

Popular hiraq and the Presidential Election

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Abstract:

The Algerian presidential elections are considered a democratic phenomenon and a civilized practice, and the demand for free and fair elections has become a requirement that the Algerian state seeks to achieve as a criterion for the extent of its democracy. And demanding targeted strategies and radical change, all of this in a peaceful and upscale framework, especially after accompanying the People's National Army to the popular movement and dedicating presidential elections on December 12, 2019 and reaching new Algeria, under the supervision and organization of the independent national authority to Election observation.

Key words: presidential election, popular movement, political change.

1-Introduction:

Presidential elections in Algeria are of special importance, and all presidential election dates since independence to this day have enjoyed great interest from various segments of society. After eleven months of unprecedented mass popular protests, Algeria witnessed elections to choose a successor to the sweeping former president for four consecutive presidential terms. It was met with a popular protest movement, which they see as a maneuver to stay in power. It

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appears that the popular movement has succeeded in boycotting the presidential elections, as the rate of participation in them did not exceed 39.93%, which is the lowest rate ever recorded in pluralist presidential elections in the country's history, according to what the Independent National Elections Authority announced.

With the knowledge that elections in Algeria are by direct and universal suffrage, with the participation of those entitled to vote, and if one of the candidates does not obtain the majority of votes, the voters go again to the second round.

The elections were organized by the Independent National Elections Authority, which the government said is independent of the Ministry of Interior, in order to ensure the transparency and integrity of the vote.

According to Algerian law, judges monitor the voter lists, which are often a point of contention between the government and the opposition, in addition to their role in approving the minutes of the vote count, and the results as well.

The government believes that the presidential elections are the key to resolving the crisis, and that it consecrates the constitutional solution supported by the army. "The elections are a completion of the implementation of Article 102 of the constitution, and they are an alternative to any other initiatives that could endanger Algeria's security." the ideal solution.

Accordingly, will the achieved presidential elections mark the beginning of building a new state and convincing the people?

To answer the problem, we took the following two axes:

The first axis: the impact of the presidential elections in provoking the popular movement.

The second axis: the impact of the movement on the electoral process after February 22, 2019.

He must analyze the titles:

TITLE 1: The impact of the presidential elections on provoking the popular movement:

Algeria went through many electoral stages, the most important of which was after political and party pluralism, whether related to legislative or presidential elections, as the remarkable frequency of these elections reflected the

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impression that the political system in Algeria had reached the ideal of consolidating the election process, as a means of peaceful change and exchange. League of power according to the dictates of the rules of free and fair elections.

But thinking about the constitutional and political status of the President of the Republic began, and the causes and factors that motivated the popular movement emerged.

First Subtitle : The position of the President of the Republic in the Algerian constitutions:

Algeria witnessed its first constitution after independence, which was the Constitution of 1963, in which it granted the President of the Republic ⁽¹⁾ wide powers and powers compared to other political and constitutional institutions ⁽²⁾, which enabled him to assume an important position in the Algerian constitutional structure. . The 1963 constitution granted the president of the republic the status of the sole president of the executive authority and its exercise, as stated in Article 39 thereof as follows ⁽³⁾: “The executive authority is deposited to the head of state who bears the title of President of the Republic.” In addition, he was elected for a period of five years by direct, secret and universal suffrage, and this is after his candidacy by the one party.

Articles 41 to 58 of the same constitution defined the powers and powers exercised by the President of the Republic, whether in his capacity as a representative of the state or in his capacity as head of the executive authority, the most prominent of which is that he is the Supreme Commander of the Armed Forces (Article 43) and he who appoints the members of the government, as well as determining He is the one who directs and coordinates the foreign and domestic policy of the country. He also has the authority to appoint in all high civil and military positions of the state.

The country's foreign and domestic policy, as well as the power to appoint in all high-ranking civilian and military positions of the state.

