

*University of Djelfa*

*Faculty of Law and Political Science*

*section of Law*

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**Course n° 01**

***JUDICIAL ORDER***

## **SUPREME COURT:**

Established by Law No. 63-218 of June 18, 1963, the Supreme Court represents the highest jurisdiction of the judicial order. The Supreme Court comprises 150 judges divided into four divisions: civil and commercial; social security and labor; criminal; and administrative.

Its objective is, on the one hand, to guarantee the unification of the jurisprudence of the judicial system throughout the national territory and, on the other hand, to ensure compliance with the law.

It is competent to rule on appeals in cassation brought against judgments and rulings rendered as a last resort by courts and tribunals of all orders with the exception of jurisdictions falling within the administrative order.

The Supreme Court, currently governed by the 1989 law, is composed of eight chambers (civil, land, social, criminal, offences and contraventions, personal status, commercial and maritime chamber and petitions chamber). It has financial autonomy and management autonomy.

The Algerian Supreme Court is composed of judges and prosecutors. The judges are the first president (who heads the Supreme Court), the vice-president, the presidents of chambers, the presidents of sections and the advisers. The prosecutors are composed of the attorney general, the deputy attorney general and the attorneys general. The registry

of the Supreme Court is ensured by the clerks.

#### **THE COURT OF APPEAL:**

The Court of Appeal is a second-level court. It constitutes a means of appeal against court decisions rendered by lower courts.

There are 48 courts of appeal in the Algerian national territory. Each court is divided into several chambers which can be subdivided into sections. Each court includes at least one indictment chamber which constitutes a second-degree investigating jurisdiction. It hears appeals against orders of investigating judges and monitors the activities of the judicial police.

The Court of Appeal rules collegially. It is composed of a President, a Vice-President, the Presidents of the Chambers, the Councillors, a General Prosecutor's Office comprising a Public Prosecutor, a First Deputy Public Prosecutor and Deputy Public Prosecutors, as well as a registry service.

#### **COURT :**

There are 210 courts in Algeria. The Court is the first instance jurisdiction of the judicial system. Its jurisdiction is determined by the Code of Civil Procedure, the Code of Criminal Procedure and the specific laws in force.

The Court is generally divided into four sections: civil, criminal, industrial tribunal and commercial.

A single-judge court, the Tribunal comprises a president of the court, a vice-president, judges, one or more investigating judges, one or more juvenile judges, a public prosecutor, deputy public prosecutors and the registry. The juvenile court and the social court rule collegially in the presence of a judge and two assessors.

#### **SPECIALIZED CRIMINAL CENTERS:**

The specialized criminal divisions include 6 courts, created in 2004, and represent a new

judicial instrument put in place to adapt Algerian legislation to Algeria's various international commitments such as the fight against organized international crime, attacks on the automated data processing system, money laundering, terrorism and offenses relating to foreign exchange legislation.

An executive decree extended the territorial jurisdiction of public prosecutors, investigating judges and trial judges to the jurisdiction of other courts. For example, the territorial jurisdiction of the Ouargla court includes Ouargla, Adrar, Illizi, Tindouf and Ghardaïa. These courts include rules that deviate from ordinary law and have significant skills, particularly technical skills (telephone tapping, sound system infiltration).

A pole comprises twelve magistrates responsible for monitoring special cases. It rules as a last resort, with three magistrates assisted by two juror assessors.

#### **MILITARY COURT:**

The Military Court is an exceptional jurisdiction whose judgments are made outside the ordinary judicial system.

In peacetime, this jurisdiction has jurisdiction to judge certain offences specific to the armed forces and persons who have military status. These decisions are subject to the control of the Supreme Court. In wartime, they hear all attacks on State Security.

The Permanent Military Tribunal is composed of three members, a president and two assessors. This jurisdiction is presided over by a magistrate of the Courts.

#### **ADMINISTRATIVE ORDER:**

#### **COUNCIL OF STATE:**

The Algerian Council of State is the supreme jurisdiction of the administrative order established by law n°98-01 of May 30, 1998.

It constitutes the regulatory body for the activity of administrative courts by settling conflicts between the administration and those administered.

As an advisory body, it gives its opinion on draft laws before they are examined by the Council of Ministers.

As a judicial body, the Council of State hears, in the first and last instance, appeals for annulment brought against regulatory or individual decisions emanating from central administrative authorities, national public institutions and national professional organizations, appeals for interpretation and appeals for assessment of the legality of acts whose disputes fall within the jurisdiction of the Council of State.

It hears appeals against judgments rendered at first instance by administrative courts in cases where the law does not provide otherwise, as it hears appeals against decisions of administrative courts rendered at last instance, as well as appeals for cassation of judgments of the Court of Auditors.

The Council of State is organized for the exercise of its judicial functions into four chambers, each of which is subdivided into sections.

#### **ADMINISTRATIVE COURT:**

The administrative courts constitute the ordinary courts in administrative matters.

Their decisions are subject to appeal before the Council of State since they constitute courts of first instance.

Administrative courts are organized into chambers subdivided into sections.

Each administrative court comprises at least three magistrates. The magistrates of this court are subject to the status of the judiciary. They are organized into chambers which may be subdivided into sections.

#### **CONFLICT COURT:**

Created during the constitutional revision in 1996, the Tribunal of Conflicts was established by Article 152 of the Constitution and implemented by Organic Law No. 98-03 of June 3, 1998.

This is a court responsible for settling conflicts of jurisdiction between courts of the judicial system and those of the administrative system. The Conflicts Court therefore does not intervene in conflicts of jurisdiction between courts of the same system.

No appeal may be made against decisions emanating from this court.

The Tribunal of Conflicts comprises seven magistrates, including the president, half of whom are appointed from among the magistrates of the Supreme Court and the other half from among the magistrates of the Council of State. The president of the Tribunal of Conflicts is appointed, alternately from among the magistrates of the Supreme Court or the Council of State, by the President of the Republic for a period of three years. A State Commissioner and a Deputy State Commissioner are also appointed in the same manner for a period of 3 years.

In order to deliberate validly, the Tribunal of Conflicts must include at least 5 members, 2 of whom are members of the Supreme Court and 2 of whom are members of the Council of State. Its decisions are taken by a majority vote. In the event of a tie, the law of 3 June 1998 provided for a special mechanism to prevent a deadlock: the president's vote is decisive.

English Term	Arabic Translation
Jurisdiction	اختصاص قضائي
Cassation	نقض
Prosecutor	النائب العام
Appellate	استئنافي
Annulment	إبطال
Legality	شرعية (أو مشروعية)
Collegiality	قضاء جماعي
Investigating Judge	قاضي التحقيق
Indictment Chamber	غرفة الاتهام
Judicial Police	الشرطة القضائية
Regulatory Body	هيئة تنظيمية
Advisory Opinion	رأي استشاري
Contravention	مخالفة
Autonomy	استقلالية
Magistrates	قضاة
Supreme Court	المحكمة العليا
Conflict of Jurisdiction	تنازع الاختصاص
Organic Law	قانون عضوي
Money Laundering	غسل الأموال
Telephone Tapping	التنصت الهاتفي
Last Resort	درجة نهائية
Exceptional Jurisdiction	اختصاص استثنائي
Administrative Tribunal	محكمة إدارية
Constitutional Revision	تعديل دستوري
Judicial Autonomy	استقلال القضاء
opposition	معارضة