


Specialized Administrative Jurisdictions in Algeria: Between Legislative Developments and Jurisprudence

Djamel Sabah

Faculty of Law and Political Sciences, University of Eltarf, Algeria

djamel-sabah@univ-eltarf.dz

 <https://orcid.org/0009-0000-5117-3161>

Received: 02/04/2026

| *Accepted: 13/05/2026*

| *Published: 20/06/2026*

Abstract:

The study examines specialized administrative judicial bodies in the Algerian legal system, identifying the Court of Accounts as a model of specialized financial jurisdiction and the High Council of the Judiciary as a disciplinary court for judges at the legislative level, while jurisprudentially, the Council of State recognizes national appeal committees as specialized administrative jurisdictions, with the hope that the Council of State will establish clear criteria governing these bodies amidst existing legislative gaps.

Keywords: Specialized Administrative jurisdictions, Legislation, Judiciary, Disciplinary Proceedings, Appeal in Cassation.

This is an open access article under the terms of [the Creative Commons Attribution-NonCommercial License](https://creativecommons.org/licenses/by-nc/4.0/), which permits use, distribution and reproduction in any medium, provided the original work is properly cited and is not used for commercial purposes.

1. INTRODUCTION

Since the 1996 Constitution, the Algerian judicial system has been based on a dual-jurisdiction structure: the Ordinary System and the Administrative System. The Ordinary Judicial System comprises the Courts, the Judicial Councils, and the Supreme Court. In pursuit of judicial specialization, the legislator established specialized courts within the ordinary system, such as commercial, labor, and real estate courts. It also provided for specialized judicial bodies, including Primary and Appellate Criminal Courts, as well as Military Judicial Bodies, which are governed by the Military Justice Code¹.

As for the Administrative Jurisdiction, it can be considered, in itself, a specialized jurisdiction in administrative matters. The judicial bodies operating within its framework are referred to as General Administrative Jurisdictions, while others are described as Specialized Administrative Jurisdictions².

According to the provisions of Article 4 of Organic Law 22-10 relating to Judicial Organization, the Algerian Administrative Judicial System consists of the “Council of state, Administrative Appeal Courts, and Administrative Courts”. However, by referring to Article 179 of the 1996 Constitution, as amended in 2020, it can be concluded that other bodies adjudicate on administrative matters. While the Supreme Court is competent to evaluate the performance of Judicial Councils and Courts, the council of State is competent to review and evaluate the work of Administrative Appeal Courts and Administrative Courts, in addition to that of other bodies ruling on administrative cases³.

Accordingly, other bodies adjudicate some administrative disputes, known as Specialized Administrative Jurisdictions, which primarily derive their existence from the Constitution. Furthermore, pursuant to Article 9 of Organic Law No. 98-01 relating to the organization, operation, and powers of the Council of State, as amended and supplemented⁴, and Article 901 of Law No. 08-09 containing the Code of Civil and Administrative Procedure, as amended and supplemented, the Council of state acts as a Court of Cassation for final judgments and decrees issued by administrative judicial

bodies. It also holds jurisdiction as a Court of Cassation under specific legal texts⁵.

This subject is of paramount importance as it relates to the rules of subject-matter jurisdiction. Therefore, this study aims to identify these Specialized Administrative Jurisdictions, the criteria for their determination adopted in legislation and jurisprudence, and the limits of their powers within the Algerian legal system.

The problem raised in this context is: What are the Specialized Administrative Jurisdictions present in the Algerian administrative judicial system? What is the criterion for their identification, and what are the limits of their powers as administrative jurisdictions?

This research paper attempts to examine and address this issue through by following the descriptive and analytical method, supplemented by the comparative method. The study is structured around two main themes: the first addresses the nature of Specialized Administrative Jurisdictions, while the second examines Specialized Administrative Jurisdictions within the Algerian judicial system.

2. The Essence of Specialized Administrative Jurisdictions

The subject of specialized administrative courts raises the question of defining their concept and identifying their distinguishing characteristics, particularly in light of legislative silence.

2.1 Concept of Specialized Administrative Jurisdictions

It is necessary first to examine the origins of this category of judicial bodies and then to provide a clear definition of specialized administrative jurisdictions.

2.1.1. The Origins of Specialized Administrative Jurisdictions

Specialized administrative jurisdictions were established to alleviate the burden on administrative courts of general jurisdiction, being assigned disputes strictly defined within their substantive scope⁶.

The existence of specialized administrative courts dates back to the early nineteenth century in France. This is an old phenomenon, emerging alongside the establishment of general administrative courts. For instance,

the Court of Auditors, considered the oldest specialized administrative judicial body, was established by the Law of 16 September 1807. Meanwhile, the Council of State was founded in 1799 under the Constitution of the Year VIII, alongside the Prefectural Councils in 1800, which were later replaced by administrative courts⁷.

