

Local Administration in Algeria between the Foundations of Organization and the Problems of Democracy: Study of Factors of Failure

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Abstract:

Considering the local administration as a method of administration according to which region state is divided into local units that enjoy a legal personality and are represented by elected councils from the local community to manage their interests under the supervision and control of the central government and thanks to this representation local councils are free to implement their obligations, this study aims to know the essential nature that binds the state represented in its central government and the local organization based on which on the one hand and the powers entrusted to the local citizen in the administrative field on the other hand, except that this good is flabby and deteriorating, which urges us to diagnose its reality and present the most important problems that have resulted in the failure to achieve the public interest and improve its level of performance.

Keywords : local administration, local government, Democracy problems, Centralization , decentralization.

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Introduction

It may be possible to decentralise on the basis of the distribution of the administrative structure of the State between the central authority and a number of local authorities. As required by the delegation of authority or granting of their original authority to lower administrative levels with separate administrative units independent of the central authority to achieve a degree of autonomy by giving powers and institutions that retain senior management the function of policy guidance and self-financed decisions that influence the direction of the policies of the State as a whole. The methods of participating in the conduct of their local interests are followed by election in a democratic manner specified in the Constitution of the State. Effective and efficient local administrative management by territorial or community nature. However, the democratic system in place faces a number of obstacles to achieving the overriding objectives. There is no doubt that traditional classical actions are taken. Traditional classical procedures and in the performance of the service or public function. The biggest share do not abandon the regulations, making it inevitable to bet on modernisation and the reality it is inevitable and reality about imposing itself without any pretexts to achieve administrative development in the context of a common democracy and good local wisdom. One of these obstacles is the imbalance in the quality of government programmes derived from the democratic system applied, which did not take into account the basis of the difference and diversity found in the State as a whole. The complexity of the laws and regulations applied in such a way that makes the performance of public services more complex.

The importance of the study lies in the importance of the topic itself, as we shed light on the bitter situation and the painful reality that the local administration is witnessing in Algeria by diagnosing its reality, which suffers from underperformance through misuse of resources and the arsenal of laws and regulations that the state harnesses in order to improve. And the development of the level of performance in administration and the problems of democracy resulting from failed policies and the accumulations that resulted in the delineation of profound programs reproduced in their entirety with no effect in a reality that is intertwined with the political, social and economic justifications for failure.

Accordingly, and based on the above, the problem that the study is trying to answer lies in: What is the impact of organizational methods in eliminating

democracy problems and their impact on recent developments in local administration?

And to answer the problem at hand, we put several hypotheses for the study, which are:

There is a correlation between the stalled development process and the problem of organizing and democratizing local administration whenever the local administration moves towards democracy, which is participatory, all the Savory factors avoid, and they also use the completion of this study.

Rather, it commits to a practical methodology commensurate with the research problem.

In the completion of this study, we also used the commitment of a scientific methodology commensurate with the research problem, where the descriptive and analytical method was employed that seemed appropriate to dissect the general characteristics of the reality of local administration in Algeria and the historical method while we were exposed to the history of the legislation of the local administration system and its development through time (state and municipality), And some theoretical approaches and approaches that serve the subject were resorted to as a legal approach while reviewing some legal texts, especially the municipality and wilaya laws, in addition to adopting the environmental approach to study the stalled environmental factors of the local administration .

And to address this research topic, a plan was adopted that included four axes, namely:

The first axis: the conceptual framework of management.

the second axis: The foundations of the local administrative organization in algeria.

The third axis : Diagnosing the reality of local administration in Algeria

the fourth axis : Problems of Democracy in Algeria.

1-Conceptual framework of local administration:

The legalisation of the local administration system dates back to the nineteenth century in England, which is the cradle of local government. Cities did not have local councils involving citizens.

Before the year 1935 the first legislation in this area is the 1838 Reform Act, and the emergence of the legislation organising local government followed, but France did not establish local councils

On a representative basis only in 1833 until the latter was not given the right to issue administrative decisions in 1884 (1) .

In the Arab world, the sovereignty of tribal order prevailed before the Islamic empire, thereby giving it the central government in the capital in the caliphate as a new form of administration and governance and as an alternative to the tribal system that prevails in the region.

And I with the expansion of the Islamic Empire, semi-independent territories have emerged in Egypt, Aleppo, Yemen, Algeria and andalusia . With the collapse of the Ottoman Empire, many Arab countries have emerged as disasters, for example, with a new form of political organisation (2), and with the stability of these state, of local government has emerged.

Egypt was one of the first Arab countries to try to implement a local system of government by the beginning of the 1960s, with the promulgation of act. 124 of 1960 (3) .

