



THE ROLE OF THE CONSTITUTIONAL COURT IN CONSOLIDATING THE PRINCIPLE OF CONSTITUTIONAL SUPREMACY IN ALGERIA

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Abstract:

One of the most important reforms introduced by the Algerian constitutional amendment of 2020 is the establishment of the Constitutional Court as an independent institution tasked with guaranteeing the respect for the constitution. The constitutional founder granted the Constitutional Court additional powers that were not granted to the Constitutional Council. These powers include the authority for the Constitutional Court, for the first time, to interpret constitutional judgments and to expand its powers in the field of overseeing the constitutionality of laws to include oversight of presidential orders. It also introduced oversight of the conformity of laws and regulations with treaties and subjected regulations to subsequent jurisdictional oversight. Furthermore, the Constitutional Court has the authority to settle disputes that may arise between the authorities in the state.

Keywords: Court - Constitutional - Consecration - His Highness - Constitution - Algeria.

INTRODUCTION:

The principle of the supremacy of the constitution is the foundation of any sound democratic system and is also one of the most important characteristics of the rule of law. The principle of the supremacy of the constitution means that constitutional rules take precedence over other legal rules applied in the state. Thus, constitutional rules serve as the legal basis for determining the system of governance and for the exercise of public authorities in the state according to their jurisdiction. Therefore, power only manifests itself through the constitution and to the extent defined and regulated by it.


However, respect for the constitution and a constant commitment to its provisions can only be ensured if the state has effective oversight mechanisms that guarantee this respect. Thus, Algeria has played a prominent role in building, reforming, and restructuring its constitutional institutions. The constitutional amendment of 2020 represents a new milestone in the Algerian constitutional experience, aimed at reestablishing the foundations of a state based on the rule of law and freedoms, particularly through the establishment of an independent institution known as the Constitutional Court.

Therefore, this study derives its importance from the prominent position occupied by the Constitutional Court in the Algerian constitutional system as an independent institution. Its main mission is to guarantee respect for the constitution and regulate the activities of public authorities. The constitutional founder dedicated an entire section, namely the first section of the fourth chapter titled "Institutions of Oversight," to the Constitutional Court.

From this perspective, we pose the following question: To what extent did the Algerian constitutional founder, through the 2020 amendment, succeed in guaranteeing the principle of the supremacy of the constitution by establishing the Constitutional Court?

Therefore, the aim of this study is to highlight the various aspects of the role of the Constitutional Court in consolidating the principle of the supremacy of the constitution by observing the most important developments in the legal system of the Constitutional Court.

To answer the research question and achieve the desired objectives, we have followed a descriptive approach to define the concepts involved in the study. We have also employed an appropriate



analytical approach to comment on various constitutional provisions related to the subject, according to the following division:

Firstly, enhancing the jurisdiction of the Constitutional Court through independent interpretation of constitutional provisions.

Secondly, expanding the powers of the Constitutional Court in overseeing the constitutionality of laws compared to the Constitutional Council.

Thirdly, the role of the Constitutional Court in consolidating the principle of the separation of powers.

Firstly: Enhancing the jurisdiction of the Constitutional Court through independent interpretation of constitutional provisions.

The constitutional interpretation by the constitutional judiciary is expected to eliminate the ambiguity that affects constitutional texts and outline the path that legislative processes, implementation, and law application should follow.

The constitutional interpretation within the jurisdiction of the constitutional judiciary has a direct impact on the constitutional system and the performance of institutions. The interpretation given by the constitutional judge to the text is binding on all authorities in the state.

Due to the importance of this jurisdiction and its consequential results, many constitutions allocate specific provisions that clarify the scope and limits of this jurisdiction.

Therefore, the constitutional dedication of interpreting constitutional provisions in the 2020 amendment and assigning it to the Constitutional Court is the optimal and equitable solution in enhancing and ensuring the principle of the supremacy of the constitution, given the neglect of this matter in previous constitutions.

A. The lack of constitutional foundation for interpreting constitutional provisions under previous constitutions before the 2020 amendment:

Upon examining the previous constitutions and the defined system of operation of the Constitutional Council, we do not find an explicit constitutional provision granting the Constitutional Council the direct and independent jurisdiction to interpret constitutional provisions, starting from the 1963 constitution, which was the first constitution of the Algerian state, up until the 2016 amendment.