Other bodies of this type are of more recent origin. The French Council of State played a key role in recognizing their judicial character, particularly regarding the disciplinary councils of professional organizations. Its most renowned ruling in this regard is the *Bouguen decision*, dated 2 April 1943. In this ruling, the Council held that, although professional organizations are private entities, they perform public service functions and issue administrative decisions subject to review by administrative courts through annulment actions. Furthermore, their decisions imposing disciplinary sanctions are subject to cassation review, thereby conferring a judicial character upon them and placing them within the concept of specialized administrative jurisdictions. Additionally, the *Bayo decision*, issued on 12 December 1953, confirmed the judicial nature of disciplinary decisions issued by professional organizations, while recognizing the administrative nature of their other non-disciplinary decisions. Subsequent rulings of the Council of State reinforced this jurisprudence, while excluding organizations that do not exercise authority over their members or whose disciplinary powers are unrelated to the exercise of public service functions⁸.

2.1.2. Definition of Specialized Administrative Jurisdictions

In the absence of a legislative definition for these bodies, the task has fallen to legal doctrine and case law.

A. Doctrinal Definition of Specialized Administrative Jurisdictions

One segment of legal doctrine defines general administrative courts as bodies specialized in adjudicating administrative disputes, with the exception of disputes assigned to specialized judicial bodies. The latter are not considered independent jurisdictions in their own right, but rather possess a hybrid nature, combining administrative, judicial, and sometimes advisory functions. However, within a specific scope, they issue decisions of a judicial character that are subject to the prescribed methods of appeal against judicial

judgments and decrees, particularly appeals in cassation before the State Council. Their judicial jurisdiction is justified by the need to meet requirements of efficiency and specialization, as well as the technical nature of certain disputes. These bodies are generally exempt from the judicial procedural rules enshrined in the Code of Administrative Procedure⁹.

Other scholars define specialized administrative courts as bodies that exercise powers in accordance with their establishing legal text, adjudicating as a judge of jurisdiction in a specific type of dispute. In exercising this power, they must respect the procedural rules specific to these disputes, unless a special provision stipulates otherwise¹⁰.

In light of the silence of the establishing legal text regarding the body's legal nature, doctrine has sought criteria to determine whether it is of a judicial or administrative nature. Furthermore, if it is judicial, does it fall under the ordinary judiciary or the administrative judiciary? Its legal nature is determined based on considerations summarized as: the rules governing its establishment, the nature of the activity it performs, and the litigation regime to which its decisions are subject. If its decisions are subject to appeal in cassation, they are considered judicial judgments, thereby confirming its judicial character. Conversely, if its decisions are subject to an action for excess of power, they are classified as administrative acts¹¹, and thus lack judicial character.

The doctrinal criteria for defining specialized administrative jurisdictions focus on: the decision-making authority (excluding bodies limited to providing advisory opinions); the collegial nature of the adjudicating panel; the requirement of a judicial element within its composition; the punitive character of its decisions in disciplinary matters; and the finality of its decisions, provided that appeal mechanisms are mandatory and that they are issued following procedures similar to judicial proceedings¹².

B. Judicial Definition of Specialized Administrative Jurisdictions

The legislator may directly confer a judicial character upon a body by describing it as a “court” or a “judicial body”, or by explicitly stipulating that

it exercises judicial powers. Alternatively, this may be done indirectly, such as by making its decisions subject to an appeal in cassation, describing its decisions as “judgments”, or granting them the authority of *res judicata*. Conversely, the legislator may exclude judicial character by describing a body as an “independent administrative authority” or by subjecting its decisions to annulment review (full litigation or actions for excess of power). Therefore, the judge must examine the legislator's intent when applying the text to determine the nature of the body¹³.

The French Council of State relies primarily on the substantive criterion, that is, the function of the body - ensuring it adjudicates disputes rather than merely performing administrative acts - and secondarily on the formal criterion, by examining the body's composition and the type of procedures followed before it. A body may simultaneously exercise a dual judicial and administrative activity, such as the national councils of professional bodies. When the body exercises its disciplinary powers, its decisions are considered judicial; however, when it issues decisions regarding professional registration or establishes general rules in the absence of an existing dispute, these acts are considered administrative decisions subject to an action for annulment, not cassation. As for determining its affiliation with either the administrative or ordinary judicial system, the judge relies on the nature of the dispute brought before it¹⁴.

Furthermore, the French Council of State has relied on criteria common to general administrative jurisdictions to determine the judicial character of a body when the legal text is silent on its nature. Accordingly, it maintained that the body must possess a genuine decision-making power and a collective composition. This is in addition to the objective requirement, namely the nature of the subject matter involved, such as the disciplinary field, which it considered a decisive criterion¹⁵, and whether its decisions are issued following judicial procedures¹⁶.

2.2. Distinguishing Characteristics and Jurisdictional Scopes of Specialized Administrative Courts

Specialized administrative judicial bodies share several characteristics; however, they differ according to their respective scopes of jurisdiction as defined by their establishing legal texts.

2.2.1. Common Characteristics of Specialized Administrative Jurisdictions

These jurisdictions possess certain characteristics, most importantly: independence and immunity from hierarchical authority. Their decisions are rendered in the name of the State, are final, and carry the authority of *res judicata*; they are generally subject to appeal in cassation before the State Council. Furthermore, they are subject to the same procedural guarantees applicable to for general administrative courts to preserve the administrative nature of the dispute and the requirements for the proper administration of justice¹⁷.