The 1963 constitution granted the president of the republic the widest powers with regard to foreign policy. He represents the

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country at home and abroad, appoints ambassadors and receives their credentials. He also declares war and concludes peace with the approval of the Council. Article 58 of the 1963 Constitution granted the President of the Republic the ability to legislate through legislative orders, after the National Assembly granted him a mandate for that for a specified period (legislative delegation) ⁽⁴⁾.

The 1976 constitution followed the same path as the previous constitution, as it affirmed and preserved the same important constitutional and political status for the President of the Republic⁽⁵⁾. And who is elected by general, direct, secret ballot for an electoral mandate of six years, renewable for indefinite periods ⁽⁶⁾ and with the exception of reducing the powers of the Republic in the field of legislation, since the 1976 Constitution, through Article 111 preserves all the powers and powers that enjoy The president of the republic in the previous constitution, and strengthened it with some other powers, most notably that he decides the general policy of the nation at home and abroad, leads and implements it, as well as presides over the cabinet and the meetings that have become shared between the party and state apparatus.

Then, in the 1960s, 1988 and 1989, Algeria witnessed very profound political and constitutional transformations, as the transition from the one-party system to the multi-party system and from the socialist oriented model to the open market economy model took place. He also consecrated duality at the level of the executive authority by creating the position of prime minister alongside the cabinet⁽⁷⁾, meaning that the text relating to the unity of the political leadership of the party and the state, embodied by the President of the Republic, was abolished, and for which the 1989 Constitution did not grant him the right to initiate the introduction of laws. To the Parliament⁽⁸⁾, which was entrusted to the government and the National People's Assembly ⁽⁹⁾.

Despite the decline in the constitutional status of the President of the Republic, which was affirmed by the 1989 Constitution in its aforementioned articles, he preserved the powers and broad powers of the President of the Republic, who is elected

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directly by the people by direct and secret universal suffrage for a period of five years, subject to renewal, and he assumes leadership The foreign policy of the state, despite its introduction of the government council mechanism, and that the 1989 Constitution, through its Article 74, granted the President of the Republic the power to appoint the Prime Minister and terminate his duties. The President of the Republic also possesses very important means to the National People's Assembly in the field of legislation by requesting the second reading of draft laws or referring them to the Constitutional Council, in addition to the power to issue laws and the possibility of dissolving the National People's Assembly⁽¹⁰⁾.

After a transitional period that lasted from January 1992 to November 1996 during which the 1989 constitution was frozen and reliance on certain transitional institutions, and after the special sessions of the National Dialogue Symposium were held since September 1996. A new constitution was adopted on November 28, 1996⁽¹¹⁾.

The new constitution preserved the electoral character of the president of the republic, who was elected for a period of five years, renewable once⁽¹²⁾, whose powers were strengthened, especially in the field of legislation, as the President of the Republic had the power to appoint 1/3 of the members of Parliament⁽¹³⁾. This gives the president direct intervention in the legislative process. In the same context, the 1996 constitution granted the president of the republic the ability to legislate through orders for a very long period between parliamentary sessions⁽¹⁴⁾.

Article 77 of the 1996 Constitution defined the powers and powers of the President of the Republic, the Supreme Commander of the Armed Forces, and he is the one who determines and directs the foreign policy of the nation, as well as appoints the Prime Minister and terminates his duties and presides over the Council of Ministers, and in this context the 1996 Constitution was not imposed on the President of the Republic. That the head of government choose among the

parliamentary majority, which strengthened his political standing in front of the political parties winning seats in the legislative elections. The constitutional founder has once again directed towards strengthening the constitutional and political standing of the President of the Republic through the important constitutional amendments in November 2008 in which the definition of presidential terms was canceled.

That became open. And the creation of the position of Prime Minister, appointed by the President of the Republic and ending his duties. And who implements the program of the President of the Republic through the work plan, and from it the duality at the level of the executive authority was canceled, of which the President of the Republic became its sole representative.

The same situation remained in the last constitutional amendment in the year 2016 ⁽¹⁵⁾ of the powers and competencies of the President of the Republic. Only a slight amendment was found in Article 91 when adding a procedure for the authority to appoint a Prime Minister by the President of the Republic by consulting the parliamentary majority.

