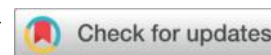




The Establishment of Administrative Courts of Appeal within the Algerian Administrative Judicial Hierarchy



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Abstract :

The establishment of Administrative Courts of Appeal in Algeria, as announced in the 2020 constitutional amendment and reinforced through the promulgation of the relevant laws in 2022, represents a qualitative shift in the performance of the administrative judiciary. This development contributes to consolidating the citizen's right to litigate against the administration and to benefit from all constitutionally guaranteed judicial safeguards, particularly the right to a two-tier judicial system, the enhancement of judgment quality, and adjudication within reasonable time limits.

Keywords: Establishment – Administrative Courts of Appeal – Algerian Administrative Judicial Hierarchy.

Introduction

The judiciary is regarded as the guarantor of individuals' rights and freedoms through the incorporation, within the constitutions of states regardless of their orientations, of the right to access justice and file legal claims to protect such rights and freedoms. The defendant may be natural or legal private persons, such as companies and others, or the defendant party may consist of one or several administrative authorities. These administrative entities vary according to their territorial levels, whether local, regional, or central, and differ in their activities, objectives, and management systems from one administration to another.

When an administrative authority is a party to a dispute, whether as plaintiff or defendant, most countries adopt one of two well-established judicial models found in comparative legal systems: either the single-jurisdiction system or the dual-jurisdiction system. The single-jurisdiction model is of Anglo-Saxon origin, pioneered by the United Kingdom and followed by Anglo-Saxon countries such as the United States of America, where its justification lies primarily in historical and political considerations, resulting in confidence being vested in the ordinary judiciary to adjudicate disputes involving the administration.

The second option is the adoption of a dual-jurisdiction system, pioneered by France and followed by most Latin countries and some African states. Algeria is among the jurisdictions adopting this model, which was expressly reflected in the 1996 Constitution through the establishment of the Council of State as a supervisory body over lower administrative courts, in addition to the Court of Conflicts entrusted with resolving jurisdictional disputes between the ordinary and administrative courts.

Two years later, legislation implementing the new constitutional orientation was promulgated, establishing administrative courts and the Court of Conflicts. These included Organic Law No. 98-01 of 30 May 1998 relating to the jurisdiction, organization, and functioning of the Council of State; Law No. 98-02 of 30 May 1998 establishing administrative courts; and Organic Law No. 98-03 of 3 June 1998 relating to the jurisdiction, organization, and functioning of the Court of Conflicts, in addition to executive decrees specifying the modalities for implementing these texts.

Despite the establishment of administrative courts in 1998 and the regulations governing their functioning, the administrative judicial hierarchy did not operate optimally in comparison with the ordinary judiciary. There were no specialized administrative courts competent to hear cases at the appellate level in the manner practiced within the ordinary judiciary, which resulted in the Council of State acting simultaneously as a court of cassation, a court of appeal, and a court of first instance.

This judicial structure remained in force from 1998 until the judicial reform announced in the 2020 constitutional amendment, which introduced Administrative Courts of Appeal within the administrative judicial hierarchy, mirroring the structure of the ordinary judicial system. In 2022, the legal framework implementing this reform was enacted, particularly Organic Law No. 22-10 of 9 June 2022 concerning judicial organization, and Law No. 22-13 of 12 July

2022 amending and supplementing Law No. 08-09 of 25 February 2008 on the Code of Civil and Administrative Procedure.

Accordingly, the problem addressed in this study may be formulated as follows: *What are the compelling reasons behind the establishment of Administrative Courts of Appeal within the Algerian administrative judicial hierarchy? What is the scope of their jurisdiction, and how does it affect the administrative judicial system?*

To answer these questions, both analytical and descriptive methods will be employed, as the study requires an in-depth approach to examining, analyzing, and discussing all dimensions of the topic.

