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The Components of Duality in the Algerian Judicial System

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Abstract:
After Algeria adopted judicial dualism in 1996 and established both the Council of State and administrative courts, the steps taken by the Algerian legislator were slow and hesitant in completing the components of judicial and legal dualism, such as the appellate level in administrative matters and the administrative procedures law.
However, the constitutional founder addressed in 2020 the issue of two-level litigation before administrative bodies through the 2020 constitutional amendment, followed by Law No. 22-07, which provided for the establishment of six (06) administrative appellate courts. This was then followed by Law No. 22-13, which included many reforms and amendments in administrative matters.
Despite these recent amendments, the components of judicial and legal dualism have not yet been fully completed in the Algerian judicial system, especially given the criterion used to determine the jurisdiction of the judge in administrative disputes, the absence of a specific administrative procedures law governing administrative disputes alone, and the lack of specialized judges with advanced training in administrative matters.
Keywords: Newly introduced amendments, Administrative judicial system, Elements of duality, Algerian judicial system.

Introduction:

Immediately after independence, Algeria was compelled to adopt a flexible unified judicial system following the judicial reform carried out under Ordinance 65-278, due to the lack of both material and human resources necessary to adopt a dual judicial system, which was costly for a newly independent state with weak social and economic capacities.

This was the option followed by Algeria until the adoption of the 1996 Constitution, through which the constitutional founder changed the nature of the Algerian judicial system, which had been described as unified in terms of institutions and flexible because it recognized administrative disputes and applied to them exceptional legal rules unfamiliar in private law.

However, the adoption of the dual judicial system in Algeria under the 1996 Constitution was not immediately realized after the adoption of this Constitution; rather, it took decades to establish the institutions of judicial dualism. The system of administrative chambers was maintained as a transitional phase pending the establishment of administrative courts. As a first step, the Algerian Council of State was established alongside the Tribunal of Conflicts as an arbitral body between the ordinary judiciary and the administrative judiciary. Administrative courts were then gradually established across the country, which required a relatively long time.

Despite this, the Algerian judicial system, described as dual, continued to lack many of the components on which such a system is based, foremost among them the appellate level within administrative jurisdictions and the absence of a procedural law specific to administrative disputes, given their particularity in many aspects. In addition, judges were not specialized in administrative matters due to their general legal training without receiving specific training in administrative issues during their formation.

Therefore, the Algerian legislator recently attempted to remedy some of the shortcomings affecting the Algerian judicial system by issuing Law No. 22-13 as well as Organic Law No. 22-10 relating to judicial organization. These legal texts introduced actual changes to administrative justice institutions in Algeria in support of judicial and legal dualism. Nevertheless, the main issue that can be raised in this research paper remains:

Have the recent amendments contributed to completing the material and human components of judicial and legal dualism in the Algerian judicial system?

Study Methodology:

This study required the use of the descriptive method to describe the developments that have affected the administrative judicial system through the different stages it has undergone, as well as to describe the components of the dual judicial system in addition to the shortcomings in the Algerian judicial system in order to truly acquire the characteristic of "duality" and to establish and embody it in reality.

The analytical method was also used in this study through the analysis of certain legal texts of importance and relevance to the subject, as well as the analysis of the position of the Algerian legislator on certain issues.

Study Objectives:

This study aims to examine the extent to which the components of judicial and legal dualism are complete in the Algerian judicial system and to identify the most important shortcomings affecting this system despite the successive attempts of the Algerian legislator to introduce specific amendments to administrative justice institutions in order to remedy deficiencies and weaknesses in the Algerian judicial system.

It also aims to analyze the impact of the recent amendments introduced by the Algerian legislator on the actual implementation of judicial and legal dualism in Algeria, which is progressing at a slow pace.

Chapter One: The Impact of the Specific Nature of the Components of the Dual Judicial System on the Course of the Algerian Legislator in Adopting Dualism

The dual judicial system, compared to the unified judicial system, is described as a complex system that is difficult to implement in practice, as it requires enormous material and human resources. It is certain that the specific nature of these components is what made Algeria's path toward adopting the dual judicial system slow and implemented at a sluggish pace.

First: The Specific Nature of the Components of the Dual Judicial System

The dual judicial system, which originated and whose foundations were developed in France, is defined as a judicial system based on the existence of an administrative judiciary (Système de Juridiction Administratif) that is completely independent—objectively, materially, and

institutionally—from the executive authority on the one hand, and from the ordinary judiciary on the other hand, with full and comprehensive independence at all levels and stages of litigation (first instance, appeal, and cassation).

