

CONSTITUTIONAL DOCUMENTS AVAILABLE for ALGERIA

Constitution of Algeria

[\[*\]](#)**[Editor's Note:** This text has been integrated to include all amendments to the original document. These changes have been highlighted for easy identification.]

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Preamble

The Algerian people is a free people, decided to remain free. Its history is a long chain of battles which have made Algeria forever a country of freedom and dignity. Placed in the heart of the great moments which the Mediterranean has known in the course of its history, Algeria has found in its sons, from the time of the Numidian Kingdom and the epic of Islam to the colonial wars, its heralds of liberty, unity and progress at the same time as the builders of democratic and prosperous states in the periods of grandeur and of peace.

November 1, 1954 should have been one of the crowns of its destiny, the result of its long resistance to the aggressions directed against its culture, its values and the fundamental components of its identity which are its Arab-ness [*l'Arabité*] and Amazighité [*Al'-Mazighia*]; the first of November should have solidly anchored the battles waged in the glorious past of the Nation.

United in the national movement afterwards in the breast of the National Liberation Front, the people has spilled its blood in order to assume its collective destiny in the liberty and recovered cultural identity and to endow itself with authentically popular institutions.

Crowning the people's war by an independence paid for with the sacrifices of its best children, the National Liberation Front restores finally, in all its fullness, a modern and sovereign State.

Its faith in the collective choices has permitted its people to achieve decisive victories, marked by the recovery of national riches and the construction of a State for its exclusive service, exercising its powers in all independence and security against external pressure.

Having always fought for freedom and democracy, the people intend, by this Constitution, to endow itself with institutions based on the participation of citizens in the conduct of public affairs and which realize social justice, equality and liberty of each and all.

In approving this Constitution, the work of its own genius, reflection of its aspirations, fruit of its determination and product of profound social mutations, the people expresses and consecrates more solemnly than ever the primacy of law.

The Constitution is, above all, the fundamental law which guarantees the rights and the individual and collective liberties, protects the rule of free choice of the people and confers legitimacy on the exercise of powers. It permits to assure the juridical protection and the control of action by the public powers in a society in which legality reigns and permits the development of man in all dimensions.

Strong in its spiritual values, deeply ingrained, and its traditions of solidarity and justice, the people is confident of its capacities and to work fully for the cultural, social and economic progress of the world, today and tomorrow.

Algeria, land of Islam, integral part of the Great Maghreb Arab country, Mediterranean and African, is honored by the radiance of its Revolution of November 1 and the respect which the country has sought to achieve and preserve and by reason of its commitment to all the just causes of the world.

The pride of the people, its sacrifices, its sense of responsibilities, its ancestral attachment to liberty and social justice are the best guarantees of the respect for the principles of this Constitution which it adopts and passes on to future generations, the worthy inheritors of the pioneers and the builders of a free society.

Title I

THE GENERAL PRINCIPLES GOVERNING THE ALGERIAN SOCIETY

CHAPTER I ALGERIA

Article 1

Algeria is a Democratic and People's Republic. It is one and indivisible.

Article 2

Islam is the religion of the State.

Article 3

Arabic is the national and official language.

[\[1\]](#)[Article 3(a)

Tamazight is also a national language.

The State works for its promotion and its development in all its linguistic varieties in use throughout the national territory.]

Article 4

The capital of the Republic is Algiers.

Article 5

The national emblem, the State seal and the national hymn are determined by the law.

CHAPTER II THE PEOPLE

Article 6

The people is the source of all power. National sovereignty belongs exclusively to the people.

Article 7

The constituent power belongs to the people.

The people exercises its power through the intermediary of the institutions which it establishes.

The people exercises it by means of the referendum and by the intermediary of elected representatives.

The President of the Republic may have direct recourse to the expression of the will of the people.

Article 8

The people establish institutions which have as their objective:

- the safeguarding and the consolidation of national independence.
- the safeguarding and consolidation of national identity and national unity.
- the protection of fundamental rights and the social and cultural development [*epanouissement*] of the Nation.
- the suppression of the exploitation of man by man.
- the protection of the national economy against all forms of embezzlement or abuse, delay [*accaparement*] or illegal confiscation.

Article 9

The institutions forbid:

- feudal, regionalist and nepotist practices.
- the establishments of relations of exploitation and bonds of dependency.
- practices contrary to Islamic morals and the values of November.

Article 10

The people choose their representatives freely.

The representation of the people has no other limits than those specified in the Constitution and the electoral law.

CHAPTER III THE STATE

Article 11

The State derives its legitimacy and its *raison d'être* from the will of the people. Its motto is: "By the People and for the People."

It is at the exclusive service of the People.

Article 12

The sovereignty of the State is exercised over its territorial space, its air space and its waters.

The State exercises also its sovereign right established by international law over each of its different zones of maritime space which belong to it.

Article 13

In no case can it abandon or alienate a part of the national territory.

Article 14

The State is founded on the principles of democratic organization and social justice.

The elected assembly constitutes the framework within which the will of the people and the control of the action of the public powers is exercised.

Article 15

The territorial collectivities are the commune and the *Wilaya*. The commune is the basic collectivity.

Article 16

The elected assembly constitutes the foundation of decentralization and the place for the participation of the citizens in the conduct of public affairs.

Article 17

Public property is an asset of the national collectivity.

It encompasses the subsoil, the mines and quarries, the sources of natural energy, the mineral, natural and living resources of the different zones, the national maritime zone, the waters and the forests.

It is, in addition, established with respect to railroad, maritime and air transports, the posts and telecommunications, as well as all other assets specified by the law.

Article 18

The national domain is defined by the law.

It comprehends the public and private domains of the State, the *Wilaya* and the Commune.

The management of the national domain is carried out in conformity with the law.

Article 19

The organization of external trade belongs to the competence of the State.

The law determines the conditions of the exercise and control of the foreign trade.

Article 20

Expropriation cannot be undertaken except within the framework of the law.

It provides the ground for a just and equitable compensation.