It should be noted that the nature of the relationship between local administration and local government is clarified. Many researchers use the latter's reform and local administration are on the sense that this is synonymous. It is important to identify and define both concepts.of them

This serves the general framework of the study, but before I am exposed to the concept of local administration and local government, we have a duty to stop, and there are some of the concepts accompanying it, most importantly :

A. Administrative centralation:

Centralisation is based on the principle of uniformity and indivisibility: the activity of centralisation in the State in which its ultimate authority is devolved by the competence of an individual or a central body. The latter may appear in any possible field A political administrative economy in the political, central political field, for example, when we are not political systems that do not allow and infringe their political performance, and the constitutional approach is based on the principle of the concentration of political powers in the hands of the ruling group, and when we talk about the issue of directing the national In the hands of the central and economic authorities of the State, without hearing the private sector, I play any role in this area ⁽⁴⁾ .

As for the central administration, which is our focus of concern and the loop of Hadina, it means combining administrative activity with the central authority, which is competent throughout the State. It is necessary for the central government organ in the capital and its branches, and therefore in a different in the regions, to accomplish all the functions administrative centralisation is therefore based on limiting the administrative function between the central

government, so that the body will be responsible for making final decisions on the various subjects implicit in its competence, and it is not involved by any administrative body.

And on the administrative subordination of the presidential authority, which includes the powers that the administrative head has vis-à-vis subordinates. This makes the subordinates in two subordinate cases and is involved ⁽⁵⁾.

The concentration of power means decision-making and sadness in matters of local concern in the hands of the central administration in the capital. Jao pays the states to the principle of centralisation in periods following independence or constituting in general, such as their influence strategies and control provisions

On every aspect of the political, economic and social life of a local population ⁽⁶⁾.

B.Administrative decentralisation:

Administrative decentralisation from Darien delegates means that the Government transfers its planning and resource management powers and allocates them from the centre to local units in the field ⁽⁷⁾.

Administrative decentralisation involves in the distribution of the administrative function among the central administrative members, which is another public moral person in the local state or other person who performs its function and requires oversight and supervision of the central authority. and so we find decentralisation based on two things ⁽⁸⁾:

- 1/ Independence in administration.
- 2/Central authority supervision and control :

It is defined as a method of allocating the administrative function between the central government and between local bodies, which may be elected, or a combination thereof, and in all cases under the light of the central government, of control, review and direction, and decentralisation may be broad or limited in scope.

In all cases, this depends mainly on the desire of the central government to abandon some of its responsibilities, different local bodies, which in practice differ from country to country. In accordance with the specificity and circumstances of each State, especially the most distinctive, the participation of local citizens is the main element characterising decentralisation.

From this, the thought or philosophy of the decentralised system is already based on the importance of the participation of the population in various

administrative matters. It is reasonable that the democratic component of this system leads to the necessary effectiveness and efficiency of the overall management of the State⁽⁹⁾.

C.The concept of local government :

It is considered a concept close to the concept of local administration, one of political decentralisation, and it does mean is, political and periodicity⁽¹⁰⁾.

The United Nations' most comprehensive definition of local government refers to political units in the State created by law with the power to administer local affairs, including the power to impose taxes on the local governing body before a particular elector or both⁽¹¹⁾.

The concept of local government indicates that local authorities enjoy a significant degree of independence from the central authority in the traditional areas of legislative, judicial and executive power, where the State waived part of its functions at the local level to the popular council, which has a moral character and has the image of the two self-independence posts. They are usually formed by general election and have full authority, while legislative promulgation, organisation of administration, services and local affairs are given to the territory in which it is conducted by the local leadership⁽¹²⁾.

It also is one of the forms of political decentralisation, taking an idea , political and periodicity⁽¹³⁾.

The issuance and organization of administration, services and local affairs is granted the territory administered by the local leadership It is also a form of political decentralization, taking an idea. Political and cyclical⁽¹⁴⁾ refers to administrative bodies and organs where and at different levels of the state, at a level lower than the level of the central government within the unitary state and less than the level of the state or republic of which the federal state consists and is defined as all local bodies and organizations with local authority In each of the provinces of the state with a political degree. Geographical, administrative and economic decentralization, administrative and economic, which operates within the framework of the state and is supervised and supervised by the central government of the state. From the population, the population is managed by the elected municipal council and plans and implements economic and social development programs and projects. It is a designated area with a repopulated population, which is housing wise. An independent legal personality and an authority to provide public services⁽¹⁵⁾ with a large degree of independence. Including legal authority, as real authority. In during and out of Local government is also the basis for organizing local participation because, in

addition to assessing local needs, it combines organizational and operational methods with practical possibilities for achieving comprehensive development for the advancement of the local community in all its aspects by defining the framework of interaction between citizens in their relations with each other And between citizens in their relationship with the state, in terms of collective decision-making. The provision of public services and local government, is an essential means of community development, namely, the autonomy of the local population through representatives who serve their interests and promote their affairs ⁽¹⁶⁾.