Therefore, by tracking the position and position of the President of the Republic in light of the constitutions that Algeria has known since independence to this day, we can present the most prominent conclusions as follows:

1- The organic independence of the President of the Republic in the Algerian constitutional structure, which stems from his direct election by universal, direct and secret ballot.

2- The President of the Republic enjoyed the basic legal resources in Algeria, as he combined the historical revolutionary legitimacy on the basis of his candidacy by the one party (before 1989) and constitutional legitimacy through direct election.

3- The president's monopoly on executive power, either directly in the constitution and amendments of 2008, or through his broad powers compared to the prime minister in the 1989, 1996 and 2016 constitutions.

4- The president's monopoly on foreign policy and its general directives.

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5- Weak oversight mechanisms against the President of the Republic, whether related to political, administrative or judicial oversight.

6- The President of the Republic combined the two attributes of state leadership on the one hand and commanding the forces of the People's National Army on the other side ⁽¹⁶⁾.

Second Subtitle :Factors of the electoral act in Algeria to drive the popular movement, February 22:

Factors emerged to mobilize the popular movement because any attempt to gain access to the political connotations of elections in Algeria inevitably requires delving into the nature of political power and its implications for the electoral act so that the prospects for electoral practice in Algeria after the February 22, 2019 movement can finally be touched ⁽¹⁷⁾.

The reality of the electoral process in Algeria: Various evidences confirm that the elections that the country has known since the adoption of the transition towards a more open and pluralistic system were nothing but a mechanism to perpetuate the status quo, and a means used by the existing system to prove its popular law and the law of its institutions at the domestic level, and The direction of international public opinion, and if elections in general are a means of entrusting power, by means of which the persons to whom he will undertake decisions and policy-making are chosen. It is a means of organizing the relationships of different social groups and resolving differences between them by peaceful means, and the criterion determining the legitimacy or illegitimacy of the existing authority, it does not go beyond being in Algeria with its accompanying electoral amplification merely mechanisms for defining the rules of the existing system and the ruling authority, and preserving positions and covenants For most of the time period ⁽¹⁸⁾.

And to become elections without political representation and to establish an important idea in the political culture of the elite and the masses, which is that the goals of political bargaining are not the circulation of power, but rather the continuation of the political system. The ruling regime was

able, through the constitutional amendment of 1996, to give the constitutional cover to the political game after it decided to return to the electoral process (starting from the 1995 presidencies), so it introduced institutional arrangements to guard against the possibility of a deliberation of the ruling, which was in particular the approval of pluralism with conditions. And the many measures beneficial to political, association and trade union freedoms, and after that these procedures were established as inherited traditions that the ruling authority resorted to before any election.

- Maintaining the administration's dominance over the elections and its parental sponsorship of them: this opens the way for the administration's control over the election framing process on the one hand. And the possibility of fraud in favor of a political party or inflating the participation rates and beautifying the results on the other hand, and it is known that the administration's interference and influence on the election results has existed since the approval of the first multiparty elections in the country.

- Betting on the system as a denier of political clientelism and distributing a quarter as a way to stay in power: considering the Algerian political system as a quarter system, it depends to a large extent on oil revenues, in order to gain political loyalty and buy social peace. So that the ability of the ruling authority to control society and the political equation is proportional to the increase in income points. And although this equation is not something new about the regime and its ruling authority, the main issue that emerged before and after the May 2012 elections is the centrality of the oil quarter that is controlled by the political system, which the ruler totally prefers in the levers of power and the process of distributing the quarter to society in general. Over the social and political actors who compete for it.

The electoral offer motivated by the legislative game, for example. It contains great advantages offered by the quartet state. Starting with the funding provided by the Ministry of Interior within the framework of the electoral campaign. And it is directly proportional to the size of the lists, as the larger

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the number, the greater the party's support, leading to the gifts and grants given to the observers.