Article 21

The functions in State service institutions cannot constitute either a source of enrichment or a means to serve private interests.

Article 22

The abuse of authority is punished by the law.

Article 23

The impartiality of the administration is guaranteed by the law.

Article 24

The State is responsible for the security of persons and possessions. It assures the protection abroad of every citizen.

Article 25

The consolidation and the development of the potential for the defense of the Nation is organized around the National People's Army.

The National People's Army has the permanent mission to safeguard national independence and the defense of national sovereignty.

It is charged to assure the defense of the unity and territorial integrity of the country, as well as the protection of the territory, its air space and the different zones of its maritime zone.

Article 26

Algeria defends itself to resort to war for the achievement of legitimate sovereignty and the liberty of other peoples.

It endeavors to settle international differences by peaceful means.

Article 27

Algeria declares its solidarity with all the peoples who are fighting for political and economic liberation, for the right of self-determination and against all racial discrimination.

Article 28

Algeria works for the reinforcement of international cooperation and for the development of amicable relations between the states on the basis of equality, mutual interests and non-interference in internal affairs. It subscribes to the principles and objectives of the Charter of the United Nations.

CHAPTER IV CONCERNING THE RIGHTS AND LIBERTIES

Article 29

The citizens are equal before the law without any possible discrimination on the basis of birth, race, gender (sex), opinion or all other conditions or personal or social circumstance.

Article 30

Algerian citizenship is defined by the law.

The conditions for the acquisition, retention, loss and revocation of Algerian citizenship are determined by the law.

Article 31

The institutions seek to assure the equality of rights and duties of all citizens [*citoyens et citoyennes*] in suppressing the obstacles, which obstruct the development of the human personality and impede the effective participation of all in the political, economic, social and cultural life.

Article 32

The fundamental liberties and the Rights of Man and of the citizen are guaranteed.

They constitute the common patrimony of all Algerians [*Algériens et Algériennes*], who have the task of transmitting it from generation to generation in its integrity and inviolability.

Article 33

The individual and associative defense of the fundamental Rights of Man and of individual and collective liberties is guaranteed.

Article 34

The State guarantees the inviolability of the human person.

Any form of physical or moral violence or harm to the dignity is forbidden.

Article 35

All infractions committed against the rights and liberties as well as any physical or moral attacks on the integrity of the human being are punishable according to the laws.

Article 36

The freedom of conscience and the freedom of opinion are inviolable.

Article 37

The freedom of commerce and of industry is guaranteed. It is exercised within the framework of the law.

Article 38

The freedom of intellectual, artistic and scientific creativity is guaranteed to the citizen.

The rights of authorship are protected by the law.

The sequestration of any publication, the registration or any other means of communication and information can only be carried out on the basis of a judicial mandate.

Article 39

The private life and the honor of the citizen are inviolable and protected by the law.

The secrecy of correspondence and private communications, in all forms, is guaranteed.

Article 40

The State guarantees the inviolability of the domicile.

No search can be made, except on the basis of the law and with respect to it.

The search may not be carried out except on the basis of a written order of the competent judicial authority.

Article 41

The freedoms of expression, association and assembly are guaranteed to the citizen.

Article 42

The right to establish political parties is recognized and guaranteed. This right may never be invoked against fundamental liberties and fundamental components of national identity, national unity, against the security and the national territory, against the independence of the country and the sovereignty of the people as well as against the democratic and republican character of the State.

With respect to the provisions of the present Constitution, the political parties cannot be founded on a religious, linguistic, racial, sexual, corporatist or regional basis.

The political parties cannot resort to partisan propaganda pertaining to the elements referred to in the previous paragraph.

All obedience of political parties under whatever form be it interests or foreign parties is forbidden.

No political party may resort to violence or constraint, of whatever nature or forms.

Other obligations and duties are specified by the law.

Article 43

The right to form associations is guaranteed by the law.

The State encourages the development [*épanouissement*] of the associative movement.

The law determines the conditions and the modalities pertaining to the creation of associations.

Article 44

Every citizen enjoying all civil and political rights, has the right to choose freely the place of residence and to move about on the national territory.

The right of entry and exit from the national territory is guaranteed.

Article 45

Every person is presumed to be innocent until the establishment of culpability by a regular court [*juridiction régulière*] and subject to all the guarantees required by the law.

Article 46

No one may be considered guilty except by virtue of a law, duly promulgated before the incriminating act.

Article 47

No one may be pursued, arrested or defamed except in the cases determined by the law and in accordance with the forms prescribed by it.

Article 48

In the case of criminal investigation, the detention for questioning is submitted to the judicial control and may not exceed forty-eight hours.

The person held for questioning has the right to get in touch with his family immediately.

The exceptional prolongation of the detention for questioning may not take place other than under the conditions specified by the law.

At the expiration of the detention for questioning, it is obligatory to proceed with a medical examination if the detained person demands it, and in any case, must be informed of its availability.

Article 49

Judicial error calls for compensation by the State.

The law determines the conditions and modalities of the compensation.

Article 50

Every citizen meeting the legal requirements is a voter and qualified to be elected.

Article 51

Equal access to the functions and employment by the State is guaranteed to all citizens, without conditions other than established by the law.

Article 52

Private property is guaranteed. The right of inheritance is guaranteed. The holdings of “Wakf” and foundations are recognized. Their objectives are protected by the law.

Article 53

The right to education is guaranteed, instruction is free within the conditions established by law.

Fundamental education is obligatory.

The State organizes the system of instruction.

The State protects equal access to instruction and professional formation.

Article 54

All citizens have the right to health protection.

The State assures the prevention and the right against epidemic and endemic illnesses.

Article 55

All citizens have the right to work. The right to protection, security and hygiene at work is guaranteed by law.

The right to rest is guaranteed. The law determines the modalities of its exercise.

Article 56

The syndical right is recognized for all citizens.

Article 57

The right to strike is recognized, if it is exercised within the framework of the law. Its exercise can be prohibited or limited in the domain of national defense and security, or for the services and public activities of vital interest for the community.