The study will be structured as follows:

Section One: The reasons behind establishing Administrative Courts of Appeal

Section Two: The composition, jurisdiction, and resulting effects of the Administrative Court of Appeal

Section One: The Reasons Behind the Establishment of Administrative Courts of Appeal

The establishment of Administrative Courts of Appeal in Algeria, constitutionally announced in the 2020 amendment and legally enacted in 2022, marks a key step in modernizing the administrative judiciary. This reform aims to complete the judicial structure initiated under the 1996 Constitution, which adopted a dual judicial system, by providing a specialized appellate level for administrative disputes. It ensures the constitutional principle of two-tier litigation, allowing citizens to appeal administrative decisions and receive a fair review, while also relieving the Council of State from handling both first-instance and appellate cases.

Furthermore, the creation of six regional courts of appeal—located in Algiers, Oran, Constantine, Ouargla, Tamanrasset, and Béchar—enhances access to justice by bringing the judiciary closer to citizens and reducing the need to travel to the capital. This decentralization is also expected to accelerate the resolution of administrative disputes, improve efficiency, and strengthen the overall functioning of the administrative judicial system, aligning it more closely with the ordinary courts structure.

Requirement One: Reasons Relating to the Completion of Judicial Reform and the Consolidation of the Principle of Two-Tier Litigation

The establishment of Administrative Courts of Appeal in Algeria serves primarily to complete the judicial reform initiated under the 1996 Constitution, which introduced a dual judicial system separating ordinary and administrative courts. Prior to this reform, the Council of State exercised multiple roles, acting as a first-instance, appellate, and cassation body, which limited its ability to focus on its constitutional role of reviewing the legality of administrative decisions and unifying jurisprudence. The creation of appellate courts allows the Council of State to concentrate on its core functions, while the newly established courts handle appeals from first-instance administrative courts.

Moreover, this reform consolidates the constitutionally guaranteed principle of two-tier litigation in administrative matters. By providing a distinct appellate level, citizens are ensured the right to have administrative decisions reviewed at a higher judicial level, aligning the administrative judicial process with the standards of fairness and procedural guarantees observed in ordinary courts. This development strengthens both the efficiency and credibility of the administrative justice system.

Sub-section One: Completion of the Judicial Reform Announced in 1996

It is stated in the explanatory memorandum of the draft organic law on judicial organization that the constitutional legislator adopted, through the 1996 Constitution, a dual-jurisdiction judicial system (Cherifi & Ben Oumer, 2024), establishing bodies for the ordinary judiciary as well as for the administrative judiciary. In 1998, legal texts implementing this constitutional choice were enacted, namely the organic law relating to the Council of State, the law relating to administrative courts, and the organic law relating to the Court of Conflicts (Draft Organic Law, n.d.).

To complete the judicial reform announced in 1996, which consisted of establishing an administrative judicial system, it was necessary to create Administrative Courts of Appeal tasked with examining appeals filed against judicial judgments and orders issued by administrative courts at first instance, similar to the role of judicial councils within the hierarchy of the ordinary judiciary.

Sub-section Two: Consolidating the Principle of Two-Tier Litigation in Administrative Matters

Although the right to two-tier litigation was constitutionally enshrined prior to the establishment of Administrative Courts of Appeal, it was not guaranteed in accordance with

the procedural rules and safeguards that must be respected (Mezouzi, 2023), for the following reasons:

First: The Judicial Jurisdiction of the Council of State at First and Final Instance

Article 9 of Organic Law 98-01 relating to the Council of State provides that the Council of State adjudicates, at first and final instance, appeals for annulment filed against regulatory or individual decisions issued by central administrative authorities, national public bodies, and national professional organizations, as well as appeals relating to the interpretation and legality of decisions whose disputes fall within the jurisdiction of the Council of State.

This provision contradicts the principle of two-tier litigation. The Constitution guarantees the right to two levels of judicial proceedings without distinguishing between ordinary and administrative disputes. Therefore, when the legislature renders the decisions of the Council of State in actions for annulment, interpretation, or legality review as decisions issued at first and final instance, it explicitly infringes upon litigants' constitutionally-guaranteed right to appeal. Moreover, it fails to uphold equal judicial safeguards for litigants before both ordinary and administrative courts.

