

Oversight of the Electoral Process in Algeria*Le contrôle du processus électoral en Algérie***Dr. Benarbia Rekia,**Lounisi Ali University of Blida2, Algeria, Email: bnrbytr@gmail.com**Submission: 18/02/2026****Acceptance: 04/06/2026****Published: 16/08/2026*****Abstract:***

The existence of free, fair, and credible elections constitutes one of the fundamental pillars of modern democracy, which seeks to translate the will of voters into reality, considering them the original holders of the right to choose their representatives. To this end, the Algerian legislator has sought to surround the electoral process with a set of guarantees aimed at ensuring its credibility and integrity. In order to effectively implement these guarantees, the 2020 constitutional amendment assigned a prominent role to the Constitutional Court in the electoral process, whether in presidential elections, referendum consultations, or parliamentary elections. This article seeks to clarify the role of the Algerian Constitutional Court in the electoral process.

Keywords: Constitutional Court; elections; democracy; voters; legislature; electoral process; Algeria

Résumé:

L'existence d'élections libres, équitables et crédibles constitue l'un des piliers fondamentaux de la démocratie moderne, qui vise à traduire en réalité la volonté des électeurs, considérés comme les détenteurs originels du droit de choisir leurs représentants. À cette fin, le législateur algérien s'est efforcé d'encadrer le processus électoral par un ensemble de garanties visant à en assurer la crédibilité et l'intégrité. Afin de mettre en œuvre efficacement ces garanties, la révision constitutionnelle de 2020 a attribué un rôle prépondérant à la Cour constitutionnelle dans le processus électoral, qu'il s'agisse des élections présidentielles, des consultations référendaires ou des élections législatives. Le présent article vise à clarifier le rôle de la Cour constitutionnelle algérienne dans le processus électoral.

Mots clés : Cour constitutionnelle ; élections ; démocratie ; électeurs ; législateur ; processus électoral ; Algérie...

Introduction:

Free, fair, and credible elections constitute one of the fundamental foundations of modern democracy, as they provide the principal means through which the will of voters is expressed and translated into political representation. As the holders of the right to choose their representatives, voters require an electoral framework supported by effective legal and institutional guarantees. In Algeria, the legislator has sought to establish such guarantees in order to safeguard the credibility, integrity, and legitimacy of the electoral process.

Within this framework, the 2020 constitutional reform marked a significant institutional development through the establishment of the Constitutional Court, which replaced the Constitutional Council. The Court was entrusted with a broad range of constitutional powers, including safeguarding the supremacy of the Constitution, exercising constitutional review,

interpreting constitutional provisions within its constitutional mandate, and resolving disputes between constitutional authorities. In the electoral field, the Court was assigned specific powers aimed at safeguarding the regularity and legitimacy of major electoral processes.

The Constitutional Court's electoral jurisdiction covers presidential elections, referendum consultations, and parliamentary elections. Its powers include, in particular, examining certain appeals relating to presidential candidacies, adjudicating challenges to provisional electoral results, declaring final results, and ruling on appeals concerning electoral campaign financing. Its intervention is therefore particularly significant in the judicial oversight of electoral disputes and results. However, its jurisdiction does not extend comprehensively to all stages of the electoral process, as certain preparatory operations remain within the competence of the Independent National Electoral Authority and the competent administrative courts.

The importance of this study lies in examining the constitutional and legal framework governing the electoral jurisdiction of the Algerian Constitutional Court and in assessing its contribution to safeguarding electoral legitimacy and the credibility of the electoral process. Accordingly, the study aims to analyze the scope of the Court's powers in electoral matters and to determine the extent to which these powers contribute to ensuring the regularity, integrity, and legitimacy of electoral operations.

Based on the foregoing, the study addresses the following research question:

How has the Algerian legislator organized the role of the Constitutional Court in overseeing the electoral process?

To address this question, the study adopts a descriptive-analytical approach, based on an examination of the constitutional and legislative provisions governing the electoral process and the powers of the Constitutional Court. The study is structured into two main sections:

1. Powers of the Constitutional Court Relating to Presidential Elections and Referendum Consultations.
2. Powers of the Constitutional Court Relating to Parliamentary Elections.

