

Towards a law for the constitutional Court; Balancing Procedural Necessity and Substantive Necessity

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Abstract:

The constitutional transition from the constitutional Council to the constitutional court system, according to the recent constitutional amendment of 2020, aligns with the current constitutional developments in the field of constitutional oversight and normativity of constitutional principles. This transition entails a shift from political supervision to judicial oversight, aiming for constitutional justice moreover, while some consider the establishment of the constitutional court as advantageous, as it shifts from an elitist official judiciary to a (people judiciary), it necessitates the Implementation of legal guarantees and mechanisms that ensure the constitutional courts' independence and efficacy. One such measure could be the enactment of a law specific to the constitutional court, replacing previous internal regulations that predominantly governed the constitutional council. The primary question for consideration is; is there a need to adopt a comprehensive law for the constitutional court? Additionally, should there be a law on constitutional court? Additionally, should there be a law on constitutional procedures? Is it an unnecessary luxury or a legal necessity additionally, should there be a law on constitutional court? These inquiries are particularly pertinent as constitutional already includes provisions relating to the adequacy of the Constitutional councils' internal regulations and its transition to the constitutional court.

Key words: Constitutional council; Constitutional court; Constitutional court law.

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Introduction:

According to the President of the Supreme Constitutional Court of the Republic of Dominique, Dominique Guevara, "The constitutional court is like spring for the flowers when it comes to the constitution."¹ The constitutional transition from a constitutional council system to a constitutional court system in Algeria represents a constitutional amendment that aligns with the transformations witnessed by many comparative constitutional systems today. This transition signifies a shift from the traditional model of political constitutional review to judicial review and embodies the legal and effective implementation of constitutional justice as a demand from both a rights-based and political perspective.

As for the constitutional designation, the constitutional founder's decision to refer to the Constitutional Council as the Constitutional Court represents a transition from an official and elitist judiciary to a popular judiciary. The Algerian Constitution of 2020, as amended and supplemented, includes provisions specific to the constitutional court, defining its organizational and substantive aspects within a legal framework. Article 185 stipulates that "The constitutional court is an independent institution tasked with ensuring respect for the constitution, regulating the functioning of institutions, and the activities of public authorities."

"The Constitutional Court establishes the rules governing its procedures and operations."

Article 188, paragraph 3, states: "The internal regulations of the constitutional court shall determine the conditions and procedures for partial renewal."

Article 189, paragraph 3, states: "The internal regulations of the constitutional court shall establish procedures for lifting immunity."

The constitutional text raises a fundamental question primarily related to the independence and effectiveness of the established constitutional court. One of the instruments for ensuring independence and effectiveness is the "legal framework governing this institution."

In this research paper, the researcher endeavours to pose the following question: Is there a necessity to adopt a unified law for the constitutional court that encompasses most, if not all, of its provisions? Is it a legal necessity or a legal luxury, especially in light of the constitutional text addressing some organizational and jurisdictional rules for the court, as well as the internal regulations that specify the procedural rules concerning the court?

The research question revolves around the impact of the law on the independence and effectiveness of the constitutional court through the philosophy of choosing between the three hierarchical rules: constitutional text, parliamentary legislation, and regulatory text, or anything below that.

In other words, is there sufficient justification for enacting a unified law for the constitutional court that includes all aspects related to its organization and jurisdiction? Within the context of answering this question, it is proposed to hypothesize that there is a necessity to adopt an organic law for the constitutional court that encompasses both organization and jurisdiction. This is justified by two main reasons: procedural and substantive.

The research paper will follow a descriptive and analytical methodology, according to the following outline: First Section: Procedural Necessity as a Justification for the Constitutional Court Law. Second Section: Substantive Necessity as a Justification for the Constitutional Court Law. The conclusion will summarize the main findings and provide recommendations.

I. Procedural Necessity as a Justification for the Constitutional Court Law

Procedural work represents the legal activities that directly result in an impact that is part of a judicial dispute, or in other words, the actions undertaken by the parties involved in the dispute. It encompasses the set of rules that must be followed when resorting to the judiciary.² Before delving into the substance of a dispute, there are necessary judicial procedures that must be followed. Failing to adhere to these procedures can undermine the judicial resolution and render it flawed or defective.