Second: Absence of a Higher Administrative Judicial Body Before Which Decisions of the Council of State May Be Appealed

One possible explanation for granting the Council of State jurisdiction to hear actions for annulment, interpretation, and legality review—against regulatory or individual decisions issued by central administrative authorities, national public bodies, and national professional organizations—at first and final instance is the absence of a higher administrative judicial authority before which decisions of the Council of State in such matters could be appealed. It is known that it would be illogical for appeals against the Council of State's judgments to be filed before the same court. However, with the establishment of Administrative Courts of Appeal, this issue is resolved, as there will now be a higher administrative judicial authority before which appeals may be lodged, namely the Council of State.

Requirement Two: Restricting the Jurisdiction of the Council of State to Supervising the Decisions of Lower Administrative Courts

Constitutionally, the Council of State is entrusted, in judicial matters, with performing its role as a body responsible for reviewing and supervising the work of administrative courts, Administrative Courts of Appeal, and other authorities adjudicating administrative

disputes (Constitution, 1996/2020). In addition, it ensures the unification of judicial precedent in administrative matters, similar to the constitutional role exercised by the Supreme Court in disputes falling within the jurisdiction of the ordinary judiciary.

With the establishment of Administrative Courts of Appeal, the Council of State is now able to devote itself entirely to performing this constitutional role in the judicial field. Previously, and in addition to its non-judicial consultative functions, the Council of State exercised various judicial competences (Organic Law No. 98-01, 1998/2022). First, it acted as an appellate body for decisions issued at first instance by administrative courts in all cases, unless otherwise provided by law. Second, it served as a court of first instance (Organic Law No. 98-01, Art. 9, 1998/2022) before which administrative actions were brought for adjudication. Third, it functioned as a court of cassation reviewing final decisions rendered by administrative judicial bodies. Fourth, it also heard cassation appeals against decisions of the Court of Accounts (Organic Law No. 98-01, Art. 10, 1998/2022).

By involving the Council of State in exercising all these judicial competences—as a court of first instance, an appellate body, and a court of cassation (Saadawi, 2023)—it was diverted from the judicial role specifically assigned to it by the constitutional legislator. Thus, it exceeded its constitutional mandate, which consists in reviewing the work of administrative judicial bodies, as previously mentioned, and exercised judicial competences that should have been performed by lower administrative courts.

The establishment of Administrative Courts of Appeal within the administrative judicial hierarchy aligns the judicial competence of the Council of State more closely with that of the Supreme Court, whose role is limited to reviewing the work of judicial councils and courts and ensuring the unification of judicial precedent in ordinary disputes through consideration of appeals in cassation. After the creation of Administrative Courts of Appeal, administrative actions are no longer filed before the Council of State, and it no longer examines appeals against first-instance judgments and orders issued by administrative courts. Its jurisdiction is now limited to reviewing appeals against decisions issued at first instance by the Administrative Court of Appeal of Algiers (Law No. 08-09, 2008/2002), while retaining its original competence to hear cassation appeals against final judgments and decisions issued by administrative judicial bodies or those cassation appeals specifically assigned to it by law. In this way, its jurisdiction approximates that of the Supreme Court.

In our view, retaining the jurisdiction of the Council of State as an appellate body for first-instance decisions issued by the Administrative Court of Appeal of Algiers does not conflict with the provisions of Article 179 of the Constitution. Considering that the review of an appeal at the second instance serves to supervise the work of the lower court that issued the judgment or the decision under appeal, it differs from examining a case at first instance, where the judgment cannot be described as a review of another judicial body.

Requirement Three: Reasons Related to Bringing the Judicial Service Closer to the Citizen and Reducing the Duration of Dispute Resolution

The establishment of six Administrative Courts of Appeal across Algeria—located in Algiers, Oran, Constantine, Ouargla, Tamanrasset, and Béchar—aims to bring the judicial service closer to citizens. Previously, all administrative appeals were concentrated at the Council of State in the capital, requiring litigants to travel long distances to file appeals or initiate annulment proceedings. By decentralizing appellate review, citizens can now access justice more conveniently and efficiently.