The concept of local administration: it. The state, the term was enshrined mainly in the provisions of the Algerian Constitution, 1996 in which the local administration varied, varied and differed. Result ⁽¹⁷⁾ This difference is the result of several researchers' opinions. One of the definitions is that the local administration is a method of administrative organization in the state that includes and distributes the administrative function between the government and the elected and independent local bodies with which they exercise special competencies ⁽¹⁸⁾.

Defining it as one of the administrative methods, it includes the distribution of the executive administrative function among the government, consciously. Local - a reformist elected exercise of its jurisdiction in this regard under the control of the state. This means that the local administration is a method of management and not a method of government. They specialize in two types of powers that are exercised in the state, namely, the executive authority. The local administration has no right to exercise or interfere in the legislative or judicial authority, either of which aims to facilitate and provide services to citizens. Distribution of activities and duties between central, local and religious authorities. For the purpose of donating the first state policy in addition to any administration of national utilities ⁽¹⁹⁾.

Abdel rezak El shaikhali defined it as a method of administrative organisation of the state based on the idea of distributing activities and duties between the central, local and religious authorities. For the purpose of donating the first of the state policy, in addition to any management of the national facilities in the country, and that the local agencies can run their facilities Its facilities are functioning efficiently and realising their legitimate purposes ⁽²⁰⁾.

And The difinition of **John cherke** participated in its definition as the part of the State that specialises in matters of concern to the population of a particular region in addition to matters that Parliament believes that it is not

appropriate for elected local authorities to perform, they complete the central government, and the intellectuals have defined them as French, and **waline**, as transferring the authority to make administrative decisions to freely elected councils of those concerned ⁽²¹⁾.

But **Andrie de l'aubader** in its definition say that it has local one to manage itself and to do my own actions in matters ⁽²²⁾.

Fouad Al-Atar defined it as the distribution of administrative functions between the central government and elected local bodies, which they understand under the supervision and control of the Government ⁽²³⁾.

It is also a pattern of administrative conduct that guarantees and independence to local bodies in the exercise of their specific functions in the administrative function that the central authority aims to develop the community within the specific geographical framework

To meet the needs of its personnel as it relates to central authority oversight, the overarching concept of local administration is defined as an administrative unit with a separate moral character, organisation, competence, resources and potential, given the possibilities available under a political system and economic and social conditions within the specific geographical region ⁽²⁴⁾.

In the end, and by exposing me to both concepts of local administration and local governance, it is possible to say that, despite the convergence of the two concepts and their convergence, they refer to a standardised method of administration so that it differs from one State to another and its application.

However, there are differences and differences between them, including the following : ⁽²⁵⁾.

1- Local government applies only in federal States, while local administration can be applied in all simple and composite states.

2 -Local government or political decentralisation is mean a method of political organisation in the State, while local administration is an administrative organisation .

3-Local government is based on the distribution of manifestations of internal sovereignty among federal states and members Panama. The local administration system is limited to the direct transfer of certain administrative competences and not political powers from the central authorities to local bodies.

4-Local bodies are authorised by a law of Parliament, while the Federal Constitution of the composite State determines the jurisdiction of the state.

5 - The states in the federal state are not controlled and supervised in the federal state, while local bodies are subject to the control and supervision of the central government

Thus, it can be said that these differences are based on the two types of first type and depend on the degree of powers which they enjoy under the local administration, where the latter have a limited number of powers and competencies that are not the central government, while the local government system is based on the idea of a central government waiver. The second type depends on the degree of independence, where localities in the local government system are more independent than the central government than in the local administration system ⁽²⁶⁾.

2-The foundation of the local administrative organisation in Algeria:

There is no doubt that administrative management is the way or approach that the State organises its administrative bodies in accordance with the principles of transparency and democracy in order to effectively operate its structures in the public interest.

Each State has its own approach to choose the foundations of its administrative system in accordance with the nature of the judgement and the merits of its entity, taking into account the regional developments in its international environment.

Accordingly, the local administrative organisation in Algeria was built on the basis of the various stages in which the country went through its ideological and political ramifications, and the resulting accumulation, greatly affected this basis, which we summarise in the following:

1/2 Legal basis (moral personality) :

It rotates administrative competencies on a legal basis under the rule of personality that promised me the capabilities of obfuscation of administrative competencies among the regulatory bodies of the public administration of the state. Achieve their goals of obtaining legal personality that has the ability to comply with oil obligations. Moral punishment is particularly important in the organization within the administrative structure, which has the morality and competence of the person, whether the priority of necessity or society, with reference to the scope and extent of the legal person is narrower than the scope and extent of the legal person.