They are termed “specialized” because their judicial mandate is limited to a strictly defined jurisdiction by attribution, as determined by their establishing texts, unlike administrative courts, which enjoy full general jurisdiction over administrative disputes. These bodies are subject to general rules of administrative procedure unless the establishing legislation explicitly prescribes them to a special procedural regime. They are characterized by the adversarial nature of proceedings (the *inter partes* principle), which requires enabling litigants to exchange pleadings, the principle of secrecy of deliberations, the principle of impartiality of the adjudicating panel, and the publicity of hearing of hearings¹⁸.

2.2.2. Scopes of Jurisdiction

These bodies are characterized by diversity in their composition, both in terms of membership and organization. They may include specialized professionals, representatives of users, and sometimes judges from the ordinary judicial system. However, they share the common function of adjudicating disputes brought before them and applying the law, while providing procedural guarantees to ensure the right to a fair trial¹⁹, similar to

the guarantees established for general law jurisdictions in the Code of Civil and Administrative Procedure.

It should be noted that the situation in Algeria is different, as this type of jurisdiction has not received sufficient legislative, judicial, or doctrinal attention. Consequently, classification within the Algerian judicial system remains confined to two main categories: Financial Discipline Disputes, which fall under the jurisdiction of the Court of Auditors - defined by legislation as a judicial and administrative body tasked with the post-audit of public funds²⁰; and disciplinary disputes for certain regulated professions and public offices. The latter category falls under the jurisdiction of the High Council of the Judiciary, acting as a specialized administrative judicial body mandated by law for the disciplinary matters of judges²¹, as well as the national appeals committees, tasked with reviewing disciplinary decisions issued by professional organizations, which are recognized as specialized administrative judicial bodies by virtue of administrative case law²².

In addition to the limited scope of specialized administrative jurisdictions in the Algerian system, their number remains small compared to other legal systems. In France, for example, these bodies are classified into several types according to the fields in which they adjudicate. The Court of Auditors is the most prominent of these bodies, as it is entrusted with adjudicating the accounts of public accountants, whether in its capacity as a court of first instance or an appellate body. Furthermore, Social Assistance Commissions, at both the local and central levels, are competent to hear disputes related to social aid. The National Court of Asylum is a specialized administrative judicial body for appeals against decisions of the French Office for the Protection of Refugees and Stateless Persons, particularly decisions refusing refugee status. Alongside these, there are administrative judicial bodies of a disciplinary nature, most notably the Court of Financial and Budgetary Discipline, which is competent to hold public officials accountable for financial violations, and the High Council of the Judiciary when sitting as a disciplinary body for judges. This is in addition to the Regional and National Councils of Professional Bodies that exercise disciplinary authority over their members²³, and the National Council for

Higher Education and Research, which acts as a disciplinary judicial body specialized in final rulings on appeals against disciplinary decisions issued by universities regarding professors²⁴.

It must be noted that Independent Administrative Authorities do not possess the status of specialized administrative jurisdictions, despite exercising sanctioning powers. This is due to the avenues of appeal available against their decisions before the civil and administrative Judiciaries. For example, there are two paths for appealing the decisions of the Competition Council: before the Algiers Court (Commercial Chamber) regarding decisions related to anti-competitive practices, and before the State Council via an action for annulment -rather than cassation - for decisions related to economic concentrations²⁵.

3. Specialized Administrative Jurisdictions in the Algerian Judicial System

Specialized administrative jurisdictions in Algeria lack comprehensive legislative coverage²⁶, with the exception of the Court of Auditors and, more recently, the High Council of the Judiciary. In the absence of specific legislation, the Council of State has played a significant jurisprudential role in this field by conferring a judicial character upon certain bodies, particularly in light of the nature of their functions and their composition. Accordingly, we will first examine the specialized administrative judicial bodies established by specific legal texts, followed by those recognized through the case law of the administrative judiciary.

3.1. Specialized Administrative Jurisdictions Established by Specific Texts

These bodies derive their administrative judicial nature from the legal texts that define their organization and jurisdictions.

3.1.1. Court of Auditors Sitting in All Its Chambers

The Court of Auditors is considered one of the oldest specialized administrative jurisdictions, despite its nature fluctuating between judicial and administrative across the various legal texts that have governed it. It was established under the Constitutional Amendment of 1980²⁷, and its

organization and powers were defined by the legislator under Law No. 80-05 of 1 March 1980 relating to the exercise of the audit function by the Court of Auditors, which conferred upon it both administrative and judicial powers²⁸. Subsequently, Law No. 90-32 of 4 December 1990 relating to the Court of Auditors and its operation was issued²⁹. Notably, this text granted the Court the status of an independent national body of an administrative nature, abandoning its judicial character in terms of membership and powers. However, this situation changed with the issuance of Ordinance No. 95-20 of 17 July 1995 relating to the Court of Auditors, as amended and supplemented by Ordinance No. 10-02 of 2 August 2010³⁰, which restored the judicial character of the Court of Auditors once again.

Furthermore, new powers were conferred upon it under Organic Law No. 18-15 of 2 September 2018 relating to Finance Laws, as amended and supplemented³¹. It should be noted that Article 199 of the 1996 Constitution, as amended in 2020, stipulates in its final paragraph that the Court of Auditors, as well as its relations with other bodies, shall be governed by an Organic Law; however, this law has not yet been promulgated.