The question in this context is whether there are procedural necessities that warrant the adoption of a law for the constitutional court in the Algerian system. Is enacting a law for the constitutional court, which includes procedural provisions, a necessity or merely legislative redundancy?

1st- Procedural law for civil, administrative, and criminal matters; to what extent is it necessary according to the constitutional provision?

The legislature establishes various procedural rules and laws, tailored to different areas of law. These rules and laws outline the means and methods to pursue and protect rights, contributing to the legal stability of society, which is the foundation of social order³. Each person who claims a right is entitled to bring a lawsuit before the judiciary to

obtain or protect that right⁴, based on procedural rules that govern such proceedings.

As every law is subject to disputes that require recourse to a corresponding procedural law, constitutional disputes may not deviate from this principle. Therefore, they require a specific procedural law that addresses them.

If civil, administrative, and criminal matters are regulated by procedural laws, namely Law No. 08-09 dated February 25, 2008, which encompasses the Civil and Administrative Procedures Law, and Decree No. 66-155 dated June 8, 1966, which includes the Criminal Procedures Law (as amended and supplemented)⁵, it can be argued that it is advisable and in line with the constitutional principles for the constitutional realm to have its own procedural law.

A constitutional lawsuit is a legal procedure initiated directly by a citizen or through representative institutions to challenge a constitutional matter, with the aim of safeguarding constitutionally entrenched rights and freedoms, without being driven by the interests of conflicting individuals. This distinctive characteristic makes it specific and independent in nature.⁶

The Egyptian Supreme Constitutional Court defines a constitutional lawsuit as "a lawsuit in which the dispute revolves around constitutional issues by their nature." It affirms that a constitutional lawsuit is "an independent and distinct lawsuit, differing in nature and subject matter from the original lawsuit between the parties. Although a constitutional lawsuit can only be initiated through the referral method before the concerned court, once it is brought before the constitutional court, it becomes detached from the original lawsuit's subject matter that led to the referral. The constitutional court does not concern itself with the referral except as directed by the referral decision, which is solely determined by the referring judge. After that, the parties have no role in guiding the lawsuit. Due to the unique nature of this lawsuit, driven by the affirmation of legitimacy and the pursuit of the public interest regardless of the parties' interests, once the lawsuit is initiated, it proceeds without requiring the presence of the parties or their representatives."⁷

Furthermore, the recourse to constitutional justice is a constitutional right recognized by various constitutional systems, allowing citizens to directly participate in the legal protection of their fundamental rights. It ensures the supremacy of constitutional norms through constitutional lawsuits.⁸

Constitutional provisions are often subject to conflicts and disputes, both horizontally between different constitutional authorities and

vertically, when a legal provision violates a human right, for example, by not aligning with the constitutional standards set forth in the constitutional text. This necessitates constitutional review through mechanisms such as the review of constitutionality adopted by the Algerian constitutional legislator or other similar mechanisms. A law on constitutional procedures represents an urgent procedural necessity that contributes to enhancing constitutional security

2nd- Procedural Timeframe as a Justification for the Constitutional Court Law

A fair trial holds no meaning without the swift application of litigation procedures or the enforcement of reasonable timeframes for the realization of rights. Constitutional rights, in particular, deserve protection by the constitutional court, which is entrusted with upholding the Constitution and ensuring its implementation within reasonable time limits.

The general rule is that the legislator should focus on and regulate the procedural timeframe for any dispute, considering it as a circumstance that must be dealt with, with a specified period having a clear beginning and end.⁹

The procedural deadline is considered an initial legal approach of particular significance in the constitutional provision, as it aligns with both the principle of legality and the reinforcement of the principle of legislative security.¹⁰

Constitutional deadlines should be defined, limited, and relatively short, as they are tied to periodic constitutional events such as presidential and parliamentary elections and various constitutional consultations related to law and legislation review.

Constitutional councils and constitutional courts are obligated to issue their decisions within limited, non-extendable timeframes; otherwise, constitutional legitimacy would be tainted and undermined. This necessitates the enactment of a law that specifies these procedural deadlines, namely a law on constitutional procedures that applies to the constitutional court.

Constitutional procedural timeframes are crucial and prioritized for the following reasons:¹¹

- They are linked to the principle of institutional continuity and the peaceful transfer of power, necessitating compliance with constitutional deadlines to ensure continuity.