In addition, the creation of these courts is expected to reduce the time required to resolve administrative disputes. Distributing appellate cases among six regional courts alleviates the workload of the Council of State, allowing faster processing of appeals and contributing to more timely judicial decisions. This reform strengthens the efficiency of the administrative judiciary and enhances public confidence in its ability to provide effective legal remedies.

Sub-section One: Bringing the Judicial Service Closer to the Citizen

The establishment of six (6) Administrative Courts of Appeal distributed across the national territory, with headquarters in Algiers, Oran, Constantine, Béchar, Ouargla, and Tamanrasset, (Law No. 22-07, 2022) is intended to bring the judicial service closer to litigants. Previously, the only body before which administrative judgments and orders could be appealed was the Council of State, located in the capital. This arrangement forced litigants to travel to the capital to file their appeals before the Council of State. Similarly, litigants had to travel to the capital to bring actions before the Council of State in cases concerning annulment appeals filed against regulatory or individual decisions issued by central administrative authorities, national public bodies, and national professional organizations, as well as appeals concerning the interpretation and legality of decisions whose disputes fall within the jurisdiction of the Council of State (Organic Law No. 22-10, 2022).

However, with the establishment of six (6) Administrative Courts of Appeal, litigants are no longer required to travel to the Council of State to file their appeals or bring actions before it. The Administrative Courts(Law No. 08-09, Art. 900 bis, 2008/2002) of Appeal have become competent to adjudicate appeals filed against judgments and orders issued by administrative courts. Moreover, the Algerian legislator transferred from the Council of State its jurisdiction to hear annulment, interpretation, and legality review actions concerning regulatory or individual decisions issued by central administrative authorities, national public bodies, and national professional organizations, assigning it instead to the Administrative Court of Appeal of Algiers(Law No. 08-09, Art. 900 bis, 2nd para, 2008/2002). The Council of State retained its jurisdiction to adjudicate cassation appeals and to hear appeals against decisions issued by the Administrative Court of Appeal of Algiers in cases concerning annulment, interpretation, and legality review of administrative decisions issued by central administrative authorities, national public bodies, and national professional organizations(Law No. 08-09, Arts. 901–902, 2008/2002).

The above-mentioned legal amendments, by transferring certain judicial competences previously assigned to the Council of State to the Administrative Courts of Appeal, and assigning other judicial competences to the Administrative Court of Appeal of Algiers, serve to reduce the burden on litigants who previously had to travel to the capital to pursue their administrative disputes.

Sub-section Two: Reducing the Duration of Dispute Resolution

Following the addition of new judicial bodies, represented by six (6) Administrative Courts of Appeal, it is expected that this will expedite the processing of administrative disputes. Previously, a single judicial body, namely the Council of State, handled all appeals against judgments issued by administrative courts across the national territory, dealing with appeals filed against the judgments of 31/48 administrative courts. This situation resulted in longer periods for the Council of State to adjudicate such appeals. Today, however, these appeals are distributed among the six (6) Administrative Courts of Appeal, which is expected to reduce the time required to handle such appeals at this level. Nonetheless, the speed and efficiency of processing depend on the proper management of these courts and the availability of necessary resources, particularly qualified human resources.

The anticipated reduction in the duration of appeal processing is not limited to the Administrative Courts of Appeal; it also applies to the Council of State in performing its

judicial functions, especially in adjudicating cassation appeals filed before it and appeals against decisions/orders issued by the Administrative Court of Appeal of Algiers. It is likely that these functions will now be performed more quickly than before, due to the reduction in its judicial competences. Consequently, this is expected to shorten the duration of administrative disputes and enhance the overall functioning of the administrative judiciary.