1. Jurisdictions of the Constitutional Court Concerning Presidential Elections and Referendum Consultations

Presidential elections are among the most significant and decisive electoral processes. In Algeria, they constitute a major national event due to the status, role, and constitutional powers vested in the President of the Republic. Consequently, these elections are surrounded by numerous safeguards designed to ensure their integrity, transparency, and credibility.

Similarly, the referendum process is of considerable importance, as it reflects the implementation of the democratic process through the exercise of popular sovereignty in the adoption of legal rules and the determination of matters of national significance.

Accordingly, the constitutional framers established specific regulatory provisions governing both the election of the President of the Republic and referendum consultations. Among the most important of these provisions is the jurisdiction of the Constitutional Court to examine appeals and proclaim the final results of both processes, thereby ensuring their proper conduct, integrity, and credibility.

1.1. The Jurisdiction of the Constitutional Court in Presidential Elections

The Constitutional Court plays a significant role in presidential elections. It adjudicates appeals filed against decisions of the Independent Election Authority rejecting candidacy applications and announces the final list of presidential candidates. It also verifies the existence of any impediment affecting a presidential candidate (First), adjudicates appeals relating to provisional election results, proclaims the final results, and carries out other procedures associated with the electoral process (Second).

1.1.1. Constitutional Court Oversight of Pre-Election Procedures

Following the announcement by the Independent Election Authority of the validity of presidential candidacies as an initial stage, the Constitutional Court examines appeals lodged against decisions rejecting candidacy applications for presidential elections issued by the Independent Election Authority. The Court subsequently announces the final list of candidates and verifies the existence of any impediment affecting a presidential candidate.

A. Adjudication of Appeals Against Decisions Rejecting Presidential Candidacies

Previously, candidacy files for the Presidency of the Republic were submitted directly to the Constitutional Council, which was responsible for examining and deciding upon them. More recently, however, this authority has been transferred to the National Independent Election Authority.¹ Article 252 of Organic Law No. 21-01 relating to the Electoral System² stipulates those declarations of candidacy for the Presidency of the Republic must be submitted to the Independent Election Authority, which is required to issue a legally reasoned decision within seven days from the date of submission of the declaration of candidacy.

The Independent Election Authority transmits its decisions concerning presidential election candidacies, together with the candidacy files, to the Constitutional Court within twenty-four (24) hours from the date of issuance of such decisions.³ These documents are deposited with the General Secretariat of the Constitutional Court against an acknowledgment of receipt.⁴

The Independent Election Authority may reject an application for presidential candidacy if the applicant does not satisfy the conditions prescribed by Organic Law No. 21-01 on the Electoral System, particularly those relating to the deadlines for filing the declaration of candidacy, the required file and accompanying documents, sponsorship requirements, eligibility conditions set out in Article 87(4) of the Constitution, or any other legal requirements.

The Authority's decision is communicated to the presidential candidate immediately upon issuance. In the event of rejection, the candidate has the right to challenge the decision before the Constitutional Court⁵, within a maximum period of forty-

¹- Ordinance No. 21-01 containing the Organic Law relating to the Electoral System, dated Rajab 1442 AH corresponding to 10 March 2021, published in Official Gazette No. 17.

²- Ordinance No. 21-01 containing the Organic Law relating to the Electoral System, dated Rajab 1442 AH corresponding to 10 March 2021, published in Official Gazette No. 17.

³- Article 252(3) of Organic Law No. 21-01, previously cited. 2023.

⁴- Maryam Ben Seifi and Imad Daman Dhabih, The Role of the Constitutional Court in the Electoral Process, Journal of Law and Political Science, University of Khenchela, Vol. 10, No. 1, 2023, p. 1109.

⁵- The Constitutional Court adjudicated several appeals concerning the rejection of candidacies and declared them

eight (48) hours from the date of notification, by filing a reasoned petition with the Registry of the Constitutional Court.⁶

The Constitutional Court approves the final⁷ list of candidates for the election of the President of the Republic, including the adjudication of appeals, within a period not exceeding seven (7) days from the date of receipt of the last decision issued by the Independent Authority, while taking into account the provisions of Article 95 of the Constitution. Candidates are listed in alphabetical order according to their surnames.⁸ The decisions of the Constitutional Court are transmitted to the Secretary-General of the Government for publication in the Official Gazette of the People's Democratic Republic of Algeria.⁹