This administrative judiciary is entrusted with the task of judicial oversight over the acts of public administration and the examination and adjudication of administrative disputes, applying exceptional rules that are unfamiliar in private law, known as administrative law in its narrow technical sense.[1]

The dual judicial system is based on the duality of law and judiciary, which makes it a system founded on substantive and procedural components in terms of legal dualism. Judicial dualism within this system is also based on several components.

As for legal dualism, it requires the application of exceptional rules unfamiliar in private law to administrative disputes, such as disputes related to administrative contracts, while private disputes related to contracts concluded between individuals are governed by private law rules such as civil and commercial law.[2]

Legal dualism in the dual judicial system is also based on procedural dualism, which means the necessity of having a procedural law governing administrative disputes that is independent and distinct from the civil procedures law governing civil cases, due to the differences between administrative disputes and ordinary litigation, particularly in terms of the parties to the case, especially with the presence of a public legal person as a party to the administrative dispute, which always aims to achieve the public interest.[3]

As for judicial dualism, it is based on three main components:

- Structural independence of administrative courts: meaning the complete independence of administrative courts from ordinary courts at all levels and stages of litigation[4] (first instance, appeal, and cassation). If this independence is compromised at any level, this component ceases to exist and the system of judicial and legal dualism is undermined.

[1] Dr. Ammar Aouabdi, The General Theory of Administrative Disputes in the Algerian Judicial System, Part One, third edition, University Publications Office, Algeria, 2004, p. 50.
[2] Kamal Dride, Omnia Rais, "The Components of Duality of Law and Administrative Judiciary in the Narrow Sense and the Extent of Their Existence in Algeria," Annals of the University of Algiers 1, University of Algiers 1, Volume 37, Issue 2, 2023, p. 226, available at: https://asj.cerist.dz (2025-07-29).
[3] Same reference, p. 226.
[4] Dr. Ammar Aouabdi, previous reference, p. 51.

- Human composition: according to this component, both the ordinary judge and the administrative judge are subject to different rules in terms of their origin and training[5].
- The nature of the criterion used to determine the jurisdiction of the administrative judge: the adoption by the French Council of State of the material (substantive) criterion led to the creation of many rules and theories in administrative law and enriched its principles. This is due to the complex nature of this criterion, which enables the judge to create administrative legal rules in the absence of a legal text applicable to the dispute presented before the administrative judge, which certainly requires high capabilities and expertise from a specialized administrative judge.

Thus, we emphasize that adopting the material criterion is one of the most important components of the dual system of judiciary and law, especially given the shortcomings of the formal organic criterion, as will be shown later.[6]

Second: Algeria's Orientation Toward Judicial and Legal Dualism: A Slow and Gradual Path

Several reasons and factors contributed to pushing the Algerian constitutional founder to change the nature of the Algerian judicial system under Article 152 of the 1996 Constitution. Among the most important of these reasons is the increasing number and volume of administrative disputes presented before the judge, due to the growing number of public legal persons such as municipalities, whose number exceeds 1541, in addition to the significant increase in the number of provinces, ministries, and independent administrative bodies.[7]

In addition, the ordinary judge's lack of mastery of administrative disputes, due to their differences from ordinary disputes in many aspects, contributed to this shift. These differences include the nature of the parties, given the constant presence of the public administration as a party, whether as plaintiff or defendant, as well as differences in subject matter, time required for adjudication, and the role of the judge.

[5] Kamal Dride, Omnia Rais, previous reference, p. 233.
[6] Same reference, p. 233.
[7] Dr. Ammar Boudiaf, Administrative Judiciary in Algeria between the System of Unity and Dualism 1996–2000, first edition, Dar Rayhana, Algeria, 2000, pp. 57–58.

The availability of human resources in recent years, with large numbers of graduates from law faculties across the country being recruited as judges, also contributed to accelerating the adoption of the dual judicial system.[8]

By examining Article 152 of the 1996 Constitution, which states: "The Council of State shall be established as a body regulating the activity of administrative judicial bodies," it is clear that the new Algerian administrative justice institutions were limited to the Council of State as a supreme body at the top of the administrative judicial hierarchy, while administrative courts were established as lower bodies at the base of this hierarchy, without an appellate level serving as a link between the lower bodies and the Algerian Council of State.