This logic that relies on political clientelism and the distribution of a quarter would make the elections a means of preserving the status quo, away from any renewal of the political class, the actual transfer of power, but more than that a mechanism for engaging some parties in successive governments to obtain their share of the quarter. Participation allowance.

- A closed-building political authority: The field of Western political studies tends to distinguish between the state and the authority or the "political field" and "politics." The state is composed of structures and institutions that tend to be stable and are the focus of a principled consensus, and they form what is called in modern political theory the name of the political or the political sphere (Le politique)

While the authority is in the domain of legitimate competition and contestation that is conditional on respect for the laws of democracy, it expresses the balance of social and political forces, and an institutional embodiment of that balance in a ruling apparatus, and in this sense it belongs to the field of practices (La politique) as a material activity in the national meeting. It is exercised by different powers and distinct interests.

However, it is noticeable that the Algerian political reality did not accommodate this discrimination. As evidenced by many events, and even if I absorbed it theoretically, it is not represented in his political behavior, as evidence that power since independence has become an end and is not a means to promote political work in this regard.

The political and the formation of a political class has spread an expression in the French literature that in the post-independence period Algeria witnessed a eager pursuit of power by all means and whatever the methods. And power became the ultimate destination and end of the political game. And events since the cancellation of the first multiparty elections have revealed that the authority is a tight source rule

in a nucleus that does not want to release him, and is afraid of any liberation attempts. The authority has even included a fear of democracy that seeks to bridge the deep gap between power and society. That is, the liberation of communication for the mechanisms of representation, merit and merit criteria that enrich the democratic experience and increase the rigidity of the vital core of the political system.

And this is what happened three years after all parties agreed to accept the principle of uncertainty in obtaining the legitimacy produced by the electoral process, since invoking the ballot boxes will determine the party that has the authority to complete the building of democratic institutions and then consolidate the values of freedom of negotiation.

As there are many currents that fall under the secular ideology in a horizontal context between the left-wing that carries socialist values and the Yemeni that carries liberal values, the greatest liberation of the political and civil judiciary remains the reality in the matter that liberation from the military and administrative grip of the one party, and allowing large groups to express themselves in various ways. And within specific criteria.

This era of openness did not last long until a powerful current entered power, by virtue of its monopoly over the sources of violence, by rejecting the principle of the uncertainty of the results of the democratic test, that is, by rejecting the results of the legislative elections under the pretext of striking democracy⁽¹⁹⁾.

Even after it was decided to return to the electoral path since 1997, the logic that the power is closed and cannot be put to negotiation remains in place, as the 1996 constitution was issued, without any change in the essence of the political system and with a tight closure of the power, and this is for fear of a repeat of the 1991 scenario, and the ability The opposition to gaining power through elections, its slogan in that, even if it is a legitimate goal, it is in the calculations of central government an obligation that is still not employable. The partisan function in the Algerian political sphere:

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Partisan pluralism is a fundamental aspect of the political scene in Algeria, as party work had its roots that run deep and go back to the colonial period, where the country was known in that period with national currents with different political directives, including a large number of independent personalities, parties, associations, clubs and the media. These parties were able to play important political roles, and contributed greatly to preserving the national cause in its various civilizational, social, cultural and political dimensions.

However, the period following independence did not indicate the features of a legitimate political pluralism in the country. As the legislative texts and the independent Algerian constitutions seriously and explicitly affirmed the unilateralism and attended the assemblies of a political character, thus the front turned into the National Liberation Front, the one and only party with legal and political legitimacy in the country.

And the end of the eighties marked the beginning of the political openness in Algeria, translated by the desire of the ruling authority at the time to retreat from the unilateral approach. And making pluralism a fixed constitutional principle in translating Article 40 of the Constitution of 23 February 1989, which provided for the establishment of political parties, was supported by Organic Law No. 89/11 related to the membrane of associations with a political character that resulted in a storm of political parties, about sixty parties equal to more than sixty A community project These parties took advantage of the people's anger that was caused by material reasons, and began to present to it, in light of the constants defined by the new constitution, projects that derive their legitimacy from various cultural references.