The first society transcends the place which will not be established as the family and the rights of my personality ⁽²⁷⁾. the legal personality and the legal authority to distribute the administrative function in the state, with certain organs being given legal independence so that they can carry out their activities

resulting from the rights, obligations, responsibilities and persons of administrative law. The latter consists mainly of general and regional legal persons who exercise their powers and authorities in a specific geographical area and place. If these territorial characteristics and powers, including territorial unilateral persons, are established as stipulated in Article 49 of the Civil Code “Equal persons represented by the Municipal States”⁽²⁸⁾.

a- the second state in which the individual creates a good culture, the local government is Also the basis for organizing local participation because, in addition to assessing local needs, it combines organizational and operational methods with practical possibilities for the comprehensive development of government (private government) for the advancement of society. The reality of local administration in Algeria has returned between the basis of organization and the problem of national law in public and national law. It has built three meanings for the territory people.

b-local politics in all its aspects by defining the framework of interaction between citizens in their relations with each other and between citizens in their relationship with the state, in terms of collective decision-making, the provision of public services and local government, is the main means for the development of Algerian society, which is the autonomy of the local population 49 countries through representatives who serve their interests and promote their partners No. 12-07 Created on 02/21/2012 contains state law C- This difference is the result of the multiplicity of opinions of researchers. Among the requirements is that local administration is an administrative style

The organization in the state that includes and distributes the administrative function between the government, the local council and independent bodies in Algeria in 1541 and exercises with them a special competence for Law No. 10-11 dated 06-22-2011 to the state law personally. This difference is moral⁽²⁹⁾: as a result of the multiplicity of researchers’ opinions. One of the definitions is that the local administration is one of the methods of administrative organization in the state, which includes: a high university, and the administrative function is distributed between the government and the independent local bodies with which it exercises special competencies. The government, which is defined as one of the administrative methods, includes the distribution of the executive administrative function among the government, with a conscious and locally elected reformer exercising his powers in this regard under the control of the state...etc. This means that local administration is

a management method and not an organizational method, as Law 122 Paragraph 29 of the Law specializes in two types of powers that are exercised in the state, namely, the executive authority. The local administration has no right

to exercise or interfere in the judiciary, both of which aim to facilitate and provide services to define it as a method.

2/2 The administrative base (incentral administration authority) : administrative organisation of the state based on the idea of distributing activities and duties between following ⁽³⁰⁾:

-Centralisation is based the principle of uniformity and indivisibility: the activity of centralisation in the State in which its ultimate authority is devolved

-By the competence of an individual or a central body. The latter may appear in any possible field a political administrative economy in the politice,

-Central political field, for example : when we are not political systems that do not allow and infringe their political performance, and the constitutional

approach is based on the principle of the concentration of political powers in the hands of the ruling group, and when we talk about the issue of directing the national In the hands of the central and economic authorities of the State, without hearing the private sector, I play any role in this area. As for the central administration, which is our focus of concern and the loop of Hadina, it means combining administrative activity with the central authority, which is competent throughout the State. It is necessary for the centmentes the importance of the study lies in the importance of the topic itself, as we shed light on the bitter situation and the painful reality that the local administration is witnessing by diagnosing its local reality ⁽³¹⁾ .

2/3 historical foundation : The Historical foundation local organization in algeria went thought two phases ; the colonisation phase and the independence phase ⁽³²⁾ .

2/3/1- Historical evolution of municipal organisation:

A. Colonisation phase: The French occupation established local administrative bodies known as "Arab offices." Twenty-one Arab offices were set up in 1844 with the aim of financing the French army and controlling the resistance of the general public. In 1868, the municipal organisation in Algeria became characterised by three types of municipalities:

1. Community municipalities: This type was found in the regions of the South (Saghans), in remote areas and in the north until 1880. The management of these municipalities was characterised by military character. It was effectively operated by the French army with the assistance of certain localities who were appointed under various names, such as the leader, Agha and Bash Agha

2. Mixed (mixed) municipalities: covered the bulk of Algerian territory, in

areas where Europeans were less present in the northern part of Algeria, and the management of the mixed municipality was based on two main bodies:

A- The administrator: who is subject to the presidential authority of the Governor or the General Governor in terms of appointment, promotion and discipline.

B- The municipal committee: it is chaired by the administrator with the membership of a number of elected members from the French and some Algerians who were appointed by the French authority based on the tribal organization already established on the basis of a human group (the tent), which is roundabout.