- *They relate to the periodic reliance on popular confidence since the people are the source of authority, and the legitimacy of rulers is temporary, conditional, and limited.*
- *They contribute to the efficiency of governance, as effective and responsible administration of the country cannot be achieved without respecting constitutional timeframes and deadlines.*

There is no cause for concern regarding procedural delays, as here arises the necessity of applying the principle of the reasonableness of procedures, which encompasses all litigation procedures, regardless of the nature of the dispute presented before the judicial authorities.

However, in this context, it is essential to distinguish between two distinct concepts: "constitutional procedural timeframes" and "constitutional deadlines." The latter undoubtedly should remain within the constitutional framework as an objective concept... On the other hand, the former may extend beyond the constitutional texts within procedural rules that may be deemed inappropriate to be included in the constitutional provisions.

In addition, the principle of "reasonable trial duration" essentially represents a period that does not cause harm to the litigants. It can be referred to as the "reasonable period" or the "optimal period."

The reasonable period, in terms of a reasonable trial duration, is the period that should be allocated to each judicial lawsuit, starting from the investigation stage, through the trial, until the execution of the sentence.

The optimal period relates to the management of judicial time and primarily aims to ensure that "the total duration of the proceedings is suitable from the filing of the lawsuit until an appropriate final outcome is reached, aligned with the objectives sought by the litigants through the lawsuit." This is particularly emphasized and mandated in constitutional lawsuits.

Determining this reasonable or optimal period is the responsibility of all institutions and individuals entrusted with organizing, planning, and implementing judicial procedures.

From a practical perspective, some procedural systems, such as those in Tunisia and Lebanon, have implemented a system to monitor the duration of proceedings before the courts to provide detailed statistical data on the duration of procedures at a general level. This experience deserves praise and should be implemented in other comparative constitutional systems. Thirdly: Procedural law strengthens the principle

of judicial independence, especially for the constitutional judge, and serves as a justification for the establishment of a constitutional court.

The establishment of constitutional procedural rules in an independent law enhances the protection of the constitutional judge, as well as judges in general, before safeguarding the rights of litigants before judicial authorities. These rules allow judges to shield themselves from attempts to undermine their independence or exert pressure on them through various means, thus serving as pillars of the principle of judicial independence.

The inclusion of clear and well-known constitutional procedural rules serves to reinforce both constitutional legitimacy and political legitimacy, as well as promote constitutional legal and judicial practices. Therefore, it serves as a fundamental procedural justification for enacting a law for the establishment of a constitutional court that encompasses constitutional procedural rules.

The recent amendment made by the constitutional legislator in Algeria touches upon the aspect of the judge's independence in ensuring "legal security" in Article 34, paragraph four, which states: "To ensure legal security, the state is committed, when enacting legislation relating to rights and freedoms, to guarantee their accessibility, clarity, and stability."

From a certain perspective, the researcher believes that the constitutional legislator seeks an explicit provision regarding the standards related to achieving legal security, which includes guaranteeing accessibility, clarity, and stability of legislation. There is no meaning to protective legislation that is unknown, unclear, or unstable. Enacting a law for the constitutional court that encompasses constitutional procedural rules aligns with the essence and content of this provision, thereby enhancing the independence of the constitutional court member.

Considering the trend towards establishing a constitutional court as an alternative to the Council of Constitutional Jurisdiction, it is worth revisiting the question of the independence of the intended members of the constitutional court in their current practice, in comparison to the independence of the former members of the Council of Constitutional Jurisdiction. Furthermore, alongside the principle of independence, the question arises as to whether a member of the constitutional court should be considered a judge.

Examining the current Algerian constitutional amendment of 2020 refers to the constitutional court in the fourth section concerning control institutions, separate from the fourth chapter encompassing the judiciary

in the third section concerning the organization of powers and their separation. This may imply that the constitutional court is a supervisory constitutional body rather than a judicial authority.¹²

Considering the provisions related to the constitutional court from Article 185 to Article 198, which designate the "member of the constitutional court" as a member, and comparing them with Article 163 of the fourth chapter on the judiciary, which designates the judge in the independent judiciary as independent and subject only to the law, it can be interpreted, using a narrow interpretation approach, that a member of the constitutional court is not considered a judge.