The various constitutional amendments subsequently proceeded in the direction of adopting party pluralism, and through their chapters they met in the perception of partisan pluralism as a definitive choice in the Algerian constitutional system.

But the problem is that the general dimension of partisan function in the Algerian constitution differs from that in the comparative constitutional law. We note, for example, that Chapter Four of the French 1958 Constitution states in its first clause that political parties and political groupings contribute to the expression of voting, as stipulated in Chapter 21 of the German Basic Law. However, political parties contribute to the formation and expression of the political administration.

The approval of the authority that begins political pluralism with associations of a political nature aiming to gather Algerian citizens around a political program in pursuit of a non-profit goal and seeking to participate in political life by democratic and peaceful means, which has many interpretations, the most important of which is the exclusion of the idea of party pluralism and its compensation with what is known as the frontline strategy, which provides for the expansion of the National Liberation Front to include various currents.

In addition to that, the approval of Article 40 of the 1989 Constitution and the Law of Political Associations, provided that pluralist political life in Algeria begins with associations instead of parties. It can be read from many angles, the most important of which are:

An attempt to narrow the scope and influence of pluralism, to limit its role to the opposition without effective and effective participation in the system.

- Excluding the revival of certain parties or their establishment to prove their presence across the national territory, as long as they remain in the form of special associations with the presence of many currents of various orientations, which could turn into framed and codified political parties that compete for power because the party has the right to democratic competition and access to Authority.

Assuming the absence or emergence of parties with the ability to enter into political competition. Therefore, the process must begin with associations that later develop into parties.

On this basis, it becomes clear that the Algerian constitution of 1989 and the constitutional amendments that it enacted

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subsequently follow, as if it had proceeded to define the Zubian position based on its general logic recognized in the classic classification that defines three functions of the political party, namely in forming opinion and selecting candidates and Supervising the elected is far from the most important of these functions, which is the position of governing.

The constitution's approach to the issue of organization refers a priori to the supervisory function, which is considered one of the central functions of the political party, especially in the tripartite system, through political parties linked to the national liberation process and mobilization for the sake of building the modern state.

The ruling authority's desire to control the new political sphere and limit its new political effectiveness did not stop by adopting the term political assembly instead of the political party, in order for it to remain in the opposition without participating in the government. Rather, it has gone beyond the matter since the constitutional amendment of 1996 and onwards, to transform this Parties look like support committees and support, swallow them, or break them through the logic of alliances, or by allowing "microscopic" parties to emerge and use them as an excuse to rearrange the party map in the country according to "pluralistic" arrangements that guide it according to scale, and then its function was reduced to cheering the politics of power. Away from any production of political action.

- Parties that do not produce the political action required by the public: follow the partisan function primarily of exercising or seeking to exercise political power. From Montesquieu's idea that if the people do not have the ability to govern themselves in a direct way, then they can choose their representatives who represent them in managing public affairs, and that is through free and fair elections, whether it is presidential where individuals choose the head of the executive authority, or legislative where Citizens choose their representatives in the representative body

It seems that the reality of political parties reveals to us political parties that are far from the main action, even if political power has a role in the absence of partisan action and making it sterile and unproductive to political action. Through the fencing of the partisan phenomenon with various organizational, legal and financial procedures, which, according to what some scholars believe, are included in the laws of political parties since Law No. 11/89, through Law No. 06/97, all the way to Law No. 04/12 ⁽²⁰⁾.

The weakness of parties and their lack of stability in a single political line and the emergence of the phenomenon of political wandering, in addition to the absence of internal democracy in partisan practice does not at all produce any shift in leadership or party leadership outside the supreme split that affects most political parties, albeit to varying degrees. Reflecting the weakness of the principle of rotation of power within this institution, all of which contributed to making the party work in a crisis.

It seems that the natural explanation for this chronic hemorrhage, which can be projected on all political currents, whether in power or opposition, is due mainly to the tyranny of the "leadership" and "apparatus" culture over party management, which is characterized by closing the doors to the emergence of competencies and Encouraging mediocrity to ensure loyalty to the leader and to encourage loyalty of people to the detriment of democratic principles.

