of jurisdiction between the administrative courts, in accordance with the recent amendment of Law 22-13 on civil and administrative procedure, is intended to free up the Council of State to concentrate on its primary constitutional role. It also establishes harmony between the two judicial hierarchies, the ordinary and the administrative, both structurally and functionally. It also unifies the roles of the Supreme Court and the Council of State, since they are governed by a single provision.

Thus, the activation of the role of the administrative courts of appeal in their statutory jurisdiction would reduce the pressure on the Council of State, limiting its jurisdiction to cassation appeals and specific cases authorised by special provisions.

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