B. Verification of the Existence of an Impediment Affecting a Presidential Candidate

It is recognized that a candidate for the Presidency of the Republic may withdraw from the electoral race due to the occurrence of an impediment or in the event of death after the Constitutional Court has approved the final list of candidates. In order to prevent disruption of the electoral process, withdrawal from the presidential election is permitted only where a serious impediment has been established and confirmed by the Constitutional Court, or in the event of the death of the concerned candidate.¹⁰

Where the Constitutional Court confirms the existence of such an impediment or verifies the death of a candidate, the election shall be postponed.¹¹

Although the withdrawal of a candidate during the first round may not significantly affect the electoral process due to the presence of multiple candidates, such withdrawal may have substantial consequences during the second round, where only two candidates remain.

unfounded, including:

Decision No. 01/C.C./24, dated 24 Muharram 1446 AH corresponding to 30 July 2024, concerning the appeal against the decision of the National Independent Election Authority rejecting the candidacy of El-Abadi Belabbas in the early presidential elections.

Decision No. 02/C.C./24, dated 24 Muharram 1446 AH corresponding to 30 July 2024, concerning the appeal against the decision rejecting the candidacy of Abdelhakim Hammadi.

Decision No. 03/C.C./24, dated 24 Muharram 1446 AH corresponding to 30 July 2024, concerning the appeal against the decision rejecting the candidacy of Saida Neghza.

Decision No. 04/C.C./24, dated 24 Muharram 1446 AH corresponding to 30 July 2024, concerning the appeal against the decision rejecting the candidacy of Belkacem Sahli.

Decision No. 05/C.C./24, dated 24 Muharram 1446 AH corresponding to 30 July 2024, concerning the appeal against the decision rejecting the candidacy of Chaabi Salem, which was dismissed for being filed outside the legally prescribed time limits.

⁶ - See Article 252(2) of Ordinance No. 21-01 and Article 56 of the Regulation Determining the Rules of Procedure of the Constitutional Court, previously cited.

⁷- The Constitutional Court announced the final list of candidates for the presidential election, arranged alphabetically by surname, pursuant to Decision No. 06/CC/24 dated 25 Muharram 1446 AH.

⁸- See Article 252, paragraphs 4 and 5, of Ordinance No. 21-01, and Articles 58 and 59 of the Rules Governing the Functioning of the Constitutional Court.

⁹- Article 60 of the Rules Governing the Functioning of the Constitutional Court.

¹⁰- Article 95 of the 2020 Constitution and Article 255 of Ordinance No. 21-01.

¹¹- Mourad Belqalem, The Constitutional Court's Competences in Electoral Matters in Algeria, Comparative Legal Studies Journal, Vol. 9, No. 1, 2023, p. 619.

Withdrawal may occur either voluntarily or as a result of circumstances beyond the candidate's control.¹²

If a legal impediment arises or one of the candidates dies, and this situation is duly established by the Constitutional Court, the Court shall declare the necessity of conducting the electoral process anew and extend the time limit for organizing the election for a period not exceeding sixty (60) days.¹³

The incumbent President of the Republic, or the person exercising the functions of Head of State, shall remain in office until the newly elected President takes the constitutional oath. The Constitutional Court is also vested with jurisdiction over procedures occurring after the voting process. It adjudicates appeals relating to provisional election results, declares the final results, and supervises other procedures subsequent to the electoral process.

1.1.2. Constitutional Court Oversight of Post-Electoral Operation

The Constitutional Court is also vested with jurisdiction over procedures occurring after the voting process. It adjudicates appeals relating to provisional election results, declares the final results, and supervises other procedures subsequent to the electoral process.

A. Adjudication of Appeals Concerning Provisional Results and the Announcement of Final Results

Upon completion of the electoral process, the results of the presidential election are recorded in each polling station in an official report prepared in three original copies using designated forms. The technical specifications of these reports are determined by a decision of the President of the Independent Authority.

The President of the Independent Authority announces the provisional results of the presidential election within a period not exceeding seventy-two (72) hours from the date on which the Authority receives the reports of the provincial electoral committees and the electoral committee responsible for citizens residing abroad.

Subsequently, the stage of filing appeals against the provisional presidential election results begins¹⁴. Such appeals must be submitted to the Registry of the Constitutional Court by the candidate concerned or by his or her legally authorized representative, while respecting the prescribed legal deadlines. These deadlines are calculated as forty-eight (48) hours following the announcement of the provisional results.¹⁵ The appeal must be based on verified facts and supported by relevant documentary evidence.