Section Two: Composition, Jurisdiction, and Resulting Effects of the Administrative Court of Appeal

The Administrative Courts of Appeal in Algeria are structured to ensure both judicial efficiency and the proper exercise of appellate review. According to the Organic Law No. 22-10 of June 9, 2022, these courts are composed of judges of judgment and State prosecutor judges, including presidents, vice-presidents, chamber heads, section heads, and advisors, reflecting a hierarchical and specialized organization. This composition enables the courts to effectively handle appeals while maintaining procedural consistency and quality in administrative adjudication.

In terms of jurisdiction, these courts have both territorial and subject-matter authority. They serve as appellate bodies for decisions rendered by first-instance administrative courts and may also hear specific cases assigned by special legislative provisions. The establishment of these courts not only strengthens the two-tier litigation principle in administrative matters but also reduces the Council of State's judicial burden, improves the timeliness of dispute resolution, and enhances access to justice across the national territory. The resulting effects include more efficient case management, increased citizen satisfaction, and greater alignment of the administrative judiciary with constitutional guarantees

Requirement One: Composition

Referring to Article 30 of Organic Law No. 22-10 of 9 June 2022, relating to judicial organization, the Administrative Court of Appeal is composed of judges of judgment and State Attorney judges. The judges of judgment include:

- A President, with the rank of at least Council of State Counsellor;
- One or two Vice Presidents, if applicable;
- Chamber Presidents;
- Section Presidents, if applicable;

- Counsellors.

As for the State Attorney judges, they include:

- A State Attorney with the rank of at least Council of State Counsellor;
- One or two Assistant State Attorneys, if applicable (Malouk, 2023).

Requirement Two: Jurisdiction

The Administrative Courts of Appeal in Algeria exercise both territorial and subject-matter jurisdiction. Territorial jurisdiction is defined by the distribution of first-instance administrative courts among the six appellate courts, ensuring that each court handles appeals within its designated geographic area. Subject-matter jurisdiction primarily involves hearing appeals against judgments and orders issued by administrative courts, as well as addressing specific cases assigned under special legislative provisions.

This dual jurisdiction ensures that the appellate courts operate effectively as the second instance in administrative litigation, reinforcing the principle of two-tier litigation. It also allows for a more equitable distribution of cases across the national territory, improves judicial efficiency, and ensures that citizens' rights are protected through timely and specialized appellate review.

Sub-section One: Territorial Jurisdiction

Law No. 22-07 of 5 May 2022, which establishes the judicial division, created six (6) Administrative Courts of Appeal, located in Algiers, Oran, Constantine, Ouargla, Tamanrasset, and Béchar. (Executive Decree No. 22-435, Annex I, 2022) Each of these courts has territorial jurisdiction over a number of administrative courts. The organization specifies the administrative courts falling within the territorial jurisdiction of each Administrative Court of Appeal as follows:

- **Administrative Court of Appeal of Algiers:** covers the administrative courts of Algiers, Blida, Bouira, Tizi Ouzou, Djelfa, Médéa, M'sila, Boumerdès, Tipaza, and Ain Defla.

- **Administrative Court of Appeal of Oran:** covers the administrative courts of Oran, Tlemcen, Tiaret, Saïda, Sidi Bel Abbès, Mostaganem, Mascara, El Bayadh, Tissemsilt, Ain Temouchent, Relizane, and Chlef.
- **Administrative Court of Appeal of Constantine:** covers the administrative courts of Constantine, Oum El Bouaghi, Batna, Béjaïa, Jijel, Sétif, Skikda, Annaba, Guelma, Bordj Bou Arreridj, El Tarf, Souk Ahras, Mila, Tebessa, and Khenchela.
- **Administrative Court of Appeal of Ouargla:** covers the administrative courts of Ouargla, Ghardaïa, Laghouat, El Oued, Biskra, Ouled Djellal, Illizi, Tougourt, Djanet, El M'gheer, and El Meniaa.
- **Administrative Court of Appeal of Tamanrasset:** covers the administrative courts of Tamanrasset, In Salah, and In Guezzam.
- **Administrative Court of Appeal of Béchar:** covers the administrative courts of Béchar, Adrar, Tindouf, Naâma, Timimoun, Bordj Badji Mokhtar, and Béni Abbès.
(Law No. 22-07, Art. 8, 2022)

Sub-section Two: Subject-Matter Jurisdiction

Article 29 of Organic Law No. 22-10 of 9 June 2022, relating to judicial organization, provides that:

"The Administrative Court of Appeal shall be an appellate body for judgments and orders issued by administrative courts. It shall also have jurisdiction over cases specifically assigned to it by special provisions."