Article 58

The family enjoys the protection of the State and of the society.

Article 59

The living conditions of the citizens which cannot again, anymore or never be affected are guaranteed.

CHAPTER V THE DUTIES

Article 60

No one is allowed [*censé*] to ignore the law.

Every person is held to respect the Constitution and to conform to the laws of the Republic.

Article 61

Every citizen has the duty to protect and safeguard the independence of the country, its sovereignty and the integrity of its national territory, as well as all the attributes of the State. Treason, espionage, defection [*passage*] to the enemy, as well as all infractions committed to the prejudice of the security of the State are punished with all the vigor of the law.

Article 62

Every citizen must loyally discharge his obligations toward the national collectivity.

The dedication of the citizen toward his fatherland and the obligation to contribute to its defense constitute sacred and permanent duties.

The State guarantees respect for the symbols of the Revolution, the memory of the *chouhada* and the dignity of their rightful claimants and of the *moudjahidine*.

Article 63

The entirety of the rights of every one are exercised with respect to others by the Constitution, especially with respect to the right of honor, intimacy and the protection of the family, youth and childhood.

Article 64

All citizens are equal with respect to taxation. Everyone must participate in the financing of public expenditures according to one's contributory capacity.

No tax may be levied except by virtue of the law.

No tax, contribution, excise or right of any kind, may be levied with retroactive effect.

Article 65

The law sanctions the right of the parents in the education and protection of their children as well as the duty of the children to aid and assist their parents.

Article 66

Every citizen has the duty to protect public property and the interests of the national collectivity and to respect the property of others.

Article 67

Every foreigner who resides legally on the national territory enjoys for his person and his belongings the protection of the law.

Article 68

No one may be extradited except on the basis and application of an extradition law.

Article 69

In no case can a political refugee who is legally benefiting from the right of asylum be delivered or extradited.

Title II

THE ORGANIZATION OF THE POWERS

CHAPTER I

THE EXECUTIVE POWER

Article 70

The President of the Republic, Head of the State, personifies [*incarne*] the unity of the Nation.

He is the guarantor of the Constitution.

He personifies [*incarne*] the State both within the country and abroad.

He appeals directly to the Nation.

Article 71

The President of the Republic is elected by universal, direct and secret suffrage.

Election is achieved by an absolute majority of recorded votes.

The other modalities of the presidential election are determined by law.

Article 72

The President of the Republic exercises the supreme authority within the State within the limits established by the Constitution.

Article 73

To be eligible for the Presidency of the Republic, the candidate must:

- Enjoy solely [*uniquement*] native Algerian citizenship;
- Be of Moslem faith;
- Be at least forty (40) years on election day;
- Enjoy the plenitude of civil and political rights;
- Attest to the Algerian nationality of the spouse;
- Give proof of the participation in the Revolution of November 1, 1954 for candidates born before July 1942;
- Give proof of the non-involvement [*non-implication*] of the parents of the candidates born after July 1942 in hostile acts against the Revolution of November 1, 1954;
- Produce a public declaration of the mobile and immobile patrimony in the interior as well as the exterior of Algeria; and
- Other conditions are specified by the law.

Article 74

The duration of the presidential mandate is five years.

The President of the Republic may be re-elected only once.

Article 75

The President of the Republic takes an oath before the people and in the presence of all the high officials [*hautes instances*] of the Nation, in the week following his election.

He assumes his office upon taking the oath.

Article 76

The President of the Republic takes the following oath:

In the name of God, most benevolent, ever merciful

“Faithful to the supreme sacrifices and the memory of [our reverent] martyrs and the ideals of the [eternal] November Revolution, I swear upon God All Mighty to respect and glorify the

Islamic religion, to defend the Constitution, [to work sleeplessly for the continuity of the State, to work to insure the necessary conditions for the normal functioning of the institutions and the Constitutional system, and strive to strengthen the democratic path], to respect the free choice of the people, as well as the institutions and laws of the Republic, to preserve the integrity of the national territory, the unity of the people and the nation, to protect the fundamental rights of man and citizen, to work relentlessly for the development and the prosperity of the people, and to [pursue] with all my strength the realization of the great ideals of justice, liberty and peace in the world.”

[and God is my witness]

Article 77

In addition to the powers expressly conferred upon him by this Constitution, the President of the Republic enjoys the following powers and prerogatives:

1. He is the Supreme Commander [*Chef supreme*] of all the armed forces of the Republic.
2. He is responsible for National Defense.
3. He determines and conducts the foreign policy of the nation.
4. He presides over the Council of Ministers.
5. He appoints the Head of the Government and puts an end to its function.
6. He signs presidential decrees.
7. He has the right of pardon, the reduction or the commutation of penalties.
8. He may refer any question of national importance to the people by way of referendum.
9. He concludes and ratifies international treaties.
10. He confers decorations, distinctions and honorary titles of the State.

Article 78

The President of the Republic appoints:

1. To employment and commissions (as) specified by the Constitution;
2. Civilian and military employment of the State;
3. To designations determined in the Council of Ministers;
4. The President of the State Council;
5. The Secretary General of the Government;

6. The Governor of the Bank of Algeria;
7. The Magistrates;
8. Those responsible for the security organs;
9. The Walis [provincial governors]

The President appoints and recalls the ambassadors and the special envoys of the Republic abroad.

Article 79

The Head of the Government presents the members of the government which he has chosen to the President of the Republic for appointment.

The Head of the Government formulates his program which he presents to the Council of Ministers.

Article 80

The Head of the Government submits his program for approval to the National People's Assembly which opens a general debate to this end.

The Head of the Government may adapt his program in the light of this debate.

The Head of the Government presents to the Council of the Nation a communication concerning his program. The Council of the Nation can pass a resolution.

Article 81

In case of non-approval of his program by the National People's Assembly, the Head of the Government presents the resignation of his government to the President of the Republic who appoints another Head of the Government in accord with the same provisions.

Article 82

If the approval of the National People's Assembly is not obtained on a new effort, the National People's Assembly is dissolved without further consideration [*de plein droit*].