A. Powers of the Court of Auditors

The Court of Auditors is a constitutional institution tasked with the post-audit of public funds. It contributes to strengthening governance and transparency in the management of public finances and the rendering of accounts³². Its powers include, but are not limited to, auditing accounts submitted by authorizing officers, public accountants³³, and de facto accountants. It may impose financial fines on de facto managers in cases of accounting rule violations or the usurpation of the functions of a public accountant, while referring cases involving conflicts of interest or personal gain to the competent judicial authorities. Furthermore, it is specialized in monitoring budgetary and financial discipline; it can impose sanctions to enhance the prevention of fraud and illegal practices³⁴. Consequently, although the Court of Auditors does not possess the status of a criminal court, it may impose financial penalties in its capacity as a “judge of accounts”³⁵.

B. Avenues of Appeal Against Decisions of the Court of Auditors

Decisions issued by the Disciplinary Chamber are subject to a review application before the same chamber. The application is submitted by the concerned litigant, the hierarchical or supervisory authority to which the individual belongs, or initiated by the chamber that issued the decision. Following the review, the decision may be appealed before the Court of Auditors sitting in its Combined Chambers, excluding the chamber that rendered the initial decision. Decisions issued by the Combined Chambers are, in turn, subject to appeal in cassation before the Council of State³⁶.

According to Article 11 of Organic Law 98-01, prior to the 2011 amendment, this was explicitly stated. However, following the amendment, the legislator limited reference to the Council of State's jurisdiction as a court of cassation to cases provided for by specific texts³⁷. Meanwhile, the Code of Civil and Administrative Procedure confirms this jurisdiction, stating that when the Council of State quashes a decision of the Court of Auditors, it shall adjudicate on the merits of the case³⁸.

Accordingly, the Court of Auditors, when sitting in all its chambers, is considered a specialized administrative jurisdiction in the field of disciplinary oversight, issuing final decisions subject to appeal in cassation before the Council of State by virtue of a specific text, namely Ordinance No. 95-20 relating to the Court of Auditors, as amended and supplemented³⁹. As for other decisions issued by the Court, they may be regarded as administrative acts, subject to an action for annulment⁴⁰ before the Administrative Court of Appeal of Algiers, in accordance with the provisions of the Code of Civil and Administrative Procedure, in its capacity as a national public body⁴¹ with respect to this aspect of its powers.

3. 1.2. The High Council of the Judiciary Sitting as a Disciplinary Body

The 2020 Constitutional Amendment strengthened the presence of the judicial element within its composition and granted it a constitutional status. In implementation of this, Organic Law No. 22-12 was issued, determining the methods for electing members of the High Council of the Judiciary and the rules for its organization and operation. This law resolved the doctrinal

debate regarding its nature, definitively characterizing it as a specialized administrative judicial body when adjudicating in its disciplinary capacity.

A. Powers of the High Council of the Judiciary

The Council's powers include guaranteeing the independence of the judiciary, appointing and transferring judges, managing their career paths, and providing a concurrent opinion on specific judicial appointments. The Council ensures compliance with the Statute of the Judiciary and judicial discipline, and it provides an advisory opinion to the President of the Republic regarding the exercise of the right of pardon. Furthermore, it drafts its own internal regulations, issues an annual report, publishes a special bulletin on its activities, and establishes a Code of Judicial Ethics. It is also consulted on matters of judicial organization and is responsible for the continuous training of judges⁴².

B. Avenues of Appeal Against Its Decisions

Avenues of appeal vary according to the nature of the powers exercised. In its capacity as a national public body exercising administrative functions, its decisions are subject to an action for annulment before the Administrative Court of Appeal of Algiers⁴³. However, in its capacity as a disciplinary council for judges, this matter has undergone significant legislative and judicial evolution. We shall address the judicial position followed by the legislative position; the judicial stance is presented first in this overview because judicial case law preceded legislative intervention in defining the judicial nature of the High Council of the Judiciary when sitting in its disciplinary capacity.

- The Position of the Administrative Judiciary

A distinction is made between two main stages in the evolution of the administrative judiciary's position⁴⁴:

Prior to 2005: The established case law of the administrative judiciary held that the High Council of the Judiciary was an administrative body; consequently, its decisions were subject to appeal via an action for excess of power. For instance, a decision rendered on July 27, 1998, stated that the decisions of the High Council of the Judiciary, when adjudicating in disciplinary matters, are "decisions issued by a central administrative

authority" and are therefore subject to an action for annulment⁴⁵. The State Council consistently maintained this administrative characterization of the Council when sitting in its disciplinary capacity⁴⁶.

Post-2005: The State Council reversed its jurisprudence through a decision dated June 7, 2005, issued by the Combined Chambers. It affirmed that these decisions possess a judicial character and can only be appealed through cassation. In light of the composition of the High Council of the Judiciary when sitting as a disciplinary body, the procedures followed before it, and the powers granted to it, it is considered a specialized judicial body that issues "final rulings". These rulings are subject to appeal in cassation before the State Council⁴⁷.