Upon receipt of an appeal, the Constitutional Court shall notify the candidate whose election has been challenged, enabling him or her to submit a written memorandum within

¹²- Amina Raïs, The Role of the Constitutional Court in Presidential Elections: A Critical Perspective under Ordinance No. 21-01 Containing the Organic Law Relating to the Electoral System, as Amended and Supplemented, Algerian Journal of Human Security, Vol. 7, No. 2, 2022, pp. 225–228.

¹³- Article 95, final paragraph, of the 2020 Constitutional Amendment, published in the Official Gazette of the People's Democratic Republic of Algeria, No. 82, issued on 30 December 2020.

¹⁴- An appeal concerning the provisional results of the early presidential election held on 7 September 2024 was filed by Mr. Hassani Cherif Abdelali, in his capacity as a presidential candidate. The petition alleged the inaccuracy of the results announced by the National Independent Authority for Elections. The Constitutional Court subsequently accepted the appeal through Decision No. 07/CC/24 dated 12 September 2024.

¹⁵- See Article 259(4) of Ordinance No. 21-01 and Article 61 of the Rules Governing the Functioning of the Constitutional Court.

seventy-two (72) hours from the date of notification.

Appointment of Rapporteurs and Adjudication of Appeals The President of the Constitutional Court appoints one or more rapporteurs to examine the appeal. The rapporteur then submits a report and a draft decision to the Constitutional Court for adjudication. The Constitutional Court is required to rule on appeals within three (3) days.¹⁶

With regard to the substance of the Constitutional Court's decision concerning appeals filed against provisional election results, the Court may dismiss an appeal either on procedural or substantive grounds if it suffers from a procedural defect, particularly where the objection was not recorded in the vote-counting report prepared at each polling station,¹⁷ Conversely, if the Court finds that the appeal is well-founded, it shall accept the appeal and order the revision of the election results reports accordingly.

Thereafter, the Constitutional Court announces the final results of the presidential election¹⁸ within ten (10) days from the date it receives the reports from the President of the Independent National Electoral Authority. However, if the election requires a second round, the Court shall, where appropriate, designate the two candidates qualified to participate in that round. The second round of voting must take place on the fifteenth (15th) announcement of the first-round results, provided that the maximum period between the two rounds does not exceed thirty (30) days.¹⁹

The Constitutional Court shall announce the final election results following the second round within ten (10) days from the date it receives the relevant reports from the President of the Independent National Electoral Authority.²⁰ These procedures apply under normal electoral circumstances. Nevertheless, should an impediment arise during the second round, or if one of the qualified candidates dies, the Constitutional Court is empowered to declare the necessity of repeating the entire electoral process and to extend the deadlines for organizing a new presidential election for a period not exceeding sixty (60) days.²¹

B. Adjudication of Appeals Against Decisions of the Electoral Campaign Financing Oversight Committee

Every candidate for the office of President of the Republic is required to prepare an electoral campaign account detailing all revenues received and expenditures incurred during the campaign for the purpose of promoting the candidate's electoral program. This account must be submitted to the Electoral Campaign Financing Oversight Committee, indicating the sources and nature of the funds in accordance with the conditions and procedures established by the Constitution and the Organic Law relating to the electoral system.²²

Where the Electoral Campaign Financing Oversight Committee decides to reject a

¹⁶- Article 260 of Ordinance No. 21-01.

¹⁷- Shadia Rahab, The Jurisdiction of the Constitutional Court in Electoral Matters, Constitutional Council Journal, No. 17, 2021, p. 84.

¹⁸-The final results of the presidential election were announced by the Constitutional Court pursuant to Decision No. 09/DM/24 dated 10 Rabi' al-Awwal 1446, corresponding to 14 September 2024.

¹⁹- Articles 256 and 257 of Ordinance No. 21-01.

²⁰ - Article 260(2) of Ordinance No. 21-01.

²¹ - See Article 95(3) of the 2020 Constitutional Amendment.