The existing Government is maintained to conduct current affairs, until the election of a new National People's Assembly which must take place [*intervenir*] within a maximum interval of three (3) months.

Article 83

The Head of the Government implements [*exécute*] and coordinates the program adopted by the National People's Assembly.

Article 84

The Government submits annually to the National People's Assembly a declaration of general policy.

The declaration becomes the starting point [*donne lieu*] for a debate on the action of the Government.

The debate can be concluded by a resolution or may result in a motion of censure in conformity with the provisions of Articles 135, 136 and 137.

The Head of the Government may demand a vote of confidence from the National People's Assembly. If the motion of confidence is not voted, the Head of the Government presents the resignation of his Government.

In that case the President of the Republic may, before the acceptance of the resignation, make use of the provisions of Article 129 below.

The Government may also present to the Council a declaration of general policy.

Article 85

In addition to the powers expressly conferred by other provisions of the Constitution, the Head of the Government exercises the following attributions:

1. He assigns the attributions among the members of the Government in accordance with the constitutional provisions.
2. He presides over the Council of Government.
3. He oversees the implementation of laws and regulations.
4. He signs executive decrees.
5. He appoints employees of the State, without prejudice to provisions of Article 77 and 78 below.
6. He oversees the good functioning of the public administration.

Article 86

The Head of the Government cannot present to the President of the Republic the resignation of his Government.

Article 87

The President of the Republic cannot in any case delegate the power to appoint the Head of the Government, the members of the Government, as well as the Presidents and members of the constitutional institutions for which no other mode of designation is specified by the Constitution.

Likewise he cannot delegate his power to resort to referendum, to dissolve the National People's Assembly, to decide on anticipated legislative election, to implement the provisions specified in Articles 77, 78, 91, 93 to 95, 97, 124, 126, 127 and 128 of the Constitution.

Article 88

Whenever the President of the Republic, because of serious and enduring illness, finds himself in a total impossibility to exercise his functions, the Constitutional Council meets by right and after having verified the reality of the impediment [*empêchement*] by all appropriate means, proposes to the Parliament by unanimity to declare a state of impediment [*e'tat d'empêchement*].

The Parliament in a joint session of both chambers declares the state of impediment of the President of the Republic, by a two-thirds (2/3) majority of its members, and empowers the President of the Council of the Nation as interim President of the State, for a maximum period of forty-five (45) days to exercise the prerogatives within the terms of the provisions of Article 90 of the Constitution.

If the impediment continues beyond the expiration of forty-five (45) days, it proceeds to a declaration of vacancy, by resignation by right according to the procedure stipulated in the paragraphs below and the provisions of the following paragraphs of this article.

In case of resignation or death of the President of the Republic, the Constitutional Council meets by right and declares [*constate*] the definitive vacancy of the Presidency of the Republic.

It communicates immediately the act of the declaration of definitive vacancy to the Parliament which meets by right.

The President of the Council of the Nation assumes the duty [*charge*] of Head of State for a maximum period of sixty (60) days, during which presidential elections are organized.

The Head of State, so designated, cannot be a candidate for the Presidency of the Republic.

In case of coincidence [*conjonction*] of the resignation or the death of the President of the Republic and an adjournment [*vacance*] of the Presidency of the Council of the Nation, for whatever cause, the Constitutional Council meets by right and declares by unanimity a definitive vacancy of the Presidency of the Republic and the impediment of the President of the Council of the Nation. In that case the President of the Constitutional Council assumes the duties of the Head of State on the conditions specified in the preceding paragraphs of the present article and Article 90 of the Constitution. He cannot be a candidate for the Presidency of the Republic.

Article 89

When one of the present candidates in the course of the second round of the presidential elections, dies, retires, or is impeded by any other reason, the acting President of the Republic or he who assumes the function of the Head of State remains in office [*en fonction*] until the proclamation of election of the President of the Republic.

In that case, the Constitutional Council prolongs the schedule for the organization of the election for a maximum duration of sixty (60) days.

An organic law shall determine the conditions and modalities of implementing the present provisions.

Article 90

The Government in office at the time of the impediment, the death or the resignation of the President of the Republic cannot be dissolved or reorganized until the entry into office of the new President of the Republic.

In case that the Head of Government in office is a candidate for the Presidency of the Republic, he must resign by right. The function of the Head of Government is assumed by another member of the Government who is designated by the Head of State.

During the periods of forty-five (45) days and the sixty (60) days referred to in Articles 88 and 89, no application can be made of the provisions stated in paragraphs 8 and 9 of Article 77 and Articles 79, 124, 129, 136, 137, 174, 176 and 177 of the Constitution.

During the same periods, Articles 91, 93, 94, 95 and 97 of the Constitution cannot be applied without the previous approval of the Parliament meeting in united chambers, the Constitutional Council and the High Council of Security having been previously consulted.

Article 91

In case of compelling necessity [*nécessité impérieuse*] the High Council of Security being assembled, and having consulted the President of the Council of the Nation, the Head of Government and the President of the Constitutional Council, the President of the Republic decrees a state of urgency [*état d'urgence*] or a state of siege, for a specified period, and takes all necessary measures for the re-establishment of the situation.

The duration of the state of urgency or the state of siege cannot be extended except upon the approval of the Parliament meeting in united chambers.

Article 92

The organization of the state of urgency and the state of siege is determined by an organic law.

Article 93

Whenever the country is threatened by an imminent danger to its institutions, its independence or its territorial integrity, the President of the Republic decrees a state of exception [*état d'exception*].

Such a measure is taken in consultation with the National People's Assembly, the President of the Council of the Nation and the Constitutional Council and the consent of the High Council of Security and the Council of Ministers.

The state of exception empowers [*habilite*] the President of the Republic to take exceptional measures which are necessary for the safeguarding of the independence of the Nation and the institutions of the Republic.

The Parliament meets by right.

The state of exception is ended according to same forms and the above procedures, which governed [*présidé*] its proclamation.