Legal texts followed one another to gradually embody Algeria's new orientation toward dualism. First, Organic Law No. 98-01 relating to the competencies, organization, and functioning of the Council of State was issued, followed by Law No. 98-02 relating to administrative courts. Completing this reform, Executive Decree No. 38-356 stipulated in its Article 2 the establishment of thirty-one (31) administrative courts across the national territory as courts of general jurisdiction in administrative matters.[9]

It is noted that the transition to judicial and legal dualism in Algeria was slow and gradual, especially considering that even ten years after the constitutional founder announced the adoption of dualism, the administrative courts had not yet been effectively established. This raised questions among some administrative law scholars regarding the benefit of hastily declaring the adoption of dualism without actually establishing administrative courts in practice.[10]

Some attributed the delay in establishing administrative courts—initially set at 31 courts across the national territory—to two main reasons: the shortage of counselors working in various judicial councils, which constituted a real obstacle preventing the separation of these administrative courts from judicial councils, since these counselors in administrative chambers also participated in adjudicating criminal, civil, personal status, commercial, and labor cases. If some of them were assigned to administrative courts, this would affect the functioning of ordinary courts.[11]

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[8] Same reference, p. 63.

[9] Djamel Bouchnafa, Adel Bouras, "The Centrality of the Appellate Body in Administrative Matters and Its Issues," Annals of the University of Algiers 1, University of Algiers 1, Issue 33, 2019, p. 256, available at: https://asjp.cerist.dz (2025-7-28).

[10] Dr. Ammar Boudiaf, Administrative Judiciary in Algeria, second edition, Joussour for Publishing and Distribution, Algeria, p. 131.

[11] Dr. Ammar Boudiaf, Administrative Judiciary …, previous reference, p. 131.

In addition, the lack of infrastructure allocated to the Ministry of Justice contributed to delaying the establishment of administrative courts, and the matter required a relatively long time.[12]

It should be noted that while the Algerian legislator was expected to complete the components of dualism by issuing a procedural law specific to administrative disputes, both Organic Law No. 98-01 relating to the Council of State (Article 40) and Law No. 98-02 relating to administrative courts (Article 2) stipulated the continued application of the Civil Procedure Code. This situation persisted for a decade until 2008, when the Code of Civil and Administrative Procedures was issued. It included five books, the fourth of which (Articles 800 to 989) was devoted to administrative disputes. One of its main characteristics was the frequent referral to civil litigation procedures when dealing with administrative disputes, despite the significant differences in their nature and characteristics.[13]

Chapter Two: Recent Amendments Introduced by Legal Texts Issued After the 2020 Constitutional Amendment

The texts of the 2020 constitutional amendment confirmed and reinforced Algeria's orientation toward judicial and legal dualism and strengthened the administrative judicial hierarchy with an important component of judicial dualism: administrative appellate courts, which represent the appellate level in administrative justice, thereby achieving the principle of two-level litigation in administrative matters, which had long been missing since the establishment of dualism in Algeria.

Article 179 of the 2020 constitutional amendment states:

"The Supreme Court represents the body regulating the activities of judicial councils and courts. The Council of State represents the body regulating the activities of administrative courts of appeal, administrative courts, and other bodies adjudicating administrative matters."

Subsequently, legal texts supporting the establishment of judicial and legal dualism in Algeria followed, such as Law No. 22-07 on judicial division[14], which provided for the establishment of six administrative appellate courts, as well as Law No. 22-13 amending and supplementing Law No. 08-09 on the Code of Civil and Administrative Procedures, in addition to Organic Law No. 22-10 on judicial organization in Algeria.

[12] Same reference, p. 132.

[13] Kamal Dride, Amina Rais, previous reference, p. 228.

[14] Article 8 of Law No. 22-07 on judicial division provides that: "Six (6) administrative courts of appeal shall be established, with their seats located in Algiers, Oran, Constantine, Ouargla, Tamanrasset, and Béchar."

It is observed that the most significant innovation introduced by Law No. 22-13 amending the Code of Civil and Administrative Procedures is the expansion of the general jurisdiction of administrative courts, as well as the provision for the establishment of administrative appellate courts. This legal text also included numerous procedural amendments in administrative matters.[15]

First: Expansion of the General Jurisdiction of Administrative Courts: Did the Algerian Legislator Adopt the Material Criterion to Determine Jurisdiction?