3. Municipalities with complete disposal: they were mainly established in places and areas of intense presence of Europeans in major cities and coastal areas, where the number of municipalities with full authority (working) and 97 mixed municipalities (mixed), in 1945, and upon the outbreak of the November revolution 1954, there were 332 municipalities with complete authority. Then the colonial authorities issued Decree 56-642 on June 28, 1956 to generalize this type of municipalities in all regions of Algeria, with the aim of confronting the revolution and circumventing it.

B- The independence phase: After the mass migration of European tires after independence, the number of municipalities was reduced according to Decree No. 63-189 of May 31, 1963, from 1578 to 632 municipalities, and Ordinance 67-24 issued on January 18, 1967 containing the municipality law that constitutes the basis for organization The municipality in Algeria, as it is an attempt to "revive democracy in the administrative field," as indicated in the municipality charter guiding the above-mentioned matter, and according to this text, the municipality was based on the following bodies:

1- The Municipal People's Council: It is a body elected by universal, direct and secret suffrage by all voters in the municipality, and it consists of 9 to 39 according to the number of inhabitants in the municipality. As for its powers, the previous Order No. 67-24 granted it multiple powers, in line with the socialist election that was Prevailing at that time in principle.

2- Municipal Executive Council: It is elected by the Municipal People's Council and includes, in addition to the Chairman of the Municipal People's Council, a number of Vice-Presidents.

3- Chairman of the Municipal People's Council: He is elected by the Municipal People's Council from among its members. He enjoys dual competence, as he represents a state at one time, and at other times he represents the municipality.

2-3-2- The historical development of the state organization:

A- The colonial phase: Historical studies prove the insistence of the French occupation authorities to demolish the structures and institutions of the state and Algerian society, as the country has been divided since 1845 , And arbitrarily into three regions, then other arbitrary divisions were created in the three regions to subordinate the population to the colonial civil and military administration systems according to the density of the army and the elderly, and regardless of the modifications and changes that occurred to the "workers" state organization according to the objectives of colonialism and its strategy in Algeria, on can make the following observations:

- The southern regions were subjected to military authority, while the north was initially divided into three prefectures (states): Algeria, Oran, and Constantine, with their subjugation - relatively - to the law relating to the provinces or prefectures in France, since the division contained in the order issued in April 15, 1845 concerning the administration of "civil regions", until the issue of Decree 56-601 of June 28 The system of workers in Algeria during the colonial period was just an image of lack of administrative focus, as it did not express local interests or interests because it was merely an administrative empowerment for colonialism and a framework for implementing its destructive policies and plans :

-The administration and management of labor : was dominated by a governor or "labor worker" (the governor or governor) who was subject to the presidential authority of the governor general, and who had wide powers and powers that he exercised with the help of his deputies in the scope of departments as regional administrative parts of labor, and besides the worker. Employment (the governor or the governor), two main bodies were created: The Employment Council: It performs its duties under the presidency of the employment worker and is a member of a number of employees appointed by the central authority (the governor general) and has specializations oncerning the administration of "civil regions", the decree 56-601 of June 28, 1956, which includes administrative reform in Algeria, was issued. And with the end of the colonial period, Algeria had 15 workers, 91 departments.

- The system of workers in Algeria during the colonial period was just an image of lack of administrative focus, as it did not express local interests or interests because it was merely an administrative empowerment for colonialism and a framework for implementing its destructive policies and plans.

-The administration and management of labor : was dominated by a governor or "labor worker" (the governor or governor) who was subject to the presidential authority of the governor general, and who had wide powers and

powers that he exercised with the help of his deputies in the scope of departments as regional administrative parts of labor, and besides the worker. Employment (wali or governor) was done.

A-The Employment Council: It performs its duties under the leadership of the employment worker and is a member of a number of employees appointed by the central authority (the governor-general) and has multiple and varied functions, administrative and judicial.

B-The General Council: was initially formed by appointing its members from among the notables of the country until the adoption of the election system in 1908, which established two electoral bodies (the centenarians and the people) to determine the percentage of representation for the people at 2/5 of the total seats in this council in 1944, after it was 1 / 4 year 1919⁽³³⁾.

B-The independence phase: It was characterized by two periods⁽³⁴⁾:

The first period: in which regional workers' committees were created that included representatives of the population appointed by the guardian who heads the committee, and their role was limited to approving the projects and decisions presented by the governor.