Following this jurisprudential shift, several decisions were issued in its application. Notable among these is the decision dated 19 April 2006, in which the Council of State held that the High Council of the Judiciary is a specialized administrative judicial body that issues final rulings subject only to appeal in cassation, in accordance with Article 11 of Organic Law No. 98-01⁴⁸. A second decision, dated 11 July 2007, reaffirmed the Council of State's ruling of 10 May 2006 regarding the inadmissibility of the appeal on procedural grounds. This was due to the litigant's failure to follow judicial procedures, which require that an appeal against a disciplinary decision issued by the High Council of the Judiciary be filed in cassation rather than through an action for annulment⁴⁹.

- **The Legislative Position**

A distinction can be made between two stages also in the legislative stance:

Prior to 2022: Organic Law No. 04-12 of September 6, 2004, relating to the composition, operation, and powers of the High Council of the Judiciary⁵⁰, did not include a provision specifying the type of judicial review applicable to decisions issued by the Council in the field of judicial discipline⁵¹.

Post-2022: Under Article 67 of **Organic Law No. 22-12**, which determines the methods for electing members of the High Council of the

Judiciary and the rules for its organization and operation, these decisions were formally subjected to appeal in cassation before the State Council. Thus, the legislator definitively resolved the debate surrounding the State Council's position on the judicial nature of the High Council of the Judiciary when sitting as a disciplinary body⁵². It should be noted that outside this disciplinary scope, the Council loses this judicial status and falls under the classification of national public bodies⁵³.

3.2. Specialized Administrative Jurisdictions Established Through Administrative Case Law

The administrative judge possesses the authority to interpret the law. Furthermore, the Council of State is specifically tasked with the unification of jurisprudence in administrative matters⁵⁴. Consequently, certain bodies derive their status as specialized administrative judicial authorities from the administrative judiciary itself, in the absence of an explicit legal provision granting them such status. To date, the position of the Council of State has been limited to conferring a specialized judicial character upon National Appeals Committees, which serve as the appellate body for decisions issued by the Regional Disciplinary Councils of professional organizations.

3.2.1. The National Appeals Committee of the Bar Association

Council of State Decision No. 47841, rendered on 21 October 2008⁵⁵, brought about a significant shift compared to the previously prevailing situation. Prior to this decision, the rulings of the National Appeals Committee - which adjudicate appeals against the decisions of the Bar Association's Disciplinary Council - were considered administrative acts subject to an action for annulment. However, the aforementioned decision recognized the judicial character of these rulings, stipulating that they may only be challenged through an appeal in cassation⁵⁶. For its part, Law No. 13-07 of 29 October 2013, relating to the organization of the legal profession⁵⁷, did not specify the type of appeal applicable to the National Appeals Committee's decisions before the Council of State. Nevertheless, reference to the jurisprudence of the Council of State confirms its jurisdiction in this matter as a judge of cassation⁵⁸.

3.2.2. The National Appeals Committee of the Chamber of Notaries

Furthermore, Law No. 06-02 of 20 February 2006, regulating the notary profession⁵⁹, did not specify the legal nature of the appeal filed before the Council of State against the decisions issued by the National Appeals Committee, which adjudicates appeals against decisions made by the Regional Disciplinary Councils of Notaries. Specifically, the law did not clarify whether such appeals should be brought as a petition for cassation or an action for annulment. However, the jurisprudence of the Council of State has established that the decisions of the National Appeals Committee for Notaries are subject to cassation and not annulment⁶⁰.

Other professional organizations, such as the Chamber of Judicial Officers (Bailiffs)⁶¹, Physicians⁶², and Auctioneers⁶³, exercise disciplinary authority over their members. This authority stems from their independence and the nature of these professions, which are governed by specific codes of professional ethics.

Decisions issued by the National Appeals Committees for judicial officers⁶⁴ and auctioneers, as well as the National Councils of Medical Ethics, are subject to the same provisions governing professional organizations. These decisions, which are final in disciplinary matters, are characterized as judicial decisions; as such, they are subject to a petition for cassation before the Council of State, in accordance with its established jurisprudence⁶⁵. Consequently, when exercising disciplinary jurisdiction, these committees are classified as specialized administrative jurisdictions.

In contrast, other decisions issued by professional organizations outside the scope of disciplinary matters cannot be characterized as judicial acts. Instead, they are considered administrative decisions subject to an action for annulment before an administrative judge⁶⁶. Regarding regional organizations, the action must be filed before the administratively competent court. For national professional organizations, the action is brought before the Administrative Court of Appeal of Algiers⁶⁷.

4. CONCLUSION

This research paper has reached a set of results summarized as follows:

- Specialized administrative jurisdictions derive their existence from the Constitution; the specific legal text establishing them defines their organization and jurisdiction. They do not fall within the standard structures of the judicial system, as they are not general judicial bodies with jurisdiction over all administrative disputes like administrative courts. Rather, they possess specialized jurisdiction, where their judicial authority is confined to adjudicating specific types of disputes, such as financial or disciplinary matters.
- The number of specialized administrative jurisdictions in Algeria is limited, and they have not received sufficient legislative coverage. These types are restricted to financial jurisdiction, represented by the Court of Accounts, and disciplinary jurisdiction, represented by the High Council of the Judiciary, in addition to the National Appeals Committees acting as appellate bodies for the regional disciplinary councils of professional organizations. Meanwhile, sector-specific jurisdictions, such as those for higher education or medical and social assistance, do not exist.
- Ordinance No. 95-20 concerning the Court of Accounts (amended and supplemented) represents a model of a specific legal text that explicitly recognizes specialized financial jurisdiction. Furthermore, under Organic Law No. 22-12, which determines the methods for electing members of the High Council of the Judiciary and its organizational rules, the legislator has taken a step toward recognizing this type of jurisdiction in specific fields. In these roles, the council acts as a specialized judge, issuing final decisions subject to a petition for cassation before the Council of State.
- In light of the legislator's silence regarding the legal nature of certain bodies, the Council of State intervened by conferring a judicial character upon their decisions. This applies to the National Appeals Committees responsible for adjudicating appeals against disciplinary decisions issued by the regional disciplinary councils of professional organizations. Consequently, through its jurisprudence, the Council of State has played a

pivotal role in filling the legislative vacuum concerning this type of jurisdiction.