The Algerian legislator intervened through Law No. 22-13 to amend Article 800 of the Code of Civil and Administrative Procedures, which grants general jurisdiction over administrative disputes to administrative courts, while at the same time reinforcing the formal organic criterion as a standard for determining the jurisdiction of administrative judicial bodies. However, it is noted that after the amendment, the legislator added to the previously enumerated public legal persons—namely the State, the province, the municipality, and public administrative institutions—both public bodies and national professional organizations.

This raises the question of whether the legislator has resorted to the material (substantive) criterion—which strongly supports the orientation toward dualism and aligns with the role of the administrative judge—given the nature of professional organizations (Les ordres professionnels). These are entities composed of individuals with legal personality, entrusted with supervising certain liberal or regulated professions such as medicine, engineering, law, pharmacy, and notarial services. They are made up of members of the profession itself and are assigned the task of

[15] Law No. 22-13 amending the Code of Civil and Administrative Procedures No. 08-09 included numerous procedural amendments, which in fact do not affect the nature of the administrative judicial system as much as they relate to procedural aspects of administrative disputes. Therefore, we attempt to summarize them as follows:

- Electronic litigation: according to the new provision of this law, a case may be filed by a written petition or electronically, in addition to the possibility of notifying the parties of memoranda and additional documents submitted before the closure of the investigation by all legal means, including electronic means.
- Distinction between cases of interruption and suspension of appeal time limits: the legislator distinguished between cases of interruption, namely filing an appeal before an incompetent judicial body, the death of the claimant, or a change in legal capacity, and cases of suspension, limited to two situations: a request for legal aid and force majeure or a sudden event. Whereas all these cases previously constituted grounds for interruption of appeal time limits under the former law.
- Reorganization of jurisdictional conflicts between administrative courts following the establishment of administrative courts of appeal.
- Revision of certain provisions relating to summary proceedings.
- Revision of certain enforcement procedures against the administration. See: Fahima Beloul, "Procedural Developments in Administrative Matters (A Study in Light of Law No. 22-13 Amending and Supplementing Law 08-09)," Journal of Legal and Social Sciences, Ziane Achour University of Djelfa, Volume 7, Issue 4, December 2022, p. 498 et seq., available at: https://asjp.cerist.dz (2025-6-16).

organizing and regulating the profession they oversee, as well as representing it, particularly before public authorities.[16]

Regarding their legal characterization, the French Council of State, since 1943 in the Bourguen case, denied them the status of a public institution (L'établissement public) and considered them private law entities contributing to the functioning of a public service related to regulating and supervising the practice of the profession. Therefore, they enjoy certain prerogatives of public authority and are subject to a dual judicial system.

It should be noted that such situations prompted the French Council of State to adopt the material (substantive) criterion to determine its jurisdiction instead of the formal organic criterion, which requires jurisdiction to be granted to administrative courts whenever a decision is issued by an administrative authority. It began to assert its jurisdiction whenever the decision concerned the functioning of a public service in the substantive sense, regardless of the issuing body. This is confirmed by its adjudication of disputes related to decisions of professional organizations, despite its declaration in the Bourguen case that they are not public institutions.[17]

Second: Establishment of Administrative Courts of Appeal and the Achievement of the Principle of Two-Tier Litigation in Administrative Matters

In implementation of Article 179 of the 2020 constitutional amendment, the legislator established, pursuant to Organic Law 22-10 relating to judicial organization, administrative courts of appeal as appellate bodies for judgments and orders issued by administrative courts. This constitutes a consolidation of the constitutionalization of the principle of two-tier litigation in administrative matters and a completion of the administrative judicial hierarchy in Algeria.

The administrative court of appeal is composed of at least three judges, including a president and assistants holding the rank of counselor, and it rules in a collegial formation unless otherwise provided by law, as stated in Article 900 bis 5.

Article 900 bis of Law No. 22-13, amending the provisions of the Code of Civil and Administrative Procedures, defined the subject-matter jurisdiction of the administrative court of appeal by

[16] Bashir Al-Sharif Shams Eddine, Laqabbi Samia, The Mediator in Economic Public Law, first edition, Dar Al-Houda, Algeria, 2021, p. 30.

[17] Ibrahim Rabai, "The Competences and Nature of Professional Organizations in Algerian Law," Journal of Legal and Social Sciences, University of Djelfa, Issue 10, June 2018, p. 328, available at: https://asjp.cerist.dz (2025-8-02).

providing that it is competent to rule on appeals against judgments and orders issued by administrative courts. It is also competent to rule on cases assigned to it by special texts.