The second period: during which the previous committee was replaced by a regional (labor or regional) economic and social council, which was formed from all the heads of the municipal popular councils with workers, with the addition of a representative from each of the party, the union, the army, and the labor worker (the governor) was no longer heading This state body, considering that the president is elected from among the heads of the municipal people's councils, but the governor still possesses the broadest powers as a representative of the state and employment in various Areas, and after the issuance of the decree 69/38 of 23 May 1969 containing the state law that was affected by the French model, the state division was based on three basic bodies:

-The People's State Council (which is an elected body) State Executive Council. - The governor. And after this was amended in 1979 after the Fourth Party Congress, in two respects:

- Expanding the powers of the National People's Assembly. Emphasizing and strengthening the political character of this body, so that membership in and joining the party is required for every candidate for membership in the Council.

3- Diagnosing the reality of local administration in Algeria:

As a diagnosis of the reality of the local administration in Algeria for nearly two decades, the former president of Algeria in the speech of Abdel Azize Bouteflika, first ruler of the country and responsible for drawing up

policy "..... The state is sick and sick, it is sick in its administration, sick with the exercise of favoritism, sick with favoritism, arbitrariness, influence and power, and the futility of appeals and grievances, sick with privileges that are uncontrolled and uncontrolled, sick By dispossessing public resources, and plundering them without shame or guadian, all are symptoms that weakened the morale of individuals and groups, alienated capabilities, deserted competencies, alienated people of conscience and integrity, prevented them from contributing to managing public affairs, and distorted the concept of the state and the purpose of public service..... " ⁽³⁵⁾.

This official speech, in which he acknowledged the spread of corruption, is what deepened the citizens' sense of the spread of corruption in the local administrative bodies. Despite the existence of internal and external forces motives to bring about change in policies and laws in order to cope with major social transformations, the local administration environment still depends on dealing with other social and economic environments with the inherited administrative and organizational legacy, and the behavior of the bureaucratic leadership is still based on the existing traditional method. To fill the gaps, and to take the form of reaction in dealing with the new situations instead of relying on the approach to managing change, all of this produced badness and corruption for this reality that is summarized in the following ⁽³⁶⁾ :

-The absence of the general structural plan, and the lack of clarity of the general policies of the local administration, which resulted in duplication and conflict between responsibilities .

-Inflated volume of workforce in local units and a low level of performance, and this would complicate administrative procedures, weaken communication with citizens, in addition to being a waste of state resources.

-unequal opportunity resulting from favoritism and mediation, and the failure of citizens to be placed at the center of the administration's concern weak and irregular administrative training.

-The politicization of the employees of the local administrative system, which led to the weakening of their interest in developing their administrative capabilities and knowledge.

-Relying on solutions prepared in advance, and accepting everything new without reviewing , and without taking into account the difference in conditions and the environment.

-However, the local administration environment still depends in dealing with other social and economic environments with the inherited administrative and organizational legacy, and the behavior of bureaucratic leadership is still

based on the traditional method based on filling in gaps, and taking the form of reaction in dealing with new situations instead of relying on the approach of management Change, all this produced the mediocrity and corruption of the reality of the local administration, this reality that is summarized in. :

- and the lack of clarity of the general policies of the local administration, which resulted in duplication and conflict between responsibilities .

- The increase in the volume of employment in the local units and the low level of their performance. This complicates administrative procedures and weakens communication with citizens, in addition to being a waste of state resources.

Inequality and equal opportunities resulting from favoritism and mediation, and the failure to place the citizen at the center of the administration's concern.

Weak and irregular administrative training.

The politicization of employees of the local administrative apparatus, led to the weakening of their interest in developing their administrative capabilities and knowledge.

Relying on solutions prepared in advance, and accepting everything new without reviewing a renewal, and without taking into account the difference in cultural, social, political and economic circumstances and environment. Therefore, it is imperative to provide originality that is indispensable in its essence from innovation, creation and creativity, because innovation and creativity are the elements of originality, and in their essence they constitute the generation of innovation in light of environmental conditions and developments. The slow movement of laws and legislations, and the absence of scientific standards compared to societal, global and administrative changes and developments.

The inability to change behavior and negative values as a result of the presence of forces resisting change, which led to widespread corruption in the local administrative milieu, the predominance of personal interests over public interests, and weak administrative control.

Hiding the truth about failures and not acknowledging the problems before public opinion, and this concealment is a negative factor in the face of programs, plans and strategies to combat corruption.

- The spread weaknesses aspects in local administrative institutions, as a result of the decline in the moral deterioration and indifference of workers to professional values and job ethics that guide their behavior, govern their decisions and guide their formal and informal behavior. Evasion of

responsibility, the spread of methods of dependence, and the evasion of duties because they believe that they are working, and others reap the fruits, and this leads to a lack of initiative and innovation.