Article 94

Having heard the High Council of Security, the President of the National People's Assembly and having consulted the President of the Council of the Nation, the President of the Republic decrees general mobilization in the Council of Ministers.

Article 95

Having assembled the Council of Ministers, and heard the High Council of Security, and having consulted the President of the National People's Assembly and the President of the Council of the Nation, the President of the Republic declares war in case of effective or imminent aggression in conformity with the pertinent provisions of the Charter of the United Nations.

The Parliament meets by right.

The President of the Republic informs the Nation by a message.

Article 96

During a state of war, the Constitution is suspended and the President of the Republic assumes all the powers.

When the mandate of the President of the Republic is about to expire, it is extended by right until the end of the war.

In case of the resignation or death of the President of the Republic, or all other impediment, the President of the Council of the Nation assumes as much as the Head of State and under the same conditions as the President of the Republic all the prerogatives required by the state of war.

In case of coincidence [*conjonction*] of the vacancy of the Presidency of the Republic and the Presidency of the Council of the Nation, the President of the Constitutional Council assumes the responsibilities [*charges*] of the Head of the State under the same conditions stated hereunder.

Article 97

The President of the Republic signs the armistice accords and the treaties of peace.

He obtains the advice of the Constitutional Council on the accords.

He submits them immediately for the express approval of each of the Chambers of Parliament.

CHAPTER II THE LEGISLATIVE POWER

Article 98

The legislative power is exercised by a Parliament, composed of two chambers, the National People's Assembly and the Council of the Nation. The Parliament elaborates and votes sovereignly [*souverainement*].

Article 99

The Parliament controls the action of the government under conditions specified by Articles 80, 84, 133 and 134 of the Constitution.

The control foreseen by Articles 135 and 137 of the Constitution, is exercised by the National People's Assembly.

Article 100

Within the framework of its constitutional powers the Parliament must remain faithful to the mandate of the people and remain in permanent constant touch [*écoute permanente*] with their aspirations.

Article 101

The members of the National People's Assembly are elected by universal, direct and secret suffrage.

The members of the Council of the Nation are elected by two-thirds (2/3) by indirect and secret suffrage among and by the members of the Communal People's Assemblies and by the People's Assembly of the Wilaya.

One-third (1/3) of the members of the Council of the Nation is designated by the President of the Republic among the personalities and national competencies [*compétences*] in the scientific, cultural, professional, economic and social fields [*domaines*].

The number of the members of the Council of the Nation is equal with the half, at the most, of the members of the National People's Assembly.

The modalities of the application of paragraph 2 hereunder are determined by the law.

Article 102

The National People's Assembly is elected for a term of five (5) years.

The mandate of the Council of the Nation is fixed at six (6) years.

The composition of the Council of the Nation is renewable by one-half (1/2) every three (3) years.

The mandate of the Parliament cannot be extended save for exceptionally serious circumstances, which impede the normal functioning [*déroulement*] of the elections.

Such a situation is determined [*constatée*] by a decision of the Parliament, sitting as both chambers united, upon the proposition of the President of the Republic in consultation with the Constitutional Council.

Article 103

The modalities of the election of the deputies and those relative to the election or designation of the members of the Council of the Nation, the conditions of eligibility, the regime of the eligibilities and incompatibilities are determined by an organic law.

Article 104

The validation of the mandates of the deputies and that of the members of the Council of the Nation belongs to the respective competence of each of the two chambers.

Article 105

The mandate of deputy and of the member of the Council of the Nation is national. It is renewable and not cumulative with any other mandate or function.

Article 106

The deputy or the member of the Council of the Nation who does not or does no longer fulfill the conditions of his eligibility forfeits his mandate.

This forfeiture is decided in each case by the National People's Assembly or the Council of the Nation, by a majority of its members.

Article 107

The deputy or the member of the Council of the Nation is responsible to his peers who can revoke his mandate if he commits an act unworthy of his mission.

The internal regulation of each of the two chambers establishes the conditions under which a deputy or a member of the Council of the Nation may be excluded. It is decided [*prononcée*] in each case by a majority of the members of the National People's Assembly or the Council of the Nation without prejudice to all other actions [*poursuites*] under common law.

Article 108

The conditions under which the Parliament accepts the resignation of one of its members are established by an organic law.

Article 109

Parliamentary immunity is granted to the deputies and to the members of the Council of the Nation during the term of their mandate.

They may not be prosecuted, arrested, or in general be the object of civil or criminal action nor all forms of pressure, on account of opinions expressed, speeches delivered or votes cast in the exercise of their mandate.

Article 110

The prosecutions [*poursuites*] for a delinquent act against a deputy or a member of the Council of the Nation may not be initiated [*engagées*] except by express renunciation [*renonciation*] of the concerned [*l'intéressé*] or upon authorization in each case by the National People's Assembly or the Council of the Nation which decides by a majority of its members the lifting of their [*son*] immunity.

Article 111

In case of a flagrant offense or flagrant crime the deputy or a member of the Council of the Nation, the arrest can proceed. The bureau of the National People's Assembly or the Council of the Nation must be informed immediately.

The pertinent bureau may demand the suspension of the prosecutions and the release of the deputy or the member of the Council of the Nation. He is to be treated in conformity with the provisions of Article 110 above.

Article 112

An organic law determines the conditions of replacement of a deputy or a member of the Council of the Nation in case of vacancy of his seat.

Article 113

The legislature meets [*début*] by right on the tenth day following the election of the National People's Assembly under the presidency of its oldest member [*doyen d'âge*] assisted by the two youngest deputies.

It proceeds to the election of its bureau and the constitution of its commissions.

The above provisions are applicable to the Council of the Nation.

Article 114

The President of the National People's Assembly is elected for the term of the legislature.

The President of the Council of the Nation is elected after every partial renewal of the composition of the Council.

Article 115

The organization and the functioning of the National People's Assembly and of the Council of the Nation, as well as the functional relations between the chambers of the Parliament and the Government are determined [*fixés*] by an organic law.