Furthermore, the composition of the membership of the constitutional court should be considered. It consists of twelve members, of whom only two possess the qualification of judges elected from among the members of the Supreme Court and the Council of State. The remaining members are appointed by the President of the Republic, including the President himself, and elected by constitutional law professors. This non-judicial characteristic of the members of the constitutional court may raise concerns on one hand, and on the other hand, the issue of presidential appointment of some members raises questions about their independence from the executive authority, or rather from the head of the executive authority.

In order to shape the membership of the constitutional court in Algeria, it is suggested that individuals should meet the qualifications for assuming a judicial position to ensure the necessary legal expertise in such a high-level constitutional body and to instil a spirit of judicial impartiality in line with the new trend towards constitutional justice established by the Algerian constitutional legislator.

Given the relative independence of the members of the constitutional court, as mentioned earlier, enacting a law for constitutional procedures remains a fundamental alternative that provides a direct framework for the functioning of the constitutional court, ensuring its independence through legal protection.

II. Objective Necessity as a Justification for the Law on the Constitutional Court

The newly established constitutional court is entrusted with a set of powers under the 2020 Constitution, as stated in Article 185, which defines it as follows: "An independent institution responsible for ensuring respect for the constitution and regulating the functioning of institutions and the activities of public authorities."¹³ It ensures respect for the constitution as an inherent competence, protecting it from any

encroachment by any party, and regulates the functioning of institutions and public authorities in the country.

In addition to these fundamental constitutional powers, the constitutional court acts as an election judge and a lawmaker, safeguarding the constitutional public order. Furthermore, it exercises a decisive political role.

All these essential objective powers may justify the establishment and enactment of a unified law for the constitutional court, encompassing the substantive aspect of such powers.

1st-The Constitutional Court as an Election Judge

The constitutional court, under the constitution, has a fundamental role in safeguarding institutional legitimacy by ensuring the integrity of electoral processes and the lawful democratic transition. This includes reviewing challenges to the provisional results of presidential and legislative elections, referendums, and announcing the final results regarding them.¹⁴

The constitutional judge is committed to preserving the institutional legitimacy of the Republic by examining challenges related to the provisional results of presidential elections, following their announcement by the Independent National Electoral Authority.

Additionally, they oversee the legitimacy of the legislative institution and any referendum called for by the President of the Republic.

This competence is specifically defined by Article 191 of the 2020 Algerian Constitution, which states that "the constitutional court examines challenges it receives concerning the provisional results of presidential and legislative elections and referendums, and declares the final results of all these processes."

The electoral process is a distinct legal and political act that is established and regulated by an organic law, governing its provisions, procedures, and various rules. Law No. 21-01, issued on March 10, 2021, which was amended and supplemented by Order No. 21-10 dated August 25, 2021, encompasses the organic law on the amended electoral system.¹⁵

The organic law on elections addresses matters related to the election of constitutional institutions, including the President of the Republic and the Parliament, in addition to the election of local government bodies.

Chapter Five of the law is titled "Election of Members of Municipal and Provincial People's Councils, National People's Council, and Council of the Nation," covering Article 169 to Article 244. Chapter Six is

titled "Election of the President of the Republic and Consultative Referendums," with the first section focusing on the election of the President of the Republic, from Article 245 to Article 260.

According to Article 1 of Order No. 21-01, which includes the organic law on elections:¹⁶

"This Order, which relates to the organic law on elections, aims to...

- Embody the constitutional principles related to the independence, impartiality, and non-bias of the authority responsible for managing, organizing, supervising, and ensuring the transparency of electoral and referendum processes.

- Embody and consolidate democracy, power rotation, and the creation of political life..."

From the wording of Article 1 of the electoral law, there are constitutional principles relating to the independence, impartiality, and non-bias of the authority responsible for managing and overseeing the electoral and referendum processes, as well as ensuring their transparency. It is the constitutional responsibility of the constitutional bloc to emphasize these principles. Therefore, the law on the constitutional court can incorporate objective rules concerning the mechanisms for embodying these electoral principles as a constitutional judiciary. The activation and application of these electoral principles should be based on clear and meaningful legal provisions.

In other words, the electoral jurisdiction of the constitutional court is manifested through the consolidation of principles that safeguard the electoral process of official institutions, including the presidency, parliament, and various referendums called for by the President of the Republic. It ensures the rotation of power between the executive and legislative branches in case of any infringement or disruption of their proper functioning, regardless of the reasons behind it.