- The other phenomenon that is no less dangerous than its precedent is the contribution of many local administrative institutions to mitigating the weight of the original positive values derived from the cultural heritage of the nation, and besides with the anomalous and deviant behavioral practices committed by inefficient members who were able to jump to the leadership positions in twisted ways and illegal. The prevalence of these practices is nothing but a continuation of the inherent values acquired from a colonial administrative culture on the one hand, and the failure to renew and modernize the administration on the other hand, in addition to the political and ideological vacuum that it is passing through. The country is now, suffering from the absence of a political and ideological power that can impose heavy control on the bureaucracy and direct it to make the bureaucracy move in a kind of partial vacuum

- The absence of effective control on the Algerian local administration has led to the spread of negative phenomena of bureaucracy, such as administrative corruption, bribery, favoritism, clientelism, circumvention of laws, absentism, and contempt for work as a civilized value.

The great contradiction between the official situation and reality, is evident in the appearance of what matters should be, in contrast to what the reality is. It is strange that this gap between expectations and facts is hidden by issuing laws that are not implemented, implementing regulations related to employment affairs, but bypassing them, announcing the delegation of administrative powers while keeping the control of the center tight, limiting the right to make decisions, issuing false reports that the desired goals were achieved besides, neglecting while the truth is that the results were only partially achieved.

the role of local people's councils in solving basic issues such as unemployment, family planning, literacy, and environmental protection

4- Problems of democracy in Algeria:

It can be said that democracy has become shortened recently in embodying the word "citizenship" that defines the relationship of the individual with the state in terms of rights and duties, and which allows participation in the affairs of its construction in a way that achieves the legitimacy of a sense of belonging and coexistence and the right to express opinions about the problems of the homeland and propose solutions. What is possible includes the freedom to support or oppose a position, program, or system as a whole even if it does not

comply with the existing ruling system to activate the principle of participation in election and candidacy and the formation of parties to serve the community through the development of public programs that include all sectors that are implemented through party frameworks and state employees.

Democracy was known to the ancient Greeks in the sense of the people ruling for themselves, and at that time it meant the exercise by all citizens of their right to make political decisions through the direct participation of all citizens, and some political systems preserved some democratic aspects, such as the use of a popular referendum, or the formation of popular councils and allowing the space for public initiatives, and it is known that the democratic system provides for the separation of the three powers (executive, legislative, and judicial) with oversight and balance between them, and perhaps one of the most important features of a democratic society is that it guarantees citizens' freedoms such as freedom of expression, freedom to vote, and freedom to organize Bodies and parties, in order to clear the way for citizens to participate in the running of the affairs of government. In addition developing political debate within society so that those in charge of it can make and implement their political decisions with the support of the largest possible number of its citizens⁽³⁷⁾.

However, the application of the system of political pluralism in the system of local councils led to some imbalances and blockages that affected the management of local bodies, the principle of good leadership, the impartiality of management, the smooth functioning of the bodies regularly, and the principle of justice and equality among all citizens in the use of the services of local authorities' administrations⁽³⁸⁾.

There are other reasons that necessitated the state to expedite finding solutions and reforms to address the system of local bodies, which led to the announcement of political, and administrative reforms in April 2011 as a response to local, regional and international transformations related to the amendment of some legislative texts related to democratic practice and strengthening the rule of law and have included municipal law and state law, the media sector, the law of political parties, the electoral system, women's representation in elected councils and so on. At the municipal and state law level, it was announced that there is a need to focus on Participatory democracy and decentralized management by taking into account all the details of the municipality reform, considering it a complementary space for the municipality in the field of providing neighborhood public service and a place for the practice of local democracy and citizen participation⁽³⁹⁾.

Observers of the functioning of local councils in Algeria since the adoption of democratic pluralism as a participatory tool in the electoral system

and list competition for political parties and liberals, believe that the election is not necessary to be a guarantee of achieving participatory democracy in most cases and honest representation of the citizens of the municipality's residents because it does not necessarily represent the selection of the most competent. Among the candidates, according to Professor Al-Wardi Brahim: The introduction of the election method in many developing countries has produced some negative results as it helps many people to gain membership in the local council despite their incompetence and lack of qualification, which has negatively affected the performance of the local council ⁽⁴⁰⁾.

In field practice, most people who often elector are elected lack competence lacking their level of qualification, which negatively affects the performance of local people's councils ⁽⁴¹⁾.

The manifestations of populism that were prevalent were acceptable, necessary and possible under previous circumstances, they are no longer the same due to the complexity of running public affairs and the crises that the Algerian society and the surrounding world are currently familiar with, In addition to the fact that Algeria's entry into the market economy system and the multi-party system requires the candidacy of those who have them. The ability, competence and skill are necessary to take on electoral tasks, and thus not leave this issue to the discretionary power of political parties or leaders, these parties themselves and most of them lack sufficient experience to control and run the affairs of citizens. And, Professor Amin saw in relation to the condition of competence and experience that the election law should be reconsidered and a necessary limit of scientific competence, experience, legal training and high ethical level of the candidates are required ⁽⁴²⁾.