²²- See Articles 119 and 120 of Ordinance No. 21-01.

campaign account on grounds such as failure to submit the account, submission after the legally prescribed two-month deadline, exceeding the authorized spending limit, or where the account reveals a surplus of resources originating from donations, its rejection decision may be challenged before the Constitutional Court within one month from the date of notification.²³

Accordingly, the reimbursement granted to presidential candidates under Article 93 of Ordinance No. 21-01 may only be made after the Constitutional Court has announced the final election results and the campaign accounts have been approved by the Electoral Campaign Financing Oversight Committee.

1.2. The Constitutional Court's Jurisdiction in Referendum Consultations

A popular referendum constitutes one of the most significant manifestations of democracy, through which the people express their collective will and exercise their political freedom. A referendum refers to the submission of a specific issue to the people, enabling them to express their opinion by either approving or rejecting it.²⁴

In order to ensure the integrity and credibility of electoral processes, guarantee that political leaders attain power through legitimate means, and uphold the people's expression of their choice of representatives, the constitutional framers introduced a new competence for the Constitutional Court relating to the adjudication of appeals concerning referendums, a competence that had not previously been granted to the Constitutional Council.

Accordingly, the Constitutional Court has jurisdiction to rule on appeals concerning the provisional results of referendum operations (First), and it is also responsible for proclaiming the final results of such referendums (Second).

1.2.1. Adjudication of Appeals Concerning the Provisional Results of Referendum Consultations

The Provincial Electoral Committee is entrusted with collecting the results from the municipalities within the province and conducting the general vote count. The committee must complete its work within a maximum period of seventy-two (72) hours following the close of voting and shall immediately deposit its records in a sealed envelope with the Registry of the Constitutional Court in exchange for an acknowledgment of receipt.

The President of the Independent Authority shall announce the provisional referendum results within a period not exceeding seventy-two (72) hours from the date on which the Independent Authority receives the records of the Provincial Electoral Committees and the Electoral Committee for citizens residing abroad.²⁵

Every voter has the right to challenge the validity of the voting operations related to the referendum process. To this end, an objection must first be recorded in the vote-counting report at the polling station before the appeal is filed with the Registry of the Constitutional Court. The National Independent Authority shall be immediately notified of the objection for adjudication thereof.²⁶

²³- See Article 121 of Ordinance No. 21-01 and Article 64 of the Rules Governing the Operation of the Constitutional Court.

²⁴ - Maryam Ben Seifi and Imad Eddine Dhabih, previously cited work, p. 1114.

²⁵- Article 258 of Ordinance No. 21-01, previously cited.

²⁶- Articles 82, 83, and 84 of the Regulation Determining the Rules of Procedure of the Constitutional Court,

Appeals concerning the provisional results shall be submitted to the Registry of the Constitutional Court in the form of a petition drafted in Arabic by the voter or his/her legally authorized representative. The petition must include the appellant's capacity, full name, address, voter card number, identity card number, the place and date of issuance thereof, as well as the appellant's signature, together with a statement of facts and the legal grounds supporting the appeal. Such appeals must be lodged within forty-eight (48) hours following the announcement of the provisional results.²⁷

The President of the Constitutional Court shall appoint one or more rapporteurs to examine the appeal and prepare a report and a draft decision. The appeal shall be communicated, through all legally recognized means, to the Provincial Electoral Committee or the Electoral Committee for citizens residing abroad whose results are being challenged, in order to submit written observations within seventy-two (72) hours from the date of notification.²⁸

The Constitutional Court shall rule on the appeals within three (3) days from the date of their registration with the Court Registry. The Court may dismiss the appeal on procedural grounds where formal defects exist, or reject it on the merits for lack of legal foundation.

The Constitutional Court may also decide to revise the results records if errors are discovered in the vote-counting process or if fraud affecting the referendum outcome is established. In such a case, the Court orders the correction of the results records rather than the annulment of the referendum itself. The decisions of the Constitutional Court are final and binding.²⁹

1.2.1. Declaration of the Final Results of the Referendum

The legislator has vested the Constitutional Court with the authority to declare the final results of the referendum, in addition to its competence to examine appeals relating to the provisional referendum results. Accordingly, the Constitutional Court shall proclaim the final results within ten (10) days from the date of receipt of the records transmitted by the Provincial Electoral Committees and the Electoral Committee for citizens residing abroad.