2nd - The Constitutional Judge as a Lawmaker

When examining the jurisdiction of the Constitutional Court, and previously the Constitutional Council, in relation to various laws, the focus is on the conformity of legislation with constitutional texts. This includes reviewing the constitutionality of treaties, laws, and regulations, as well as the compatibility of laws and regulations with treaties. It also involves assessing the conformity of organic laws and the internal regulations of the two parliamentary chambers with the constitution.¹⁷

The primary task of the constitutional judge is to compare the legislative text presented to them, whether it is an international treaty, an agreement, a parliamentary law in its two aspects, or an internal

regulation or law of the parliamentary chambers. The aim is to examine their compliance with constitutional provisions.

This process is mechanical, aimed at verifying whether the legislator respects the constitution, assuming that it carries a single objective meaning¹⁸. However, constitutional texts are not always clear-cut, as they may allow for multiple interpretations and different meanings. Therefore, the constitutional judge transitions from purely mechanical work to an interpretive role. This involves examining the constitutional text, determining its meanings, and choosing the possible interpretation that aligns with the law presented before them. It goes beyond the "mouths of the constitution" through the creation of an applicable legal rule.¹⁹

Thus, the scrutiny of the Constitutional Court is a technical process that is not rigidly defined, as it narrows or expands based on the judicial policy adopted by the court when considering a specific matter. It is not an arithmetic scrutiny that is performed automatically.²⁰

However, this departure from the mechanical work has raised legitimate questions about the legitimacy of the constitutional judiciary and the justifications for establishing it as a legal authority in contrast to the legitimacy of the elected legislative institution.

According to this critique, the constitutional judiciary is merely an implementer of the law rather than a creator of it. Its interpretive work could lead to the demise of written constitutions, and the written constitutional text may be subject to constant amendments based on the understanding and interpretation of the constitutional judge.²¹

The response to this critique is closely related to the issue of the constitutional legal text and attempting to approach it. It is not sufficient to consider only the literal meaning without delving into the interpretation. Legal interpretation is connected to rules and principles on the one hand, while constitutional rules intentionally focus on principles rather than details in their construction. Therefore, the need for interpretive work by the constitutional judiciary remains essential. This highlights the crucial role of the authentic Constitutional Court in interpreting the constitutional text, whether in the context of examining previous jurisdictions or in the context of Article 192, paragraph two, which allows the court to be notified about the interpretation of a judgment or several constitutional provisions and issue an opinion on them.²²

3rd- Constitutional Lawsuit Relating to Public Order as a Justification for a Constitutional Court Law

The preservation of public order is a fundamental requirement pursued by various state institutions, with the President of the Republic representing the highest authority responsible for this task. In addition to the constitutional court as a supervisory and adjudicating body among different powers and institutions.

The concept of public order is related to the various legal rules, belonging to both private and public law. However, public order rules within private law are narrower in application compared to other areas of law. The former includes imperative rules related to the public interest in civil law provisions, provisions ensuring the protection of goodwill towards others, personal status and eligibility provisions, a person's relationship with their family, rights, and duties, as well as rules regarding formalities and procedures within substantial civil procedure law. On the other hand, public law rules such as constitutional, administrative, and criminal laws must not be violated.²³

Regarding constitutional law, it may not be appropriate to divide its rules into imperative rules that cannot be violated and complementary rules that can be violated. The principle of the unity of the constitution stands against such division. All constitutional rules are fundamentally considered as one unit, indivisible. Thus, they differ from ordinary laws and their division into imperative and complementary rules.²⁴

The constitutional public order has two meanings: specific and general.²⁵

The specific or narrow meaning of constitutional public order refers to benefiting from certain constitutional rules and principles with special additional protection imposed by the original constitutional authority or the constitutional courts themselves as protectors of constitutions. The judicial approach to constitutional lawsuits is influenced by the idea of constitutional public order.

The general or broad meaning of constitutional public order refers to the full protection of all constitutional rules and principles as required by the constitutional rules themselves. This follows the principle of the gradation of constitutional rules, which dominates all modern legal systems. Accordingly, the constitutional judge seeks to prioritize the constitutional rule over lower-ranking rules, and thus all constitutional rules relating to public order.

The constitutional court, based on its constitutional jurisdiction and constitutional provisions, plays a significant role in safeguarding the constitutional public order, both in normal and extraordinary circumstances.