– When exercising their judicial authority, specialized administrative jurisdictions are subject to a procedural system defined by their specific establishing legal texts, with the exception of appeals in cassation, which are governed by the Code of Civil and Administrative Procedure.

– Independent Administrative Authorities do not possess the status of specialized administrative judicial bodies, despite having punitive powers. This classification is based on the nature of the legal remedies available against their decisions before the judiciary.

Based on the findings presented above, this study puts forward the following recommendations:

– Administrative and judicial development requires providing specialized administrative jurisdictions with sufficient legislative attention, drawing inspiration from comparative legal experiences while taking local specificities into account.

– Establishing a unified procedural legal framework for specialized administrative jurisdictions, particularly regarding the definition of jurisdictional rules, litigation procedures, methods of appeal, and their respective deadlines, to ensure equality and the guarantees of a fair trial.

– Clarifying the legal nature of National Appeals Committees and definitively classifying them as specialized administrative judicial bodies by specifying the type of appeal applicable to their decisions before the Council of State.

– Expanding the scope of specialized administrative jurisdiction by creating specialized bodies in other fields, such as higher education, following the model of certain comparative legal systems.

– The administrative judiciary is expected to further develop its jurisprudence by establishing clear criteria for the legal characterization and classification of specialized administrative jurisdictions.

5. Endnotes

¹ Articles: 26, 27, and 28 of Organic Law No. 22-10 of 9 June 2022, on Judicial Organization, *Official Gazette* No. 41, issued on 16 June 2022, p. 6.

² JACQUINOT Nathalie, (2012). La spécialisation en contentieux administratif, remarques sur les juridictions administratives spécialisées. In C. Ginestet (ed.), *La spécialisation des juges*. Toulouse: Presses de l'Université Toulouse Capitole. <https://doi.org/10.4000/books.putc.538>. (Accessed May 12, 2025).

³ The 1996 Constitution, as amended by the 2020 amendment. See: Presidential Decree No. 20-442 of 30 December 2020, on the promulgation of the Constitutional Amendment, approved in the referendum of 1 November 2020, *Official Gazette of the Algerian Republic* No. 82, issued on 30 December 2020, p. 3.

⁴ Organic Law No. 98-01 of 30 May 1998, on the powers, organization, and operation of the State Council, *Official Gazette* No. 37, issued on 1 June 1998, p. 3. Amended and supplemented by: Organic Law No. 22-11 of 9 June 2022, *Official Gazette* No. 41, issued on 16 June 2022, p. 31.

⁵ Law No. 08-09 of 25 February 2008, containing the Code of Civil and Administrative Procedure, *Official Gazette* No. 21, issued on 23 April 2008, p.3. Amended and supplemented by Law No. 22-13 of 12 July 2022, *Official Gazette* No. 48, issued on 17 July 2022, p. 3.

⁶ LEBRETON Gilles (2015), *General Administrative Law*, Vol. 2, Dalloz, Paris, p. 402.

⁷ JACQUINOT Nathalie, *op. cit.*

⁸ LONG Marceau and others (2015), *The Leading Decisions of Administrative Case Law*, Vol. 1, 20th edition, pp. 310–315.

⁹ VAN LANG Agathe, GONDOUIN Genevière, INSERGUET-BRISSET Véronique, (2015), *Dictionary of Administrative Law*, 7th edition, Dalloz, Paris, p. 260.

¹⁰ DE LAUBADÈRE André and GAUDEMET Yves (2002), *Treatise on Administrative Law*, Volume 1: General Administrative Law, Part 1, 16th edition, L.G.D.J, Delta, Beirut, Lebanon, p. 367.

¹¹ *Ibid.*, p. 368.

¹² KHALOUFI Rachid (2013), *Administrative Litigation Law*, Part 1: Organization and Jurisdiction of the Administrative Judiciary, 2nd edition, University Publications Office (OPU), Algiers, pp. 168–169.

¹³ Council of State (2024), *Public Report 2024: Judicial and Advisory Activity of Administrative Courts in 2023*, <https://www.conseil-etat.fr/publications-colloques/rapports-d-activite/rapport-public-2023-des-juridictions-administratives> (Accessed January 07, 2025).

¹⁴ PEISER Gustave (2014), *Administrative Litigation*, 16th edition, Dalloz, Paris, pp. 35–36.

¹⁵ Council of State, Public Report 2024, *op. cit.*, p. 67.

¹⁶ LOMBARD Martine (2001), *Administrative Law*, 4th edition, Dalloz, Paris, p. 366.