The same law granted the administrative court of appeal of Algiers a distinct subject-matter jurisdiction, namely ruling at first instance on actions for annulment, interpretation, and assessment of the legality of administrative decisions issued by central administrative authorities, national public bodies, and national professional organizations.

Chapter Three: An Assessment of the Completeness of the Components of Judicial and Legal Dualism in the Algerian Judicial System After the Recent Reforms

Despite the importance of the reforms introduced by the Algerian legislator after the 2020 constitutional amendment, particularly the completion of the appellate level in administrative matters and the enrichment of procedures governing administrative disputes through successive legal texts in this regard, the Algerian judicial system still lacks many very important components that hinder the actual and effective establishment of judicial and legal dualism.

These shortcomings can be summarized in the absence of a procedural rule specific to administrative disputes, the lack of a specialized administrative judge—considered the cornerstone of dualism due to his creative and innovative role—and the nature of the criterion adopted by the Algerian legislator to determine the jurisdiction of the judge in administrative matters.

First: Absence of a Procedural Rule Specific to Administrative Disputes

Administrative disputes differ from ordinary disputes in many aspects, such as the nature of their parties and subject matter, the time allocated for their resolution, and the role of the judge in each, which requires the allocation of a specific procedural law for administrative disputes.

Regarding the role of the judge, the civil procedure system is based on an adversarial system in which the judge plays only a guiding role in the conduct of the proceedings based on the will of the parties (a neutral role), which is consistent with the nature of the parties to the dispute (private persons). In contrast, administrative litigation is characterized by inequality between its parties due to the presence of the administration as a distinguished party aiming to achieve the public interest. This justifies following the experiences of other countries in administrative procedures through the inquisitorial system, in which the judge plays a leading and active role, acting as the main driver of the proceedings. The importance of the judge's role lies in his ability to create and maintain

balance in the case, which is affected by the presence of the administration as a "public authority" enjoying prerogatives of public power, and whose actions benefit from the principle of prior privilege (Privilège du préalable). Given the privileges enjoyed by the administration, such as issuing administrative decisions and enforcing them directly—which may in some cases affect individuals' rights—individuals are often plaintiffs in cases against the administration and bear the burden of proof and submission of legal documents. For this reason and others, the judge must contribute to the search for evidence and compel the administration to provide it when necessary[18].

Finally, issuing a procedural law for administrative disputes independent from the civil procedure law in Algeria is not a complex matter, especially since Law No. 08-09 containing the Code of Civil and Administrative Procedures has already devoted its fourth book to procedures before administrative courts. Therefore, it does not require significant effort; otherwise, what is the reason preventing the separation between the two laws?

Second: The Algerian Legislator's Adherence to the Formal Organic Criterion in Determining the Jurisdiction of Administrative Courts

Article 800 of the Code of Civil and Administrative Procedures enshrines the formal organic criterion for determining the jurisdiction of the judge in administrative matters. This criterion is characterized by simplicity and clarity; however, it is not free from legal issues. Adopting this criterion may lead to classifying many ordinary disputes as administrative merely due to the presence of the public administration as a party, even if it has not used public law prerogatives.

Moreover, adopting this criterion implies that the administration may be either plaintiff or defendant, which is a legal situation that does not align with legal or judicial logic and is inconsistent with the considerations of constitutionally established judicial dualism.[19]

Therefore, the material (substantive) criterion is considered the one that serves the orientation toward judicial and legal dualism. It allows the judge to create the rules governing his subject-matter jurisdiction rather than merely revealing them, by examining legal acts for the presence of an exceptional clause and analyzing legal texts to determine whether they contain prerogatives of public authority granted to the administration. If the legal positions of the administration and the individual are equal in the legal text, or if administrative acts lack any exceptional clause, the judge

[18] Mohamed Zaghdaoui, "Notes on the Newly Established Administrative Judicial System," Journal of Human Sciences, University of Constantine, Issue 10, 2018, p. 122, available at: https://www.asjp.cerist.dz (2025-4-22).
[19] Kamal Dride, Amina Rais, previous reference, pp. 233–234.

declares his lack of subject-matter jurisdiction over the dispute, even if the administration is a party to it. Thus, it is the judge who determines his jurisdiction in administrative disputes, not the legislator (as is the case in Algeria).[20]