While neglecting the issue of interpretation may be acceptable at the level of previous constitutions, the problem arises concerning the 1996 constitution. It expanded the powers of the Constitutional Council by involving it, for the first time, in overseeing organic laws. Similarly, if the 2002 and 2008 amendments neglected the issue of interpretation based on the fact that they only addressed some partial amendments that did not affect the oversight of the constitutionality of laws, this is not acceptable for the 2016 amendment. The 2016 amendment made substantial changes that affected the powers of the Constitutional Council, such as expanding the scope of notification and introducing the mechanism of referral for unconstitutionality under Article 188 of the constitution¹.

However, despite the lack of constitutional foundation for the issue of interpretation in the previous stage before the establishment of the Constitutional Court, the Constitutional Council appeared as an implicit interpreter at times and an explicit interpreter at other times on several occasions.

For example, the explanatory memorandum on constitutional provisions related to the partial renewal of appointed members of the Council of the Nation (the upper house of the Algerian Parliament) was issued under the title "Explanatory Memorandum on Constitutional Provisions Related to the First Partial Renewal of Appointed Members of the Council of the Nation." The Constitutional Council issued this memorandum at the request of the President of the Republic, interpreting Article 181 of the 1996 constitution regarding the renewal of Council of the Nation members. This came after the first partial renewal of Council of the Nation members in 2001, where Article 114/2 of the same constitution states that the President of the Council of the Nation is elected after each partial renewal of the Council's composition. At the same time, Article 181/2 provides an exception for the President of the Council of the Nation who serves the first term for a period of 6 years based on a lottery.

In order to respect the constitution, the Constitutional Council exempted the President of the Council of the Nation from the renewal lottery, even though the Council had previously rejected the President's request on the grounds that it is only the President of the Republic who has that right,

considering the Council as the guardian of the constitution. The Constitutional Council relied on Article 163² of the constitution in this regard, which was subsequently followed by the President of the Republic.

The memorandum stated: "As long as the matter presented to the Constitutional Council by the President of the Republic, according to the first paragraph of the constitution, concerns the interpretation of constitutional provisions related to the partial renewal of members of the Council of the Nation...³"

B. Recognition of the Constitutional Court's jurisdiction for independent interpretation of constitutional provisions according to the 2020 amendment:

The constitutional amendment of 2020 granted the Constitutional Court the authority to interpret constitutional provisions in accordance with the provisions of Article 192/2, which states: "...these bodies may notify the Constitutional Court regarding the interpretation of a provision or several constitutional provisions."

By introducing this provision, the constitutional legislator has added an inherent jurisdiction that aligns with the nature of constitutional courts, as they serve as a source of interpretation for constitutional provisions. It also resolves the debate that was raised regarding the legal basis on which the Constitutional Council relies for the independent interpretation of constitutional provisions. Moreover, it aligns with some comparative systems that have been pioneers in granting their constitutional courts this authority, such as the Jordanian, Egyptian, and Palestinian constitutions⁴.

If the basis of the Constitutional Court's jurisdiction in interpreting the constitution stems from its supervisory role over the constitutionality of laws, as it is impossible to assess the constitutionality of a text without interpreting the provisions of the constitution, especially considering that constitutional provisions may contain multiple meanings due to their generality, this jurisdiction is also based on an explicit constitutional provision (Article 192). The constitutional legislator recognized the impossibility of continuing to ignore the specification of the body responsible for interpreting its provisions since legal texts, regardless of their source, require clarification. Therefore, there is no more competent and suitable entity than the Constitutional Court to fulfill this task⁵.

1- Conditions for Interpretation:

Referring to Article 192, we find that the request for interpretation is subject to the following conditions:

- The interpretation should pertain to a provision or multiple constitutional provisions: According to Article 192/2, the request for interpretation is focused on a provision or multiple constitutional provisions, excluding any text not mentioned in the constitutional document⁶.

- Limitation of notifying bodies: The authority to notify the Constitutional Court for the interpretation of constitutional provisions rests either directly with the President of the Republic, as the guardian of the constitution (Article 84 of the Constitution), or with the President of the Council of the Nation, the President of the People's National Assembly, the Prime Minister, or the Head of Government, depending on the case, as they initiate draft laws and discuss legislative proposals. Alternatively, it can be initiated by 40 deputies or 25 members of the Council of the Nation, as they also initiate legislative proposals and participate in the discussion of drafts.