¹⁷ Council of State, Public Report 2024: Judicial and Advisory Activity of Administrative Courts in 2023, *op. cit.*, p. 68.

¹⁸ LOMBARD Martine, *op. cit.*, p. 367.

¹⁹ Alexia.fr (2009), Specialized Administrative Courts, <https://www.alexia.fr/fiche/7835/specialisees.htm> (Accessed February 06, 2025).

²⁰ Ordinance No. 95-20 of July 17, 1995, relating to the Court of Auditors, *Official Gazette* No. 39, issued on July 23, 1995, p. 03 (amended and supplemented).

²¹ Article 67 of Organic Law No. 22-12 of 27 June 2022, determining the methods for electing members of the High Council of the Judiciary and the rules for its organization and operation, *Official Gazette* No. 44, issued on 27 June 2022, p. 07.

²² Council of State, Fifth Chamber, Decision No. 47841, dated 21 October 2008, (Lawyer / National Appeals Committee), *State Council Journal*, No. 9, 2009, pp. 140-142

²³ LEBRETON Gilles, *op.cit.*, p. 403.

²⁴ Council of State (2024), National Union of Higher Education (SNESUP-FSU), No. 491583, Opinion of Mr. Raphaël CHAMBON, https://www.conseil-etat.fr/fr/arianeweb/CRP/conclusion/2024-06-12/491583?download_pdf (Accessed January 28, 2026).

²⁵ Articles 19 and 63 of Ordinance No. 03-03 of 19 July 2003, on Competition, *Official Gazette* No. 43, issued on 20 July 2003, p. 25. Amended and supplemented; last amendment by Law 10-05 of 15 August 2010, *Official Gazette* No. 46, issued on 18 August 2010, p. 10.

²⁶ DJEFALI Oussama (2022), The Circumstances of Constitutionalizing Specialized Administrative Jurisdictions, *Journal of the Researcher in Legal and Political Sciences*, University of Souk Ahras, Volume 4, Issue 7, p. 201.

²⁷ Article 190 of the 1976 Constitution, as amended by Law No. 80-01 of 12 January 1980, containing the Constitutional Amendment, *Official Gazette* No. 03, issued on January 15, 1980, p. 43. It should be noted that it was mentioned in Decree 63-127, but the text was not activated; see: Article 3 of Decree No. 63-127 of 19 April 1963, on the organization of the Ministry of Finance, *Official Gazette* No. 23, of 19 April 1963, p. 357.

²⁸ Article 3 of Law No. 80-05 of 1 March 1980, on the exercise of the audit function by the Court of Auditors, *Official Gazette* No. 10, issued on 4 March 1980, p. 338 (repealed).

- ²⁹ Law No. 90-32 of 4 December 1990, on the Court of Auditors and its operation, *Official Gazette* No. 53, issued on 5 December 1990, p. 1690 (repealed).
- ³⁰ Ordinance No. 10-02 of 2 August 2010, amending and supplementing Ordinance No. 95-20 of 17 July 1995, on the Court of Auditors, *Official Gazette* No. 50, issued on 1 September 2010, p. 04.
- ³¹ Organic Law No. 18-15 of 2 September 2018, on Finance Laws, *Official Gazette* No. 53, issued on 2 September 2018, p. 9, amended and supplemented by Organic Law No. 19-09 of 11 December 2019, *Official Gazette* No. 82, issued on 18 December 2019, p. 11.
- ³² Article 199 of the 1996 Constitution, as amended in 2020, cited above.
- ³³ Article 2 of Executive Decree No. 96-56 of 22 January 1996, determining transitional provisions for the submission of accounts to the Court of Auditors, *Official Gazette* No. 06, issued on 24 January 1996, p. 17.
- ³⁴ Articles: 2, 6, 27, 86 (para. 3), 88, and 89 of Ordinance No. 95-20 of 17 July 1995, relating to the Court of Auditors, as amended and supplemented, cited above.
- ³⁵ BOUAZNI Ratiba (2022), The Position of the Court of Auditors as a Mechanism for Protecting Public Funds, *Journal of Rights and Liberties*, University of Biskra, Volume 10, Issue 2, p. 65.
- ³⁶ Articles 102, 108, and 110 of Ordinance No. 95-20 of 17 July 1995, on the Court of Auditors, as amended and supplemented, cited above.
- ³⁷ Organic Law No. 11-13 of 26 July 2011, amending and supplementing Organic Law No. 98-01 of 30 May 1998, relating to the competencies, organization, and operation of the State Council, *Official Gazette* No. 43, issued on 3 August 2011, p. 7.
- ³⁸ Article 958 of Law No. 08-09 of 25 February 2008, containing the Code of Civil and Administrative Procedure, as amended and supplemented, cited above.
- ³⁹ BOUALI Said (2015), *Administrative Litigation under Algerian Law*, Dar Belkeis Publishing, Casablanca-Algeiers, p. 42; and BELTRECHE Mayassa (2023), *The Brief in Administrative Litigation Law*, Labbad Publishing, Setif-Algeria, p. 57
- ⁴⁰ ZOUAÏMIA Rachid (2013), The Legal Status of the High Council of the Judiciary, *Journal of the Council of State*, No. 11, pp. 26–27.
- ⁴¹ Article 900 bis of Law No. 08-09 of 25 February 2008, containing the Code of Civil and Administrative Procedure, as amended and supplemented, cited above.
- ⁴² Articles 4 and 49 of Organic Law No. 22–12, determining the methods for electing members of the High Council of the Judiciary and the rules for its organization and operation, cited above.
- ⁴³ Article 900 bis of Law No. 08-09, containing the Code of Civil and Administrative Procedure, as amended and supplemented, cited above.
- ⁴⁴ GHANAI Ramdane, (2012), The Reversal of the Council of State's Case Law concerning the Review of Disciplinary Decisions Issued by the High Council of the