Moreover, reality provides us with a lot of evidence on how politics has turned into a political market (Marché politique) whose pillars are political money and political nervousness. In the elections that took place during the first triumvirate of January 2010 regarding the mid-term renewal of members such as the Council of the Nation, for example, the Secretary-General admitted The largest party in Algeria, the National Liberation Front, says that Arouchieh, regionalism and vote buying are present within it.

Some scholars have also tended to emphasize the new crises that political parties are experiencing in Algeria, the most important of which is the crisis of political representation, as

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it can be noted that the great multiplicity of party life has emptied the partisan phenomenon of its content. The lack of confidence in politics and the parties in general led to an absence, which was reflected by the low rates of participation in the various electoral stations (for example the legislative elections for the year 2012-2017), after the boycott voices rose loudly, which, along with the wave of political abstention sweeping society, represented a real threat to the credibility of the elections .

It is a prominent political and social indicator indicating the reluctance of a large part of Algerian society to participate in it, as the analyzes of observers of the Algerian situation have unanimously agreed that a large part of this abstention is boycotting the elections, which is considered a political position ⁽²¹⁾.

TITLE 2: The impact of the movement on the electoral process after February 22, 2019:

The Independent National Elections Authority supervised the presidential elections on December 12, 2019, and Algeria emerged from the presidential elections with the least damage, after it was expected to witness unprecedented violence and boycott events, losing a lot of credibility, especially since the outside vote did not bode well, but it is the first time. In which it is not known in advance who is the next president.

The participation rate in the presidency exceeded the 30 percent barrier that the authorities had been contemplating as a minimum, despite the fact that the constitution does not specify any percentage for the approval of election results, while many expected that this percentage would not exceed 20 percent ⁽²¹⁾.

First Subtitle : Creation of the Independent National Elections Authority:

In view of the political conditions and turmoil that it witnessed since the beginning of 2019, which led to the toppling of the previous regime and in an effort to preserve the stability and continuity of the state, it was necessary to

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return to the democratic and legal path to build a new system in line with the aspirations and hopes of the people through elections, and to achieve For this purpose, the Independent National Elections Authority was established

The establishment of the Independent National Authority for Elections was based on a set of constitutional articles, on top of which we mention Article 141 of the Constitution which gives Parliament the power to make laws related to the election system. This last broad term includes everything related to the election, and from it it was possible for Parliament to establish the Independent National Authority for Elections. In light of the constitutional powers granted to him by the constitution.

Therefore, the law organizing the Independent National Elections Authority took the form of the organic law (S.A. 19-07-19-08) in accordance with the requirements of Article 141 which requires that laws related to the electoral process be organized in the form of organic laws, given the importance and sensitivity of this area and it came in a draft A law submitted by the Prime Minister in accordance with the requirements of Article 136 of the Constitution, and it was approved and subjected to previous oversight by the Constitutional Council in accordance with the terms of Article 141 of the Constitution.

The effectiveness of any party that monitors elections can be monitored by analyzing the organic structure of this body or authority and also through the area of the latter's powers:

In terms of composition: Article 18 of Organic Law No. 19-07 defined the composition of the independent authority in the council, office, president and delegates of the state and municipality, and the conditions that must be met by members of this authority have been laid down in a manner that guarantees neutrality in accordance with Article 19 of the same The law, including:

Not to join a political party for at least (5) years.

- He should not be holding a senior position in the state.

He should not be a member of one of the local people's councils or parliament.

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As for the selection of the forty (40) members of the Council under Article 26, it was based on the principle of diversity, as it included the various sectors of society (civil society competencies, university competencies, judges of the Supreme Court and the State Council, notary lawyers, attendants, professional competencies, National personalities, representatives of the national community abroad), and the selection of these members is based on election from among peers, and here lies the manifestations of independence. Unusually, the formation of such a body is no longer entrusted with interference by the executive authority, other than the first formation chosen by the national personality. The consensus will be explained by the consultations.