Furthermore, the Constitutional Court can be indirectly notified by citizens through the mechanism of unconstitutionality, thereby enhancing the Court's authority, especially considering that the issue of unconstitutionality relates to rights and freedoms enshrined in the constitution.

Therefore, the Constitutional Court is obliged to define the content and scope of rights, which undoubtedly requires interpretation of provisions relating to rights and freedoms. These provisions are expressed in the constitution in broad and diverse terms⁷, and jurists refer to this type of interpretation as "derivative interpretation." It is not a supervisory interpretation of legislative provisions subject to constitutional scrutiny, but rather a meaning provided by the constitutional judge based on what is stated in the constitutional text⁸.

2- Content of the Constitutional Request:

The Algerian constitutional founder did not explicitly mention the content of the request for interpretation, which differs from some constitutions. In the case of the Egyptian Constitutional Court, for example, a prerequisite for seeking interpretation is the existence of a prior dispute regarding the interpretation of the constitution. Such disputes may arise between constitutional and legal institutions, and it becomes more complex if the Constitutional Court, as a neutral entity, does not intervene to provide a convincing and binding resolution regarding the different interpretations of the text⁹.

The constitutional founder also did not specify the legal value of the interpretation granted by the Constitutional Court. However, we can perceive that the opinion of the Constitutional Court is binding, considering that it is the only entity entrusted by the constitution to ensure respect for the constitution. Furthermore, the last paragraph of Article 198 affirmed the binding and final nature of the decisions of the Constitutional Court for all public, administrative, and judicial authorities, including the opinions it issues regarding interpretation. This is because the Constitutional Court is the competent authority constitutionally designated for interpretation.

3- The Importance of Interpreting Constitutional Texts:

The explicit constitutional foundation for the process of interpretation highlights its significance in legitimizing the decisions and opinions of the Algerian Constitutional Court. Through interpretation, the lofty principles of the constitution are upheld, constitutional conformity¹⁰ is achieved, and the provisions of the constitution are safeguarded both in letter and spirit. This is because constitutional scrutiny extends beyond the mere formal protection of constitutional texts to encompass their underlying principles.

Furthermore, providing interpretation to a constitutional text means breathing legal life into it and making it enforceable¹¹. Constitutional texts often possess a general and abstract nature, making it challenging to precisely determine their meanings and scopes on many occasions. Therefore, the task of determining the meaning of legal texts falls upon the entities responsible for their interpretation, thus highlighting the importance of interpreting constitutional provisions¹².

Secondly: Expanding the Powers of the Constitutional Court in the Field of Reviewing the Constitutionality of Laws in Comparison to the Constitutional Council

The constitutional founder granted the Constitutional Court additional powers that were not bestowed upon the Constitutional Council. These powers include the supervision of orders, the introduction of a review of laws' compliance with treaties, and subjecting regulations to subsequent jurisdictional scrutiny, with notifications provided within a month of their publication. Additionally, the scope of unconstitutionality claims was expanded to include regulations that violate the rights and freedoms guaranteed by the constitution, beyond the legislative sphere that was previously limited by the constitutional amendment of 2016¹³. Therefore, through this point, we will attempt to address the powers of the Constitutional Court in the field of reviewing the constitutionality of laws, which can be divided into prior review and subsequent review.

A. Prior Review:

Prior review refers to the control exercised before the issuance of a law. It holds significant importance as it serves as a protection mechanism against constitutional violations before the implementation of laws and the establishment of legal consequences. Moreover, it helps prevent constitutional mistakes before they occur. In this context, the constitutional founder distinguished between two types of prior review: mandatory and discretionary.

1. Mandatory Prior Review:

Laws, organic laws, internal regulations of parliamentary chambers, and presidential orders are all subject to mandatory prior review by the Constitutional Court.

1-1. Review of Organic Laws and Internal Regulations of Parliamentary Chambers:

According to Article 190/5-6 of the constitutional amendment of 2020, organic laws and internal regulations of parliamentary chambers are subject to mandatory review. This is due to the importance and specificity of this category of laws in the legal system of the state. Organic laws

differ from ordinary laws in terms of their nature, procedures, and their position in the legal hierarchy of the state, as they are considered extensions of the constitution and complements to it.