Firstly, the protection of the constitutional court ensures the continuity of the institution of the presidency through regulating the legitimacy of its election and addressing cases of vacancy or illness that prevent the President from carrying out their duties.

- *Notifying the constitutional court of disputes that may arise between constitutional authorities.*
- *Seeking the court's opinion on the constitutionality of laws in a broad sense.*
- *The constitutional court as an advisor in exceptional cases such as emergencies, sieges, exceptional circumstances, and war.*

And as well in the case of the dissolution of parliament by the President, when there is a constitutional justification for it.

4th The Political Role of the Constitutional Judge

In addition to the aforementioned powers of the constitutional court, it enjoys important and significant powers that support its central position as an institutional guardian of the state's institutions and the balance between them. These two functions qualify the constitutional court to exercise an exceptional supra-legal role that transcends into the realm of politics. It is an institution that presides over other institutions, as the constitutional judge acts as an arbitrator between the three main public powers: legislative, executive, and judicial. This is achieved through positive and negative conflict control between these powers. The disputes that may arise between constitutional authorities occur when one constitutional body encroaches upon the powers of another body.²⁶ This encroachment can occur through negative constitutional activity, such as the failure of the legislative body to exercise its legislative jurisdiction.

When the constitutional judge exercises these powers, they assume a highly political function by overseeing and preventing illegitimate interventions between powers. They act as a neutral mediator, ensuring the maintenance of peace within the constitutional political sphere.

Constitutional justice is not blind justice, and constitutional oversight is not a mere mathematical process where judges mechanically apply constitutional provisions. Rather, the constitutional judge interprets constitutional texts, continuously revitalizing and strengthening the constitutional system of the state. They work towards the stability of society through their judicial activism, by considering the constitutional framework and embodying it in all its supervisory functions. The constitutional framework is not static and changes with the political, economic, and social conditions of the country. This imbues the

constitutional judge's judicial work with a political-legal character accordingly.

Conclusion

After reviewing the various justifications calling for the establishment of a comprehensive law governing the Algerian Constitutional Court, both in terms of procedural and substantive aspects, we can reach a preliminary conclusion, which is the necessity of such a law as it pertains to a fundamental constitutional institution in the country, as envisioned by the constitutional founder, considering it as a supervisory body.

This unified law for the Constitutional Court will undoubtedly contribute to enhancing the status and independence of this constitutional institution on one hand and strengthening its supervisory role on the other hand.

There is no doubt that a member of the Constitutional Court holds a significant position above all constitutional and judicial institutions, as they have a strong responsibility in safeguarding constitutional legitimacy in the country. There is no essential pillar for the independence of a member of the Constitutional Court without a clear and unified law to which they are subject and which enhances their independence.

Another result that can be drawn at the end of the research paper is the affirmation of the first hypothesis stated at the beginning, which is the competence of the parliamentary legislator in enacting this law and specifying its provisions through an organic law that aligns with the constitutional provisions. It should be noted, however, that the constitutional rules pertaining to the Constitutional Court, particularly in defining its organizational framework and specifying its jurisdiction, should be established by the constitutional entity, taking into account the nature of the matter. This is supported by comparative constitutional experiences, many of which have regulated their constitutional courts through parliamentary laws.

Regarding the procedural aspect of the Constitutional Court, the necessity of accessing constitutional justice requires the existence of a unified law that regulates the various rules of litigation before the constitutional judiciary. This is necessary to ensure transparency in the rules of constitutional dispute resolution on one hand, and to specify procedural deadlines on the other hand. These procedural deadlines can be distinguished from constitutional deadlines, which should remain within the purview of the constitutional entity.

Nowadays, constitutional jurisprudence is calling for considering the prominent position that constitutional disputes have acquired in the field of constitutional judiciary and constitutional provisions in general. It suggests the need for a law on constitutional disputes that encompasses constitutional procedural rules. In this regard, the establishment of a law for the Constitutional Court may serve as a solution for such matters.

Based on the aforementioned results, the following recommendation can be proposed. Efforts should be made to enact an organic law concerning the organization and jurisdiction of the Constitutional Court. This law should encompass both the organizational aspects, including its structure and procedures, and the functional aspects, including its notification mechanisms and procedures, as well as its jurisdiction.

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