Similarly, Article 900 bis of Law No. 08-09 of 25 February 2008, on the amended and supplemented Code of Civil and Administrative Procedure, provides:

"The Administrative Court of Appeal shall have jurisdiction to adjudicate appeals against judgments and orders issued by administrative courts. It shall also have jurisdiction over cases specifically assigned to it by special provisions. The Administrative Court of Appeal of Algiers shall exercise first-instance jurisdiction in annulment, interpretation, and legality review of administrative decisions issued by central administrative authorities, national public bodies, and national professional organizations."

From the above legal provisions, it is clear that the jurisdiction of the Administrative Courts of Appeal primarily consists of hearing appeals filed against judgments and orders issued by administrative courts. This is the core function of these courts, representing the second

instance in administrative litigation, similar to judicial councils in ordinary disputes. Indeed, the very name of this judicial body, which includes the term "Appeal," underscores that its competence to adjudicate appeals is an inherent jurisdiction.

Moreover, both provisions extend the jurisdiction of the Administrative Courts of Appeal to disputes that may be referred to them by special provisions. This suggests that the Algerian legislator may entrust the Administrative Courts of Appeal with specific disputes either because they are not regulated under the general provisions of the Code of Civil and Administrative Procedure—particularly those concerning the subject-matter jurisdiction of administrative courts and the Council of State—or because they fall within the general rules but the legislator intends to remove them from the general framework and regulate them under special rules, in accordance with the principle *lex specialis derogat legi generali*.

As for the Administrative Court of Appeal of Algiers, the Algerian legislator, under Article 900 bis of the aforementioned Code of Civil and Administrative Procedure, granted it judicial competences not conferred upon the other five (5) Administrative Courts of Appeal. These include first-instance jurisdiction over annulment, interpretation, and legality review of administrative decisions issued by central administrative authorities, national public bodies, and national professional organizations—competences that are exceptional for this court and were previously exercised by the Council of State before the establishment of the Administrative Courts of Appeal.

1. The rationale for transferring these competences from the Council of State to the Administrative Court of Appeal of Algiers, despite both institutions being located within the same geographical jurisdiction of the capital, lies in implementing the principle of two-tier litigation in administrative matters. This transfer allows for appeals to be filed before the Council of State against decisions issued in annulment, interpretation, and legality review cases by the Administrative Court of Appeal of Algiers (Law No. 08-09, Art. 902, 2008/2022) concerning administrative decisions issued by central administrative authorities, national public bodies, and national professional organizations.

Maintaining these competences, namely annulment, interpretation, and legality review of administrative decisions issued by central administrative authorities, national public bodies, and national professional organizations under the jurisdiction of the Council of State, would prevent the implementation of the principle of two-tier litigation in administrative matters. It

is illogical for an appeal to be lodged before the same judicial body that adjudicates the case at first instance, as this would mean both first- and second-instance litigation occurs before the same authority.

Sub-section Three: Nature of Jurisdiction

Referring to Article 900 quater 4 of Law No. 08-09 of 25 February 2008, on the amended and supplemented Code of Civil and Administrative Procedure, which refers to Article 807 of the same law, it is established that both the subject-matter and territorial jurisdiction of the Administrative Courts of Appeal are matters of public order. Accordingly, they may be raised at any stage of the proceedings, either by the parties or by the judge. This contrasts with ordinary courts, where public order applies only to subject-matter jurisdiction, not territorial jurisdiction.