This situation pushes the administrative judge toward analysis, inference, and deduction of legal relationships between the parties to the dispute, prompting him to employ his intellectual abilities and knowledge to adjudicate the dispute. However, if the formal organic criterion is adopted, it suppresses the spirit of judicial reasoning and innovation, leading the judge into rigidity and routine in his judicial work, distancing him from thinking, analysis, deduction, and reasoning. Furthermore, adopting the material criterion distances the administrative judge from rigid legal texts and from the purely applicative role played by the ordinary judge.[21]

Third: Absence of a Specialized Administrative Judge

For an administrative judge to be specialized in administrative disputes, several conditions must be met, foremost among them specialized training in administrative litigation, in addition to knowledge of administrative science and awareness of the daily problems facing administrative activity, as it is a field in its own right. In this context, it can be noted that in the French system, the administrative judge is a graduate of the National School of Administration rather than the National School for the Judiciary, and progression within administrative courts is based on seniority, thereby ensuring the retention of a large number of specialized human resources within administrative judicial bodies.[22]

In Algeria, however, the situation is completely different, as ordinary judges adjudicate administrative disputes without any organized specialized training, and they are unfamiliar with the world of public administration and its complexities, especially within a developed administration with diverse activities across various fields.

Judges in Algeria—all judges without distinction—undergo general and comprehensive training in an institution affiliated to the ministry of justice called the Higher School for the Judiciary, and they are all subject to the same rights and duties provided for in the statute of the judiciary. Thus,

[20] Osama Djefali, "Requirements of the Jurisprudential Nature of Administrative Judiciary," Academic Journal for Legal Research, University of Bejaia, Volume 15, Issue 02, 2024, p. 41, available at: https://www.asjp.cerist.dz/en/Presentationrevue/72 (2025-7-28).
[21] Osama Djefali, previous reference, pp. 41–42.
[22] Same reference, pp. 38.

it is merely a classification, and they enjoy institutional independence from the executive authority, as they belong to the judicial authority, in accordance with the constitutionally enshrined principle of separation of powers, unlike their counterparts in France.[23]

It is also observed that the body of judges adjudicating administrative matters within administrative judicial bodies relies entirely on counselors from the ordinary judiciary, who possess judicial experience based on seniority rather than training. However, this experience is difficult to apply in administrative disputes, as these counselors have spent decades adjudicating ordinary cases and have been influenced by theories and principles of private law, which leads them to decide administrative disputes with the mindset of an ordinary judge, negatively affecting the general direction of judicial jurisprudence in administrative matters.[24]

Thus, the most important component and cornerstone of judicial and legal dualism is absent: the specialized administrative judge who possesses the spirit of initiative and the ability to create legal rules in administrative matters.

Conclusion:

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

- The specific nature of the components of the dual judicial system made Algeria's adoption of this system slow and gradual, and this slow transformation process encountered several obstacles, most notably the lack of infrastructure and premises for administrative judicial bodies, as well as the shortage of counselors in ordinary courts and the need for them within administrative judicial bodies.
- The Algerian legislator has made persistent efforts to complete the components of dualism through gradual and successive reforms, the latest of which is Law No. 22-13, which enshrined the principle of two-tier litigation in administrative matters.
- Despite the recent reforms introduced to the administrative judicial system in Algeria, they remain far from achieving the actual and practical establishment of judicial and legal dualism in all its components. This is due to the absence of a procedural law specific to administrative disputes, given their differences from ordinary disputes in all aspects, as well as the nature of the criterion used to determine the jurisdiction of the judge in administrative

[23] Kamal Dride, Amina Rais, previous reference, pp. 232–233.
[24] Osama Djefali, previous reference, p. 38.

matters—the formal organic criterion—which limits the spirit of judicial reasoning and innovation, as previously explained. Finally, the Algerian administrative judicial system lacks a specialized administrative judge trained in administrative law, especially given the development of administrative law and the expansion of its fields and issues, which makes it difficult for a generally trained judge to master all aspects and complexities of administrative disputes.

Based on these results, the following proposals can be made:

- Urging the Algerian legislator to issue a procedural law specific to administrative disputes, separate from that governing ordinary disputes, given the differences between them, especially since this step does not require significant material resources.
- Encouraging judges to rely on the material (substantive) criterion to declare their jurisdiction over administrative disputes, especially after the amendment of Article 800 of the Code of Civil Procedures by Law No. 22-13.
- The necessity of training specialized judges in administrative matters and even calling for the recruitment of graduates of the National School of Administration with high-level training as specialized administrative judges directly assigned to administrative judicial bodies.
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