Judiciary (Commentary on the Combined Chambers Decision No. 016886), Journal of the Council of State, No. 10, pp. 62–79.

⁴⁵ Council of State, Decision No. 172994, dated 27 July 1998, Journal of the Council of State, Issue No. 1, 2002, pp. 83–84.

⁴⁶ Council of State, Second Chamber, Decision No. 005240, dated 28 January 2002, Journal of the Council of State, Issue No. 2, 2002, pp. 165–167.

⁴⁷ Council of State, Combined Chambers, Decision No. 016886, dated 7 June 2005, Journal of the Council of State, Issue No. 10, 2012, pp. 59–61.

⁴⁸ Council of State, Decision No. 025039, dated 19 April 2006, Journal of the Council of State, Issue No. 9, 2009, pp. 57–58.

⁴⁹ Council of State, Decision No. 025039, dated 19 April 2006, Journal of the Council of State, Issue No. 9, 2009, pp. 57–58.

⁵⁰ Organic Law No. 04-12 of 6 September 2004, on the composition, operation, and powers of the High Council of the Judiciary, *Official Gazette* No. 57, issued on 8 September 2004, p. 23 (repealed).

⁵¹ BRAHIMI Mohamed (2023), Appeal in Cassation before the Council of State, <https://www.brahimi-avocat.com/ar/blog/3-1.html> (accessed 20 August 2024).

⁵² See in this regard: GHANAI Ramdane (2005), On the Position of the Council of State Regarding the Review of Disciplinary Decisions Issued by the High Council of the Judiciary: The Case of Manifest Error of Assessment (Commentary on Council of State Decision No. 172994 of 27 July 1998), Journal of the Council of State, Issue No. 6, pp. 33–58. See also: GHANAI Ramdane (2012), The Reversal of the Council of State’s Case Law Regarding the Review of Disciplinary Decisions Issued by the High Council of the Judiciary, *op. cit.*; and BENNACEUR Mohamed (2013), The High Council of the Judiciary in Its Disciplinary Formation: Jurisdiction (Commentary on Council of State Decision No. 016886 of 7 June 2005, Combined Chambers), Journal of the Council of State, No. 11, pp. 5 et seq.; and ZOUAÏMIA Rachid, *art. cit.*

⁵³ ZOUAÏMIA Rachid, *art. cit.*, pp. 24 et seq.

⁵⁴ Article 179 of the 1996 Constitution, as amended in 2020, cited above.

⁵⁵ Council of State, Fifth Chamber, Decision No. 47841, dated 21 October 2008, cited above.

⁵⁶ ADDOU Abdelkader (2014), *Administrative Litigation*, 2nd Edition, Dar Houma for Printing, Publishing, and Distribution, Algiers, p. 69.

⁵⁷ Article 132 of Law No. 13-07 of 29 October 2013, on the organization of the legal profession, *Official Gazette* No. 55, issued on 30 October 2013, p. 3

⁵⁸ BRAHIMI Mohamed, *op. cit.*

⁵⁹ Law No. 06-02 of 20 February 2006, organizing the Notary Profession, *Official Gazette* No. 14, 8 March 2006, p. 15.

⁶⁰ Council of State, Decision No. 125052, dated 17 November 2016 (Ministry of Justice / A.S., Regional Chamber of Notaries – Eastern Region), accessed 13 May 2025, at: <https://conseildetat.dz/.../arretn125052.pdf>

⁶¹ Law No. 06-03 of 20 February 2006, on organizing the profession of judicial officer, *Official Gazette* No. 14, 8 March 2006, p. 21; amended and supplemented by Law No. 23-13 of 5 August 2023, *Official Gazette* No. 52, 9 August 2023, p. 4.

⁶² Law No. 18-11 of 2 July 2018, on health, *Official Gazette* No. 46, 29 July 2018, p. 3.

⁶³ Law No. 16-07 of 3 August 2016, organizing the profession of auctioneer, *Official Gazette* No. 46, 3 August 2016, p. 5.

⁶⁴ GHANNAY Ramadan (2021), The Position of the Council of State Regarding Judicial Review of Disciplinary Decisions Issued against Judicial Officers: Commentary on Decision No. 072821, *The Lawyer Journal*, Bar Association of the Sétif District, Issue No. 34, p. 143

⁶⁵ IBRAHIMI Mohamed, *op. cit.*

⁶⁶ *Ibid.*

⁶⁷ Pursuant to the provisions of Articles 801 and 900 bis of Law No. 08-09 of 25 February 2008, containing the Code of Civil and Administrative Procedure, as amended and supplemented, cited above.