Requirement Three: Effect of Exercising the Right of Appeal on the Execution of the Judgment

The establishment of Administrative Courts of Appeal as appellate bodies, as previously discussed, will not fully realize the principle of two-tier litigation in administrative matters unless exercising this right has a suspensive effect on the execution of judgments or orders issued by administrative judicial bodies at first instance. Previously, before the enactment of Law No. 22-13 of 12 July 2022, amending and supplementing Law No. 08-09 of 25 February 2008, which established the Administrative Courts of Appeal, the exercise of the right to appeal judgments and orders issued by administrative courts before the Council of State had no suspensive effect. This rendered the principle of two-tier litigation meaningless, as many judgments were annulled or modified by the Council of State after having already been executed. This posed significant difficulties, particularly where the annulled judgments involved substantial financial compensations payable from the public treasury.

Granting the right of appeal before the Administrative Courts of Appeal a suspensive effect on execution of the judgment or order under appeal is essential to implement the principle of two-tier litigation in administrative matters. This effect is both logical and consistent with ordinary litigation practice, and it addresses the negative consequences that existed prior to the establishment of the Administrative Courts of Appeal, specifically regarding the execution of administrative judgments or orders subsequently annulled wholly or partially by the Council of State.

Conclusion

Through the study of the establishment of Administrative Courts of Appeal within the Algerian administrative judicial hierarchy, the main reasons motivating the Algerian legislator in 2022 to update the applicable legal texts and create six (6) new Administrative Courts of Appeal across the national territory were analyzed. These motivations, discussed in the first section of this study, primarily concerned completing the judicial reform initiated by the 1996 Constitution, which explicitly adopted the dual judicial system by establishing the Council of State and the Court of Conflicts. Consequently, it was necessary to create new administrative judicial bodies to adjudicate appeals.

Another important motivation identified in this study was the consolidation of the principle of two-tier litigation, which had not been properly respected previously, as well as the relief of the Council of State from additional judicial burdens originally assigned to first- and second-instance administrative courts. This allows the Council of State to focus solely on its constitutional competences, namely reviewing the work of lower administrative courts, similar to the role of the Supreme Court at the apex of the ordinary judiciary.

The establishment of Administrative Courts of Appeal nationwide also serves to bring the judicial service closer to litigants and reduce the overwhelming workload of the Council of State, thereby accelerating the resolution of administrative disputes.

The second section of the study addressed the composition of the Administrative Courts of Appeal according to the new laws, particularly Organic Law No. 22-10 of 9 June 2022, on judicial organization. It also analyzed their territorial jurisdiction according to Law No. 22-07 of 5 May 2022, on judicial division, and Executive Decree No. 22-435 of 11 December 2022, which defines the territorial jurisdiction of the Administrative Courts of Appeal and administrative courts.

The study further explored the rules of subject-matter jurisdiction, with detailed analysis according to Organic Law No. 22-10 of 9 June 2022 and Law No. 22-13 of 12 July 2022, amending and supplementing Law No. 08-09 of 25 February 2008, the Code of Civil and Administrative Procedure. Finally, the study examined the legal nature of territorial and subject-matter jurisdiction and the effects of exercising the right of appeal before the Administrative Courts of Appeal on the execution of administrative judicial decisions.

Key Findings:

1. The establishment of Administrative Courts of Appeal in 2022 was consistent with the 2020 constitutional amendment.
2. Their creation was not solely a result of the 2020 constitutional amendment but also a continuation of the dual judicial system established by the 1996 Constitution through the creation of the Council of State and the Court of Conflicts.
3. The Algerian constitutional legislator and legislator pursued administrative judicial reform in stages, rather than establishing all administrative judicial bodies simultaneously, considering available material and human resources and prevailing circumstances.

Key Recommendations:

1. Judicial reform, as announced constitutionally and legally, must be accompanied by efforts to identify and address practical deficiencies and obstacles to fully implement this reform in judicial practice.
2. The six Administrative Courts of Appeal must be supported with qualified human resources, particularly judges, to ensure both the quality of judgments and the prompt resolution of disputes.

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