Therefore, Article 140/9 stipulates that an organic law must undergo a constitutional compatibility review by the Constitutional Court before its issuance. This review is mandatory and requires notification by the President of the Republic. The same applies to the internal regulations of parliamentary chambers, as stated in Article 190/6 of the constitution.

When organic laws are submitted to the Constitutional Court, the Court examines their conformity with the constitution in terms of form and substance. After the Court's decision, the President of the Republic can issue the organic laws. It is worth noting that according to Article 197 of the constitution, decisions of the Constitutional Court regarding the constitutional review of organic laws are made by an absolute majority of its members, while other decisions are made by a majority of the attending members. If the Constitutional Court decides that a law is unconstitutional, it should not be issued, as stated in Article 198 of the constitution.

Regarding the internal regulations of parliamentary chambers¹⁴, the constitutional founder did not explicitly address the declaration of their non-conformity with the constitution. In this case, the parliamentary chambers must reconsider and adapt their internal regulations according to the requirements of the constitution, based on the provisions of the Constitutional Court's decision, and then present them again.

And this is what was later clarified by the Internal Regulations of the Constitutional Court issued on January 22, 2023, in its eighth article (8) which states: "If the Constitutional Court decides, when ruling on the conformity of the internal regulations of both parliamentary chambers with the constitution, that these regulations contain one or more provisions that are not in conformity with the constitution, they cannot be separated from the rest of the provisions of these regulations, and the text shall be referred back to the notifying authority.

Each amendment to the internal regulations of both parliamentary chambers is submitted to the Constitutional Court for monitoring its conformity with the constitution.¹⁵"

1-2. Oversight over Presidential Decrees:

Presidential decrees issued by the President of the Republic in urgent matters, in the event of the vacancy of the National People's Assembly and during parliamentary recess, according to Article 142 of the constitutional amendment of 2020, it is mandatory for the President of the Republic to notify the Constitutional Court about such decrees. The Court must rule on them within 10 days. The reason for this is the urgent nature of such texts to address exceptional circumstances that the state may face in the absence of the parliament, which has the authentic jurisdiction in legislation.

As for the timing of notifying the Constitutional Court, the constitutional founder did not address it specifically. However, notification should occur before presenting the decrees to the parliament for approval since the decrees must be presented to each chamber of the parliament at the beginning of the next session for their approval, according to Article 142/3 of the constitution.

However, if the Constitutional Court decides that the decrees issued by the President of the Republic are unconstitutional, they lose their effect from the date of the Court's decision, without retroactive application, in order to preserve acquired rights¹⁶.

We appreciate the constitutional founder's position regarding the necessity of subjecting presidential decrees to mandatory oversight. This is due to the importance of the subjects in which the President of the Republic intervenes by regulating them through decrees that encompass the specific scope of legislative authority, especially in Articles 139, 140, and other articles of the constitution. Thus, the President of the Republic is able to legislate through decrees in the field of ordinary and organic laws.

As for the decrees issued by the President of the Republic during a state of emergency, in addition to their adoption in the Council of Ministers, the constitutional founder obliged the President of the Republic to submit all decisions made to the Constitutional Court for its opinion¹⁷.

2. Optional prior review:

According to Article 190 of the constitutional amendment of 2020, the Constitutional Court exercises optional prior review regarding treaties and ordinary laws.

2-1. Review of the constitutionality of international treaties:

The review of treaties is considered an optional prior review according to Article 190 of the constitution. Therefore, constitutional review cannot be initiated regarding a treaty or agreement after its ratification. This means that the constitutional founder excluded subsequent review regarding treaties and agreements.

As for armistice agreements and peace treaties, which require explicit approval from both chambers of parliament before their ratification, according to Article 153 of the constitution, they are not subject to constitutional review due to their special nature and the circumstances they address. The President of the Republic seeks the opinion of the Constitutional Court regarding them, in accordance with Article 102. This constitutional procedure does not fall under the review of the constitutionality of treaties. Instead, it is included in the third section related to the organization of powers and their separation, specifically in the first subsection concerning the President of the Republic (exceptional cases)¹⁸.