On the other hand, the head of the independent authority and the members of its office are appointed by election according to Articles (32, 31, 30), and this is another part that is counted in favor of the independence of this authority. As for the rest of the members (delegates), they are subject to the appointment system by the head of the independent authority in coordination. With the competent authorities, according to Article (39), and accordingly, the composition of the Independent Election Authority is subject to the will of it without direct interference from any other authority, which guarantees its membership independence, which is supposed to be reflected in its functional independence.

In terms of powers: The Independent National Elections Authority's control over the election process is evident through Article 07 of Law No. 19-07, in which it states: "The independent authority shall undertake the preparation, organization, administration and supervision of elections, starting with the registration process in the lists. The electoral process and its review through all the processes of preparing the electoral process and the processes of voting, sorting and deciding electoral disputes, in accordance with the legislation in force until the announcement of the preliminary results. "The application of this article was also clarified through the articles loyal to it (from Article 08 to Article 12 of The same

law), and from it we notice the complete acquisition of this power over the organization of the presidential elections, as the legislator did not stop at any

Excluding the Constitutional Council and the Independent High Authority for Election Observation, but the administration was also excluded, except to the extent that the Independent Election Authority deems it, in accordance with Article (49), which is undoubtedly calculated in favor of the functional independence and transparency of this authority.

As for the decisions of this authority, it has an authority that does not allow any challenge to its right, as it is notified about every violation issued by the parties participating in the elections, the candidates or their legal representatives, and it is also notified about any protest about violations that would obstruct the electoral process, as we decide according to decisions And informing it of all possible means to those concerned with it, and it can also harness the public power to implement its decisions, which gives the compulsory and compulsory nature of these decisions (Articles 13 to 17 of the same law), and this is a matter that embodies the functional independence of this authority, which is supposed to be reflected positively on The effectiveness of this authority in terms of ensuring free and fair presidential elections.

The legislator did not stop at this point, but added a layer of protection to this authority that increases the strength and authenticity of its decisions. Article 51 states the following: “He shall be punished by imprisonment from six (6) months to three (3) years and a fine from 30,000 to 500,000 dinars. Anyone who intentionally objects, obstructs, or refrains from implementing the decisions of the independent authority, in addition to ensuring protection for members of the resigning National Authority for elections in accordance with Article 52 in which it states, dues application to insulting members of the independent authority. During the exercise of their duties or in connection with it, the penalties stipulated in Article 144 of the Penal Code “(Opinion No. 01 / R.Q.A./M.D./19), and from it it can be said that this authority has been legally empowered by gathering the possible mechanisms that enable

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it to carry out its tasks in the best way and the issue of real effectiveness remains hostage. Practical application ⁽²³⁾.

Second Subtitle : Presidential elections December 12, 2019:

The presidential elections began as planned and officially programmed on December 12, 2019, with the start of them before polling day for the benefit of the residents of remote areas and the nomads, as well as Algerians residing in foreign countries, and the counting process resulted in the preliminary results of the presidential elections as follows:

The legal electoral base (the electoral bloc) officially registered at the national level and residing abroad is about 24 million voters, and the national participation rate is 39.88%, and the votes that the candidates obtain are in descending order as follows:

Abdul Majeed Tebboune gets 4,947,523 votes expressed, 58.13%

Abdul Qadir Bin Quraina, gets 1,477,836 votes expressed, by 17.37%.

Ali Bin Felis gets 877,831 votes expressed by 10.55%

Azzedine Mihoubi gets 619,225 votes, expressed by 07.28%

Abdelaziz Belaid, gets 568,000 votes expressed, by 06.67%.

What distinguished the results of these presidential elections is that the candidates announced in advance that no appeal had been lodged regarding them, and despite this, the Constitutional Council, with its constitutional powers, reset the final results, based on the electoral records received by the National Election Authority from all polling stations Inside and outside ⁽²⁴⁾.