2. The Constitutional Court's Competences Concerning Legislative Elections

The Constitutional Court plays a prominent role in legislative elections. Although it does not intervene in the preparatory stages of these elections and does not³⁰ participate in managing the electoral process itself, it is involved in the most crucial stage

previously cited.

²⁷- Article 85 of the Regulation Determining the Rules of Procedure of the Constitutional Court, *ibid*.

²⁸- Maryam Ben Seifi and Imad Eddine Dhabih, previously cited, p. 1114.

²⁹- Article 263(2) of Ordinance No. 21-01 and Article 87 of the Regulation Determining the Rules of Procedure of the Constitutional Court, previously cited.

³⁰- Preparatory electoral operations remain within the jurisdiction of the territorially competent Administrative Courts or the territorially competent Administrative Courts of Appeal. Judgments rendered by Administrative Courts may be appealed before the competent Administrative Court of Appeal within three (3) full days from the date of notification. The latter must decide on the appeal within four (4) full days from the date of its filing. Its decision is final and not subject to any form of appeal. See Article 206 of Ordinance No. 21-01, previously cited.

of the electoral process, namely adjudicating appeals relating to provisional results and announcing the final results (Section One). It is also responsible for declaring vacancies, appointing substitutes for candidates, and ruling on appeals related to election campaign accounts (Section Two).

2.1. Adjudicating Appeals Concerning the Provisional Results of Legislative Elections and Announcing the Final Results

The Independent National Electoral Authority is entrusted with announcing the provisional results of legislative elections within forty-eight (48) hours from the date it receives the reports of the provincial electoral committees and the electoral committee for citizens residing abroad. This period may be extended by an additional twenty-four (24) hours by decision of the President of the Independent Authority, as stipulated in Article 209 of Ordinance No. 21- 01. Immediately after the announcement of the results, candidate lists, political parties participating in the elections, and candidates themselves may file appeals concerning the validity of the provisional results. The Constitutional Court has jurisdiction to examine such appeals, decide upon them within three (3) days, and subsequently declare the final results.

2.1.1. Adjudicating Appeals Concerning the Provisional Results of Legislative Elections

The Constitutional Court is vested with jurisdiction to examine such appeals because it represents the rule of law and seeks to uphold justice through its decisions, which aim to uncover any irregularities that may have affected the results of legislative elections.³¹ An examination of the appeal process reveals that Ordinance No. 21-01 relating to elections has subjected it to specific procedural requirements.

With regard to appeals against the provisional results of elections to the National People's Assembly, every candidate list and every political party participating in the elections, regardless of its ranking in terms of the total number of votes obtained, is entitled to lodge an appeal, pursuant to Article 209(3) of Ordinance No. 21-01. Under penalty of inadmissibility, the appellant must possess the legal standing required to file the appeal, which must take the form of a petition submitted to the Registry of the Constitutional Court.³² The appeal petition must contain the information specified in Article 69 of the Rules Governing the Functioning of the Constitutional Court.

As for the provisional results of the election of two-thirds (2/3) of the members of the Council of the Nation, every candidate has the right to challenge the election results in accordance with Article 240 of the same Ordinance. Such a challenge is made by recording an objection in the vote-counting report available at the polling station. A copy of the report is then immediately transmitted to the Constitutional Court. This procedure is specific to elections for the Council of the Nation and does not apply to any other electoral process.³³

Accordingly, it is evident that the electoral legislator has placed particular emphasis on the legal standing of the appellant, as it reflects a direct or indirect interest in safeguarding electoral operations and ensuring their integrity. It is therefore natural that an appeal should be filed by a person adversely affected by the election result, namely a candidate in the

³¹- Chadia Rahab, op. cit., p. 86.

³²- Article 67 of the Rules Governing the Functioning of the Constitutional Court, op. cit.

³³- Article 68 of the Rules Governing the Functioning of the Constitutional Court, ibid.

relevant electoral constituency or a political party participating in the elections. Conversely, the electoral legislator has excluded voters from the right to appeal, despite the fact that they may have suffered a loss through the failure of their preferred candidate to secure election.³⁴

As for the time limits for filing an appeal, in the case of an appeal against the provisional results of the election of members of the National People's Assembly, the appeal must be submitted within forty-eight (48) hours following the announcement of the provisional results. The Constitutional Court shall notify the list or candidate whose election is being challenged to submit a written memorandum, in the form of a petition addressed to the Constitutional Court, within seventy-two (72) hours from the date the appeal is filed.