We highly appreciate the constitutional founder's decision to make this oversight a prior oversight, as it does not pose any practical challenges. As for subsequent oversight, it is exercised after the approval of the agreement and its entry into force. If the Constitutional Court decides that it is unconstitutional, this would entail issuing a decision to suspend the implementation of that agreement, leading to the dissolution of the state from its international obligations, causing embarrassment in its international relations¹⁹.

2-2. Oversight of the constitutionality of ordinary laws:

Ordinary laws are defined as those laws enacted by the parliament based on a draft submitted by the government or a proposal submitted by the deputies, and their approval is in accordance with the constitutional rules in force²⁰.

Furthermore, ordinary laws are those that have defined the areas of legislation by the parliament in Article 139 of the Constitution. The oversight of the constitutionality of ordinary laws is an optional prior oversight, in which the Constitutional Court decides by a ruling. This is in contrast to previous constitutions where the Constitutional Council would decide on their constitutionality based on an opinion if it was prior oversight, or by a ruling if it was subsequent oversight, as stated in the 1996 Constitution. However, the constitutional amendment of 2016 made ordinary laws subject to prior constitutional oversight, to be determined by an opinion²¹.

However, what is notable in this regard is that the constitutional founder granted the possibility of notifying the Constitutional Court regarding the constitutionality of ordinary laws before their issuance, within 30 days of the President of the Republic receiving the law according to Article 148 of the Constitution. However, the notifying parties may not be able to notify the Constitutional Court when the President of the Republic issues the law shortly after receiving it. Therefore, some argue the necessity of amending Article 148 of the Constitution to allow the President of the Republic to issue the law only after 30 days have passed since receiving it, so that the notifying parties can notify the Constitutional Court²².


b) Subsequent oversight:

Subsequent oversight of the constitutionality of laws refers to the oversight that takes place on the legal action that has entered into force²³. In this context, the Algerian constitutional founder granted the Constitutional Court the authority to review the constitutionality of regulations after their issuance within the framework of optional subsequent oversight. One aspect of expanding the scope of optional oversight by the Constitutional Court is the oversight of the conformity of laws and regulations with treaties²⁴.

1- Oversight of the Constitutionality of Regulations:

Article 141 of the Constitution grants the President of the Republic the regulatory authority in matters not assigned to the law (i.e., the legislative domain), which is a non-exclusive domain.

Similar to other constitutions, the constitutional amendment of 2020 enabled the notifying parties to approach the Constitutional Court regarding the constitutionality of regulations. However, this oversight does not extend to executive regulations issued by the Prime Minister or the Head of Government, which are issued in implementation of the law and regulations. The determination of



their legitimacy falls under the jurisdiction of the administrative judiciary. Rather, this oversight extends to independent regulations issued by the President of the Republic.

The competence of the Constitutional Court to examine the constitutionality of regulations is activated upon notification by the designated entities specified in Article 193, provided that this is done within one month from the date of their publication in the Official Gazette, according to Article 190/3 of the Constitution. If the deadline expires, the right to initiate oversight is forfeited, but the avenue of oversight remains open through the mechanism of raising a constitutional challenge if its conditions are met.

2- Oversight of the Conformity of Laws and Regulations with Treaties:

This oversight represents a new form of oversight that the constitutional founder has not previously entrusted to the Constitutional Council. It involves assessing the conformity of laws and regulations with treaties, considering them as superior. Therefore, the Algerian Constitution guarantees the principle of sovereignty for treaties within the structure of national law, and any violation of treaties after their ratification is considered a violation of the Constitution itself.

Thirdly: The Role of the Constitutional Court in Upholding the Principle of Separation of Powers:

The function of the Constitutional Court is not limited to the oversight of the constitutionality of laws, although this oversight is fundamental. It also extends to regulating the jurisdiction of constitutional authorities and resolving disputes of jurisdiction that may arise among members or constitutional authorities, as it serves as the judge of the Constitution. This is accomplished through the following elements²⁵:

a) The Constitutional Court's supervision over the regulation of competences among the three powers:

The constitutional amendment of 2020 emphasized the role of the Constitutional Court in regulating the functioning of constitutional institutions and the activities of public authorities. In this regard, the Constitutional Court ensures the regulation of the powers among the authorities because it acts as a guardian of the boundaries of authority between them. It strives to establish the principle of respecting the distribution of constitutional powers within a flexible and logical framework²⁶.

