

University of Djelfa

Faculty of Law and Political Science

Department of Law

Second semester; first year (LMD), 2024/2025

Course No. 03

The divisions of law

Introduction

In every country in the world there is a fundamental text called the constitution. Its role is to define the authorities, the organization of power, the political principles, etc.

01- the fundamental principles of institutions

The functioning of political institutions in Algeria is based on two levels: political power central represented by the state and local authorities such as la Wilaya, the commune.

The Algerian constitution also contains two fundamental political principles, the first relating to sovereignty national (A) and the principle of separation of powers (B).

A- National Sovereignty

This principle means that the supreme authority belongs to the people only according to Article 06 of the constitution.

B- The Separation of Powers

Meant that powers must be independent and entrusted to bodies distinct from one another (among themselves) to preserve these freedoms of citizens and to protect their rights.

2 – The State

It constitutes a political and legal organization of the nation of each country, and the state in positive law is constituted by three elements:

- territory, population, an executive power (political power recognized by the member states of the community international)

A- The Executive Power

The executive branch is actually composed in most countries of the world (according to their political system) by the president and the government.

1- The President

In each country throughout the world, represented by a president as a human symbol, has missions determined by the constitution.

2- The Government

In every country of the modern world there is a government which has put under the coordination of the Prime Minister the implementation of the program of the President of the Republic, as is the case here of Algeria.

B- The Legislative Power

The constitution of the legislative power is by electoral action and the members are elected by the people, and parliament has missions determined by the constitution.

C- the Judicial Power

The role of the judiciary is to ensure the application of the law and to protect citizens against abuses possible, and according to the Algerian

constitution, the President of the Republic according to the constitution in force is the manager of the independence of the judiciary.

3- Local authorities

In principle, in all countries, local authorities are made up of the wilaya and the commune, as in Algeria according to article 15 of the constitution.

A- The Commune

The commune is considered as the basic community of the state, is based on an executive body (and the president of the popular assembly) is a deliberative body (communal popular assembly), the commune takes care of civil status, municipal public services according to the law of the municipality, etc.

B- The Wilaya

It is an executive body, the wali is a representative of the central executive power at the level of the wilaya department.

The wilaya has a deliberative body (APW), the missions of the wilaya are determined by the law of the wilaya as follows:

manages the public services of the wilaya, economic and social action, regional planning, high schools, roads, etc.