The budget of the two chambers, as well as the remuneration of the deputies and the members of the Council of the Nation are determined by the law.

The National People's Assembly and the Council of the Nation elaborate and adopt their internal regulations.

Article 116

The meetings of the Parliament are public. A record of its proceedings is kept, the publicity of which is assured under conditions established by the organic law.

The National People's Assembly and the Council of the Nation may meet in closed session upon the request of their presidents, the majority of their members present, or the Head of the Government.

Article 117

The National People's Assembly and the Council of the Nation create permanent commissions within the framework of their internal regulations.

Article 118

The Parliament meets in two ordinary sessions each year, each with a minimum duration of four (4) months.

The Parliament may meet in extraordinary session on the initiative of the President of the Republic. It may also be summoned by the President of the Republic on the request [*demande*] of the Head of the Government or the request of two-thirds (2/3) of the members which make up the National People's Assembly.

The closing of the extraordinary session takes place when the Parliament has completed the agenda for which it was summoned.

Article 119

Legislative initiative belongs concurrently to the Head of the Government and the deputies.

Bills, in order to be receivable, must be introduced by twenty (20) deputies.

Bills are presented in the Council of Ministers after the advice of the Council of State [and] then filed by the Head of the Government with the bureau of the National People's Assembly.

Article 120

In order to be adopted, each bill or legislative proposal must be the object of deliberation successively by the National People's Assembly and the Council of the Nation. The discussion of bills and legislative proposals by the National People's Assembly proceeds on the text which has been presented to it. The Council of the Nation deliberates on the text which was voted by the National People's Assembly and is adopted by a majority of three-fourths (3/4) of its members.

In case of disagreement between the two chambers, they meet on the demand of the Head of the Government to propose a text concerning the provisions [which] are the object of the disagreement.

This text is submitted by the Government for adoption by the two chambers and is not susceptible to amendment, except with the consent of the Government.

In case of the persistence of the disagreement, the said text is withdrawn.

The Parliament adopts the Finance Law within a period of seventy-five (75) days, counting from the date of submission in conformity with the preceding paragraphs.

In case of non-adoption within the specified period, the President of the Republic promulgates the bill of the Government by an ordinance.

The other procedures shall be specified by an organic law envisioned in Article 115 of the Constitution.

Article 121

Inadmissible [*irrecevable*] is any bill which aims or has the effect of decreasing public resources or to increase public expenditures unless it is accompanied by measures which seek to augment the income of the State or achieve savings which correspond, at least, to other items [*postes*] of public expenditures.

Article 122

The Parliament legislates in the domains [*domaines*] attributed to it by the Constitution as well as the following fields [*domaines*]:

1. The fundamental rights and duties of persons, particularly the system [*régime*] of public liberties, the safeguarding of individual liberties, and the obligations of citizens;
2. The general rules pertaining to personal status and family law and particularly to marriage, divorce, filiation, [legal] capacity and inheritance;
3. The conditions of the establishment of persons;
4. Basic legislation concerning nationality;
5. General rules pertaining to the condition of foreigners;
6. Rules concerning judicial organization and the creation of jurisdictions;

7. General rules of criminal law and criminal procedure and particularly the determination of crimes and misdemeanors, the institution of corresponding penalties, amnesty and extradition and the penitentiary regime;
8. The general rules of civil procedure and the means of (its) execution;
9. The system of civil and commercial obligations and property;
10. The territorial division of the country;
11. The adoption of the national plan;
12. The vote of the budget of the State;
13. The creation, basis and rates of taxes, contributions, excise and rights of every kind;
14. The customs system;
15. The general regulations concerning the issuance of money, the banking regime, credit and insurance;
16. General rules relating to education and scientific research;
17. General rules relating to public health and the population;
18. General rules relating to the right to work, social security, and the exercise of the right of trade unions;
19. General rules relating to the environment and the standard of life and land management;
20. General rules relating to the protection of the fauna and flora;
21. The protection and safeguarding of the cultural and historic patrimony;
22. The general system of forests and pasture lands;
23. The general water system;
24. The general system of mines and hydrocarbons;
25. Real estate;
26. The fundamental guarantees accorded to functionaries and the General Statute of Public Service;
27. The general regulations relative to National Defense and the utilization of the Armed Forces by civil authorities;
28. The regulation [concerning] the transfer of property from the public to the private sector;

29. The creation of categories of establishments;

30. The creation of decorations, distinctions and honorific titles of the State.

Article 123

Matters other than those reserved by the Constitution to organic law, the following matters also pertain to organic law:

- the organization and functioning of the public powers;
- the electoral regime;
- the law concerning political parties;
- the statutes on the magistrature and the judicial organization;
- the framework law concerning finance laws;
- the law concerning national security.

The organic law is adopted by absolute majority of the deputies and three-quarters (3/4) of the members of the Council of the Nation.

It is submitted for a control of conformity by the Constitutional Council before its promulgation.

Article 124

In case of vacancy of the National People's Assembly or in periods of intersession of the Parliament, the President of the Republic can legislate by ordinance.

The President of the Republic submits the texts which he has framed [*pris*] for the approval of each of the chambers of Parliament, at their [*sa*] next session.

Ordinances not adopted by the Parliament are null.

In case of a state of exception defined in Article 93 of the Constitution, the President of the Republic may legislate by ordinances. The ordinances are framed in the Council of Ministers.

Article 125

Matters other than those reserved to the law (making) belong to the regulatory power of the President of the Republic.

The implementation [application] of the laws belong to the regulatory power [*domaine réglementaire*] of the Head of the Government.

Article 126

The law is promulgated by the President of the Republic within thirty (30) days counted from the date of its transmittal.

However, when the Constitutional Council is engaged by one of the authorities referred to in Article 166 below, before the promulgation of the law, this time limit is suspended until the Constitutional Council has stated its view within the conditions specified in Article 167 below.

Article 127

The President of the Republic can demand a second reading of a voted law, within thirty (30) days following its adoption.

In that case, a majority of two-thirds (2/3) of the members of the National People's Assembly is required for the adoption of the law.