With regard to appeals filed in connection with the election of members of the Council of the Nation, the time limit is set at twenty-four (24) hours following the announcement of the provisional results. In such a case, the President of the Constitutional Court appoints one or more rapporteurs to examine the appeal after it has been communicated, through all legally prescribed means, to the list whose victory is contested or to the candidate whose election is challenged, in order to allow them to submit a written memorandum.

Upon completion of the investigation and following a summons issued by the President of the Constitutional Court to its members, the Court convenes in a closed session. If it finds that the appeal is well-founded, it shall issue a reasoned decision either annulling the disputed election and ordering a new vote, or revising the prepared record of results and declaring the legally elected candidate as the final winner.³⁵

The Constitutional Court may also issue a decision rejecting the appeal if it identifies procedural defects, such as the lack of legal standing of the appellant as a candidate, or if it rejects the appeal on substantive grounds due to the absence of a valid legal basis.

Where the decision concerns the annulment of an election or the revision of the records of results relating to elections to the National People's Assembly, and the appeal is deemed well-founded, the Constitutional Court may order the annulment of the disputed election, including the cancellation of the results of the polling station where irregularities occurred. It may also decide to revise the electoral results records if the appeal is justified, and subsequently declare the winning candidate.³⁶

With regard to elections to the Council of the Nation, the Constitutional Court shall issue a reasoned decision either annulling the contested election and ordering a new election to be held within eight (8) days from the date on which the Court's decision is notified to the President of the Independent Authority, or revising the record of results where the appeal is well-founded and consequently declaring the winning candidate.³⁷

The decision of the Constitutional Court concerning the annulment of an election

³⁴- Ahmed Ben Ziane, *op. cit.*, p. 362.

³⁵- Article 71 of the Regulation Determining the Rules of Procedure of the Constitutional Court, previously cited.

³⁶- Article 210 of Ordinance No. 21-01, previously cited.

³⁷- Article 241 of Ordinance No. 21-01, *ibid.*

or the revision of the record of results shall be published in the Official Gazette of the People's Democratic Republic of Algeria.

2.1.2. Announcement of the Final Results of Legislative Elections

After the Constitutional Court has ruled on the appeals submitted before it regarding the provisional results, it proceeds to announce the final results of the elections of the People's National Assembly within a period of ten (10) days from the date of receipt of the provisional results from the Independent Electoral Authority. This period may be extended by forty-eight (48) hours by decision of the President of the Constitutional Court, as stipulated in Article 211 of Ordinance 21-01. It also announces the final results of the elections of the Council of the Nation within ten (10) days from the date of receipt of the provisional results of the Council of the Nation elections, in accordance with Article 241 of Ordinance 21-01.

The announcement of the final results is published in the Official Journal of the People's Democratic Republic of Algeria.³⁸

2.2. Adjudication of Appeals Relating to Campaign Accounts

After the final results of the legislative elections are announced by the Constitutional Court, appeals may be lodged before it against the decisions of the Commission for Monitoring Electoral Campaign Financing.

The campaign financial agent prepares the electoral campaign account in the name of the candidate, indicating all revenues related to the electoral campaign according to their sources, as well as all expenditures incurred according to their nature.³⁹

In the event that the candidate or the list of candidates receives donations from natural persons or state subsidies, the campaign account must be submitted to the Campaign Monitoring Commission by the chartered accountant, who places the account under review after verifying the supporting documents.⁴⁰

The reimbursement provided for in Article 95 of Ordinance 21-01⁴¹ is granted only after the Constitutional Court announces the final results and the campaign accounts are approved by the Commission for Monitoring the Financing of Campaign Accounts.

The law allows appeals against the decisions of the Campaign Monitoring Commission to be submitted before the Constitutional Court, provided that the appellant is a candidate, a list of candidates, or a political party participating in the elections within the relevant electoral constituency.⁴² Such appeals must be filed within one month from the date of those decisions.⁴³

Following this, the President of the Constitutional Court appoints one or more rapporteurs to examine the appeals against the decisions of the Campaign Financing Monitoring Commission. The Constitutional Court deliberates and issues a ruling, which

³⁸- Last paragraph of Article 72 of the Rules Governing the Operation of the Constitutional Court, op. cit.