- Electing Abdel Majid Tebboune as President of the Republic: After the forced resignation of the former President of the Republic prior to the completion of his fourth presidential term, under pressure from the popular movement revolution, which began on Friday, February 22, 2019, to continue demanding his rejection of a "fifth term" and the removal and accountability of the symbols of the regime and the corrupt.

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... Abdel Majid Tebboune was elected on December 12, 2019 as President of the Republic, by announcing his victory on December 13, 2019 by the President of the Independent National Authority (M33 Q19-07) with an initial result estimated at 58.15% of the total votes expressed, and The president-elect held a press conference in which he congratulated the voters, the Algerian people, the People's National Army, the security services and the independent authority ... pledging to start implementing his political program according to priority (draft constitution). Presidential elections after February 22, 2019, Tunisia for a new Algeria, with the participation of all, especially Professors of constitutional law, and work to recover the stolen money and encourage investment, and separate money from politics, Algeria is for everyone without exclusion, no guardianship, and no externalities ...).

Accompanying the National Army to the electoral process: It was stated in the preamble to the 2016 Constitution (that the People's National Army, a descendant of the National Liberation Army, undertakes its constitutional duties in the spirit of exemplary commitment and heroic readiness as required by the national duty, and the people are proud of their army ... and contribute to strengthening national cohesion. And in consolidating the spirit of solidarity between the people and their army ... as Article 28 of the same constitution stipulates, "... the permanent mission of the People's National Army is to maintain national independence and defend national sovereignty, as well as to defend the country's unity (Constitution, 2016)

The National People's Army, represented by the leadership, the Chief of Staff, and Deputy Minister of Defense Lieutenant General Ahmed Gaid Salah, has pledged to fulfill its historic constitutional duties, to accompany the movement and to align itself with the people in order to achieve all its demands, and to provide protection to the judiciary so that it can hold accountable the accused from among the most senior figures Those accused of corruption, and the concern for the peaceful movement of the movement and the security of everyone ...

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and this was achieved for him, in fulfillment of the pledge to conduct free and fair elections that have all the modern ingredients that contemporary countries are proud of ⁽²⁵⁾.

CONCLUSION:

In the end, we conclude that the elections devoted to December 12, 2019 were the best decision for Algeria to emerge from a political crisis and a solution to avoid the transitional phase and its disadvantages, and we must draw the following conclusions:

- Each stage of the development of the political system in Algeria marked an attempt to make profound amendments to the legal system organizing the elections.
- The resigning president's announcement of his intention to run for a fifth presidential term was the decisive factor in the people's anger that did not stop, and that Friday February 22, 2019 established a modern Algeria, with a modern civil political system that will be different from the distorted stereotype of the ending political system (we were hoping ...)
- The holding of the presidential elections in light of the constitutional legitimacy avoids Algeria falling into dangerous problems.

Excluding the administration from supervising the elections is an essential step in achieving the principles of neutrality, transparency and integrity that lead to credibility and build trust between the people and their institutions ...

Raise the independent national authority for elections to the ranks of constitutional bodies.

- The establishment of the national card from the organizational point of view is an important guarantee that stands in the way of fraud attempts.
- The presidential elections that took place on December 12, 2019 under the supervision of the Independent National Elections Authority, are considered fair, transparent and real by international standards.

Accordingly, we conclude the following recommendations:

- Fixed conditions must be found for a candidate in the presidential elections.

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Finding ways and mechanisms to combat corruption of all kinds, political, financial and administrative ... and this gains popular persuasion.

Establishing effective mechanisms for popular oversight, through which the electorate can force the president of the republic to resign.

Activating the financial independence of the Independent National Elections Authority.

Re-drafting a new social contract that consecrates a conciliatory electoral culture, and opening the peaceful transfer of power to activate democracy.

- Taking into account the authoritarian heritage, the people's awareness, and the development of their political and social culture.

- Trying to find mechanisms and guarantees for popular persuasion about ensuring transparent and fair elections, in order to avoid popular reluctance to exercise electoral duty.

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