It is not permissible for the legislative authority to exceed the constitutional scope of legislation and to enact provisions that encroach upon the domain of independent or derivative regulation. Likewise, the executive authority is not allowed to legislate in the area designated for the parliament according to the constitution. Therefore, the constitutional judge works to ensure that the executive and legislative powers remain within the boundaries defined by the constitution, acting in accordance with the principle of separation of powers in its organic sense.

Furthermore, the constitutional court is responsible for preventing the interference of the legislative and executive powers in the judicial domain, and vice versa. This was exemplified by the Spanish constitutional judge who was addressing the conflict between the legislative and judicial authorities. He decided that the Supreme Council of the Judiciary does not have the right to challenge the authority of the parliament in amending the method of appointing its members.

Moreover, the constitutional court ensures the resolution of disputes that arise between the constitutional authorities. In the event of a dispute between the authorities, the constitutional founder, for the first time in the 2020 amendment under Article 192, notifies the constitutional court of the disputes that may arise between the constitutional authorities. If the constitutional court determines that one or more of the three authorities have made decisions that fall under the jurisdiction of other authorities according to the provisions of the constitution, thereby exceeding their constitutional competence and violating the principle of separation of powers, the constitutional court issues a decision defining the competent authority. Consequently, actions tainted with the defect of lack of jurisdiction are rendered null and void based on that decision.

This type of oversight also includes disputes or conflicts that arise within a single authority, in constitutional systems that adopt a dual system in their institutions, such as the Algerian constitutional system, which relies on the duality of the executive apparatus composed of the President of the Republic and the Prime Minister or Head of Government. If the parliamentary elections result in a parliamentary majority according to Article 103, and the government is derived

from this majority, the Prime Minister can notify the constitutional court to prevent interference in his or the government's powers by the President of the Republic²⁷.

CONCLUSION:

Through the constitutional reforms of 2020, the Algerian constitutional founder introduced a highly significant step by establishing an independent constitutional court as an alternative to the Constitutional Council, granting it additional powers that were not bestowed upon the Constitutional Council. These powers enhance its prominent role in ensuring the supremacy of the constitution. These powers include, for the first time, the authority of constitutional interpretation and removing ambiguities that previously existed. Given the importance of interpretation in the realm of the effectiveness and protection of constitutional rules, this allows the court to uncover the true intention of the constitutional founder and avoid unconstitutional interpretations.

Furthermore, the powers of the constitutional court have been expanded in the field of scrutinizing the constitutionality of laws to include the oversight of presidential decrees, as well as the introduction of oversight regarding the conformity of laws with treaties. Additionally, regulations are subjected to subsequent control, and notification must be made within a month of their publication in the official gazette. Moreover, the scope of unconstitutionality claims has been extended to include regulations that violate the rights and freedoms guaranteed by the constitution, expanding beyond the legislative domain, which was the limit set by the 2016 constitutional amendment.

The constitutional founder has granted the Constitutional Court the authority to adjudicate disputes that may arise between the authorities in the state and to ensure the proper performance of the three authorities' designated competencies as specified in the constitution, based on notification from the specified bodies constitutionally. This is a new development that aims to consolidate the principle of separation of powers and achieve constitutional justice.

Despite the significant reforms introduced by the constitutional amendment of 2020 regarding the powers of the Constitutional Court, there are some shortcomings that should be addressed later. Therefore, we propose the following:

- Grant the Constitutional Court the power to interpret ambiguous provisions of the constitution without the need for notification, given its fundamental mission of ensuring respect for the constitution. It is also necessary to explicitly indicate the binding nature of the court's interpretations.
- To ensure the supremacy of the constitution, it would be preferable for the constitutional founder to move towards mandatory oversight of all legal rules, regardless of their position in the legal hierarchy of the state, and avoid discretionary oversight.
- It is necessary to amend Article 148 of the constitution to require the President of the Republic not to issue a law until 30 days have passed since its receipt, so that the notifying bodies can notify the Constitutional Court about it.
- Grant the Constitutional Court the power to raise issues of unconstitutionality on its own initiative and expand the notifying bodies beyond the three authorities.