³⁹- Articles 102 and 108 of Ordinance 21-01, op. cit.

⁴⁰- Article 110 of Ordinance 21-01, ibid.

⁴¹- The concerned lists are those that obtain at least twenty percent (20%) of the valid votes cast and are entitled to reimbursement of twenty percent (20%) of actually incurred expenses within the authorized ceiling.

⁴²- Article 74 of the Rules Governing the Operation of the Constitutional Court, op. cit.

⁴³- Article 121 of Ordinance 21-01, op. cit.

is then communicated to the President of the People's National Assembly or the President of the Council of the Nation, as the case may be, as well as to the President of the Independent National Electoral Authority and to the concerned parties.⁴⁴

Conclusion:

The analysis of the constitutional and legislative framework governing the role of the Algerian Constitutional Court in the electoral process demonstrates that the Court occupies a central position in safeguarding the legality and legitimacy of elections. Following the 2020 constitutional revision, its powers extend across several important electoral operations, particularly presidential elections, referendum consultations, and parliamentary elections. These powers include examining electoral appeals, reviewing certain candidacy-related disputes, adjudicating challenges to provisional results, declaring final results, and ruling on appeals concerning electoral campaign financing.

The study also shows that the Court's intervention is not uniform throughout all stages of the electoral process. Its role is particularly significant during the post-electoral phase, whereas several preparatory electoral operations remain subject to the jurisdiction of other competent authorities, notably the Independent National Electoral Authority and the administrative courts.

Based on the foregoing analysis, the study has reached a number of findings that reflect the scope and effectiveness of the Constitutional Court's role in overseeing the electoral process in Algeria. The most significant findings are as follows:

1. The Constitutional Court constitutes a central judicial mechanism for safeguarding electoral legitimacy. Its jurisdiction covers major electoral processes, including presidential elections, referendum consultations, and parliamentary elections, thereby contributing to the protection of the integrity and credibility of the electoral process.
2. The Court exercises significant jurisdiction over electoral disputes and results. It examines appeals against provisional presidential, referendum, and parliamentary results and may, where legally justified, revise electoral records, annul disputed elections, or declare the legally elected candidate.
3. The Court's powers are particularly prominent after voting has taken place. In contrast, it does not exercise comprehensive jurisdiction over all preparatory electoral operations, which remain within the competence of other judicial and electoral authorities. This reveals a distribution of electoral oversight among several institutions rather than an exclusive supervisory role for the Constitutional Court.
4. The Court contributes to the financial integrity of electoral competition. Its jurisdiction extends to appeals against decisions concerning the monitoring of electoral campaign accounts and financing, linking electoral legitimacy not only to the validity of voting operations but also to compliance with campaign-financing rules.

In light of the foregoing findings, the study puts forward a number of recommendations, which can be summarized as follows:

1. Strengthen the Constitutional Court's preventive role in the electoral process by considering an appropriate extension of its constitutional oversight to certain important pre-electoral

⁴⁴- Articles 75 and 76 of the Rules Governing the Operation of the Constitutional Court, op. cit.

procedures, particularly where such intervention would contribute to preventing disputes before voting day.

2. Clarify and harmonize the legal framework governing electoral litigation by reducing procedural ambiguities and ensuring greater consistency in the rules relating to standing, filing deadlines, admissibility requirements, and the examination of electoral appeals.
3. Strengthen coordination among electoral oversight institutions, particularly the Constitutional Court, the Independent National Electoral Authority, and the administrative courts, in order to ensure complementarity of jurisdiction, avoid institutional overlap, and improve the effectiveness of electoral oversight throughout all stages of the electoral process.
4. Enhance transparency and accessibility of electoral litigation and decisions by ensuring the timely publication and clear dissemination of the Constitutional Court's electoral decisions and by developing mechanisms that facilitate access to relevant electoral information for candidates, political parties, voters, and other stakeholders.

Overall, the Algerian Constitutional Court has become an important institutional guarantee of electoral legitimacy. Nevertheless, the effectiveness of its role depends not only on the constitutional powers formally attributed to it, but also on the coherence of the legal framework, the effective coordination of the institutions involved, and the practical conditions under which electoral oversight is exercised. Strengthening these elements would contribute to greater confidence in the electoral process and to the consolidation of democratic legitimacy in Algeria.

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