Article 128

The President of the Republic can address a message to the Parliament.

Article 129

After consulting the President of the National People's Assembly, the President of the Council of the Nation and the Head of the Government, the President of the Republic can decide on the dissolution of the National People's Assembly or on anticipated legislative elections.

In the two cases legislative elections must take place within a maximal limit of three (3) months.

Article 130

Upon request of the President of the Republic or one of the Presidents of one of the two chambers, the Parliament may initiate a debate on foreign policy.

This debate can be concluded with a resolution of the Parliament meeting in joint session of the two chambers which shall be communicated to the President of the Republic.

Article 131

Armistice accords, treaties of peace, of alliances and union, the treaties concerning the frontiers as well as treaties concerning the status of person and those which involve expenditures not foreseen in the budget of the State are ratified by the President of the Republic after explicit [*expresse*] approval by each of the two chambers of Parliament.

Article 132

The treaties ratified by the President of the Republic, under the conditions specified by the Constitution, are superior to the law.

Article 133

The members of the Parliament can interpellate the government on a question of current concern [*actualité*].

The commissions of the Parliament may hear the members of the Government.

Article 134

The members of the Parliament may address orally or in written form any question to any member of the government.

The written question must receive a reply on the same form within a maximum period of thirty (30) days.

The oral questions call for a response in the session.

If one of the two chambers believes that the oral or written response by the member of the Government justifies it, a debate is opened under the conditions specified in the internal regulations of the National People's Assembly and the Council of the Nation.

The questions and answers are published under the same conditions as the record of the debates of the Parliament.

Article 135

On the occasion of the debate of the declaration of the general policy, the National People's Assembly can bring into question the responsibility of the government by voting a motion of censure.

Such a motion is not receivable unless it is signed by at least a seventh (1/7) of the number of deputies.

Article 136

The motion of censure must be approved by a vote taken by a majority of two-thirds (2/3) of the deputies. The vote cannot be held until three (3) days after the introduction [*dépot*] of the motion of censure.

Article 137

After the motion of censure is approved by the National People's Assembly, the Head of the Government must present the resignation of his government to the President of the Republic.

CHAPTER III THE JUDICIAL POWER

Article 138

The judicial power is independent. It is exercised within the framework of the law.

Article 139

The judicial power protects the society and the liberties. It guarantees to each and everyone the protection [*sauvegarde*] of their fundamental rights.

Article 140

Justice is founded on the principles of legality and equality.

It is equal for all, accessible to all, and is expressed by respect of the law.

Article 141

Justice is rendered in the name of the people.

Article 142

The criminal sanctions conform [*obéissent*] to the principles of legality and personality.

Article 143

Justice recognizes remedies against illegal acts of the administrative authorities.

Article 144

Judicial decisions are motivated and pronounced in public audiences.

Article 145

All qualified organs of the State are required to assure at all times and in every place and in every circumstance the execution of judicial decisions.

Article 146

Justice is rendered by the judges. They can be assisted by people's assessors under conditions specified by the law.

Article 147

The judge obeys only the law.

Article 148

The judge is protected against all forms of pressures, interventions or maneuver of any nature that could injure [*nuire*] the accomplishment of his mission or respect for his free judgment.

Article 149

The judge is responsible to the High Council of the Judiciary [*Magistrature*] and in the forms specified by the law for the manner in which he performs his mission.

Article 150

The law protects the justiciable against all abuse or deviation by the judge.

Article 151

The right to defense is recognized.

In criminal matter[s] it is guaranteed.

Article 152

The Supreme Court constitutes the regulatory organ of all activity by the courts and tribunals.

A Council of State is instituted [as] regulatory organ of the activity of administrative jurisdiction.

The Supreme Court and the Council of State assure the unification of jurisprudence throughout the country and watch over the respect for the law.

A Tribunal on Conflicts [*Tribunal des Conflits*] is instituted for the regulation of conflicts [concerning] the competence between the Supreme Court and the Council of State.

Article 153

The organization, the functioning and the other functions [*attributions*] of the Supreme Court, the Council of State and the Tribunal on Conflicts are established by an organic law.

Article 154

The High Council of the judiciary is chaired by the President of the Republic.

Article 155

The High Council of the Judiciary decides, under conditions determined by law, the appointments, transfers [*mutations*] and the advancement [*déroulement*] of the career of judges.

It monitors respect for the provisions of the statutes of the judiciary and the control of the discipline of the judges, under the chairmanship of the first President of the Supreme Court.

Article 156

The High Council of the Judiciary provides preliminary consultative opinion to the President of the Republic concerning the exercise of the right of pardon.

Article 157

The composition, the functioning and the other attributions of the High Council of the Judiciary are determined by an organic law.

Article 158

A High Court of State is instituted to review the acts which can be qualified as high treason of the President of the Republic, the crimes and misdemeanors [*délits*] of the Head of Government, committed in the exercise of their functions.

The composition, the organization and the functioning of the High Court of State, as well as the applicable procedures, are established by an organic law.

Title III CONCERNING THE CONTROL AND THE CONSULTATIVE INSTITUTIONS

CHAPTER I CONTROL

Article 159

The elected assemblies assume the control function in its popular dimension.

Article 160

The Government gives an account to each chamber of the Parliament on the utilization of budgetary credits which it has voted for each budgetary period [*exercice budgétaire*]. The [budgetary] period is closed, as far as the Parliament is concerned by a vote of each chamber of a law providing the budgetary regulation for the period under consideration.

Article 161

Each of the two chambers may, at any time, establish within the framework of its powers (*prérogatives*) a commission of inquiry on any matter of general interest.

Article 162

The institutions and organs of control are instructed [*chargés*] to verify the conformity of legislative and executive action(s) and to verify the conditions of the utilization and administration of material means and public funds.

Article 163

A Constitutional Council is established to watch over the respect for the Constitution. The Constitutional Council watches, among other matters, over the regularity of referendum operations, the election of the President of the Republic and legislative elections. It announces the result of its operations.