Footnotes

¹ Salima Ghazlan, "Interpretation of the Constitutional Principle in Light of the Recent Constitutional Amendment 2020," *Academy of Social and Human Studies*, Volume 14, Issue 01, 2022, p. 284.

² Kamal Jallab, "The Role of the Algerian Constitutional Council in Interpreting the Constitution," *Journal of Rights and Humanities*, Volume 11, Issue 03, 2018, p. 42.

³ Same reference, p. 255.

⁴ Zuhaira Qazdari, Zahia Issa, "Enhancing the Jurisdiction of the Constitutional Judiciary by Interpreting Constitutional Texts in Light of the Constitutional Amendment of 2020," *Algerian Journal of Legal and Political Sciences*, Volume 58, Issue 03, p. 402.

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- ⁵ Samira Atwata, "Control over the Constitutionality of Laws in Algeria from the Constitutional Council to the Constitutional Court," Thesis submitted for the Doctorate Degree in Law, Mohammed Boudiaf University, Béjaïa, Academic Year 2020/2021, p. 264.
- ⁶ Mohammed Zenon, Mansour Massara, "Independence of the Judiciary under the 2020 Constitutional Amendment," Master's Thesis in Law, Djilali Bounaama University, 2021/2022, p. 50.
- ⁷ Kamal Jallab, Same reference, p. 43.
- ⁸ Samira Atwata, Same reference, p. 265.
- ⁹ Zuhaira Qazdari, Zahia Issa, Same reference, p. 403.
- ¹⁰ Hafiza Hassane, "The Role of the Constitutional Court in Interpreting the Constitutional Principle in Light of the 2020 Constitutional Amendment," *Journal of Law and Local Development*, Volume 4, Issue 02, 2022, p. 74.
- ¹¹ Zuhair Shukr, "The General Theory of Constitutional Judiciary," Part One, Dar Bilal, Beirut, Lebanon, 2014, pp. 32-33.
- ¹² Samira Atwata, Same reference, p. 265.
- ¹³ Ahsan Gharbi, "The Constitutional Court in Algeria," *Comprehensive Journal of Rights*, June 2021, p. 71.
- ¹⁴ The internal regulations of the parliamentary chambers consist of a set of written legal rules of a specific nature, established solely by the parliament, governing its structures, organs, functions, and aiming to regulate and organize the procedural conduct for carrying out constitutional tasks. Fawaz Muhammad Abu Shamlah, *The Role of Internal Regulations in Parliamentary Work*, Dar Al-Khalij, Jordan, 2018, p. 37.
- ¹⁵ The specific system for the rules of the Constitutional Court's work, Volume 04, issued on January 22, 2023.
- ¹⁶ Ahsan Gharbi, "Control over the Constitutionality of Laws under the 2020 Constitutional Amendment," *Journal of Rights and Humanities*, Volume 13, Issue 04, 2020, p. 41. Also, Samira Atwata, Same reference, p. 249.
- ¹⁷ Wafaa Ahlam Shtatha, Same reference, p. 809.
- ¹⁸ Jamal Rawab, "The Competences of the Constitutional in the Field of Constitutional Oversight and Compliance Control," *Journal of the Constitutional Council*, Issue 17, 2021, p. 172.
- ¹⁹ Aziz Jamam, "Ineffectiveness of Oversight over the Constitutionality of Laws," Master's Thesis, Faculty of Law and Political Science, Mouloud Mammeri University, Tizi Ouzou, 2011/2012, p. 123.
- ²⁰ Salima Mserati, *The System of Oversight over the Constitutionality of Laws in Algeria in Light of the 1996 Constitution and the Algerian Constitutional Council's Jurisprudence 1989-2010*, Dar Huma, 2012, p. 116.
- ²¹ Lamia Hammada, Same reference, p. 156.
- ²² Same reference, p. 156.
- ²³ Aziz Jamam, Same reference, p. 109.
- ²⁴ Samira Atwata, Same reference, p. 252.
- ²⁵ Mouloud Barkat, "The Role of the Constitutional Court in Resolving Disputes between Constitutional Authorities," *Journal of Legal and Political Studies Researcher*, Volume 07, 2022, p. 1014.
- ²⁶ Same reference, p. 1015.
- ²⁷ Same reference, p. 1015.