Article 164

The Constitutional Council consists of nine (9) members: three (3) are appointed by the President of the Republic, two (2) are elected by the National People's Assembly, two (2) are

elected by the Council of the Nation, one (1) is elected by the Supreme Court, and one (1) is elected by the Council of State.

As soon as they are elected or designated, the members of the Council cease any other mandate, function, charge or mission.

The President of the Republic designates the President of the Constitutional Council for a single six (6) year term. The other members of the Constitutional Council serve a single term of six (6) years and they are renewed by one-half (1/2) every three (3) years.

Article 165

Aside from the other functions which are expressly conferred by other provisions of the Constitution, the Constitutional Council rules on the constitutionality of treaties, laws and negotiations, either by an opinion [*avis*], if these are not rendered executory, or by a decision, in the opposite case.

The Constitutional Council called upon by the President of the Republic issues an obligatory opinion on the Constitutionality of organic laws after their adoption by the Parliament.

The Constitutional Council rules also in the same forms, specified in the preceding paragraphs on the conformity with the Constitution of the internal regulation of each of the two chambers of Parliament.

Article 166

The Constitutional Council is called upon by the President of the Republic, the President of the National People's Assembly or the President of the Council of the Nation.

Article 167

The Constitutional Council deliberates in closed session, its opinion or decision is given within twenty (20) days following the date of its call. The Constitutional Council establishes the rules of its functioning.

Article 168

When the Constitutional Council rules that a treaty, accord or convention is unconstitutional, its ratification cannot take place.

Article 169

When the Constitutional Council judges that a legislative or regulatory provision is unconstitutional, it loses all effect from the day of the decision of the Council.

Article 170

A Court of Accounts is established, which is entrusted with the control, a posteriori, of the finances of the State, the territorial collectivities and public establishments.

The Court of Accounts prepares a report which it addresses to the President of the Republic.

The law determines the competences [*attributions*], the organization and functioning of the Court of Accounts and the sanction of its investigations.

CHAPTER II THE CONSULTATIVE INSTITUTIONS

Article 171

Next to the President of the Republic, a High Islamic Council is established charged especially to:

- encourage and promote *ijtihad*;
- to provide its opinion on the religious rules on what is submitted to it;
- to present a periodic report of [its] activity to the President of the Republic.

Article 172

The High Islamic Council is composed of fifteen (15) members selected by the President of the Republic from among religious personalities in the different sciences.

Article 173

A High Council of Security is established [which is] presided over by the President of the Republic. This organ is charged to provide to him advise on all questions relating to national security.

The modalities of organization and functioning of the High Council of Security are determined by the President of the Republic.

Title IV CONCERNING CONSTITUTIONAL REVISION

Article 174

A constitutional revision is decided upon on the initiative of the President of the Republic. It is voted on equal terms by the National People's Assembly and the Council of the Nation under the same conditions as a legislative text.

It is submitted by referendum for the approval by the people in fifty (50) days following its adoption.

The constitutional revision, approved by the people, is promulgated by the President of the Republic.

Article 175

The law containing the proposed constitutional revision which was rejected by the people becomes invalid [*caduque*].

It cannot be newly submitted to the people during the same legislature.

Article 176

Following the motivated opinion of the Constitutional Council that the draft constitutional revision carries no adverse effect whatsoever on the general principles governing the Algerian society, on the rights and liberties of man and citizen, nor impact in any manner the fundamental equilibria of the powers and the institutions, the President of the Republic may directly promulgate the law containing the constitutional revision, without submitting it to referendum, if it has received the approval of three-quarters (3/4) of the votes [*voix*] of the members of the two chambers of the Parliament.

Article 177

Three-fourths (3/4) of the members of the two chambers of the Parliament, meeting in joint session, may propose a constitutional revision and present it to the President of the Republic, who can submit it in a referendum.

If its approval is obtained, it is promulgated.

Article 178

No constitutional revision may impinge on:

1. The republican character of the State.
2. The democratic character based on plural parties [*multipartisme*]
3. Islam, as the religion of the State.
4. Arabic, as the national and official language.
5. On fundamental liberties, on the rights of man and citizen.
6. The integrity and unity of the national territory.

TRANSITORY PROVISIONS

Article 179

The current legislative body [which is] in place at the time of the promulgation of the present Constitution and until the end of its mandate, the President of the Republic, also based on his legislative mandate and until the election of the National People's Assembly, shall have authority to legislate through ordinances including matters pertaining to organic laws.

Article 180

Pending the installation of the institutions provided for in the present Constitution:

The laws that are related to matters that are subject to the organic law shall remain in force until their modification or replacement according to the procedures provided for by the Constitution.

The Constitutional Council in its actual composition shall express its jurisdiction which is conferred by the present Constitution with the installation of the [new] members of the represented institutions. Any modification or addition shall be effected subject to Article 164 (Paragraph 3) of the present Constitution, making use of drawing by lot, in case of need.

The elected National People's Assembly shall exercise the totality of legislative power until the installation of the Council of the Nation. However, the President of the Republic may postpone the promulgation of laws, passed on the initiative of the deputies, until their adoption by the Council of the Nation.

Article 181

The renewal of one-half (1/2) of the members of the Council of the Nation in the course of the first mandate is effected at the beginning of the third year by lot. The replacement of the members of the Council of the Nation is done by lot under the same conditions and following the same procedure which governed their election or appointment.

The drawing by lot does not apply to the President of the Council of the Nation who shall exercise the first mandate for six (6) years.

Article 182

The President of the Republic promulgates the text of the constitutional revision, approved by the people and which shall be enforced as the fundamental law of the Republic.

NOTES:

[*] This document has been amended by [Constitutional Revision Law Number 02-03 of April 10, 2002 \(Moharram 27, 1423\)](#). In each instance where the text has been altered to integrate the amendment, the text has been [bracketed], highlighted and [linked](#) (through the endnote) to the amending article.

[1] As added by [Article 1 of Constitutional Revision Law Number 02-03 of April 10, 2002 \(Moharram 27, 1423\)](#).