Under the municipality law 10/11, the Algerian legislator corrects the democratic deficiencies in its representative dimension and the consequent phenomenon of abstaining from voting for political and non-political reasons, which is what made the legislator dedicate a whole chapter (Chapter Three) under the title of citizen participation in the conduct of municipality affairs in the way to reform representative democracy, the latter that caused the citizen to be absent from the conduct of his public affairs at the local level and reduced his role in casting his vote ⁽⁴³⁾.

In representative democracy, the role of the people is limited to merely choosing representatives, and accordingly, the people do not live except for a fleeting period, which is the moment of elections ⁽⁴⁴⁾.

True democracy is formed by elections. The latter will have no meaning unless it leads to the real and permanent participation of everyone in the conduct of their public affairs, and not in an arbitrary and temporary manner.

True democracy can only be effective if it is found everywhere and at all times⁽⁴⁵⁾ .

The Algerian legislator did not differ much in the composition of the municipal popular council from the wilaya popular assembly, as it represents the will of the people at the state level .

Conclusion :

Despite the clear development and the gradual transition in the methods and methods of running the local administration and strengthening it with the arsenal of organizing and complementing laws, this was not reflected positively and did not achieve the objectives established in the various programs and public policies in the economic and social fields, which led to the emergence of negative results within the pyramid. The state as a whole is spreading the phenomenon of corruption in all sectors, and the reason for this is what researchers and academics have agreed upon is that the government did not have the courage to grant local units the independence of authorities and powers in preparing development programs locally, but rather made them in a position of permanent subordination to the central authority whose laws did not succeed Renewing the supervision and follow-up of its central programs, which led to its inability to reach the established goals.

This weakness and this deficiency in the conduct of performance is due to several political factors represented in the nature, stereotypes and behavior of the political system that was dependent and its reflection on the economic and social policy as a whole, which negatively affected the administrative development in Algeria and its effect on the citizen's livelihood.

Achieving the goals and programs that focus on serving the citizen and facilitating the procedures for obtaining services within the local administration depends mainly on granting broad powers and complete independence to run the local administrative apparatus, enabling it to formulate a local development policy with an efficient and credible administrative apparatus and its reliance on modern means. In digitization and communication, a local development policy with an efficient and credible administrative apparatus and its reliance on modern means of digitization and communication, and the embodiment of a true democratic system by concerting the roles of civil society in all its institutions, the public and private sectors, and the government, focusing and working on the principles of transparency, accountability and participation in policy-making. and empowering those who are in charge wide authority to make decision and strengthening the rule of law by consolidating the democratic system to ensure the stability of the state and its economic, political and social development, by

supporting political parties, their participation in governance and support for associations, and ensuring freedom of opinion and expression (audio-visual media) without restriction or condition. Therefore, it can be said in the end, that the local administration in Algeria has defined clear methods of organization that, if applied to the fullest extent and embodied on the ground, will completely eliminate the problems that prevent the achievement of democracy, but the latter will not be achieved in light of the lack of democratic popular culture and the absence of effective control and the lack of the principle of deliberation over governance and power.

Recommendations:

Reaching a true democracy requires a set of legislative and administrative procedures, even on the human level. Among the recommendations that we have reached are the following:

- Establishing a supreme body concerned with reforming the administrative sector and focusing on improving and developing training programs for employees .

- Improving the performance level of employees and giving them opportunities to assume positions of responsibility at the department, state and municipality levels, Providing sufficient material means to achieve real local development

Monitoring and holding local officials accountable in order to suppress corruption and get rid of bureaucracy.

Establishing laws guaranteeing the regulation of the administrative aspect and other punitive laws concerned with the application of maximum penalties.

Motivating and promoting local employees to higher positions .

Involving the local citizen and local community institutions in decision-making and taking them .

Applying the principles of democracy to its fullest extent.

Footnotes :

¹- Al-Mibyadeen, Safwan ,**Local Administration (Entrances to Development) with a focus on the case of the Hashemite Kingdom of Jordan**, Al-Yazouri Scientific House, Amman, 2014,p17.

²-Ibid, p18.

³-Al-Askari, Ali Anwar ,**Corruption in Local Administration**, Grove of Knowledge Library, Egypt 2008,p09.

⁴-Al-Khalailiya, Muhammad Ali ,**Local Administration and its Applications in Jordan, Britain, France and Egypt, a comparative analysis study in light of Municipalities Law No. 13 of 2011, amended by Law No. 07 of 2012**, 2nd Edition, House of Culture for Publishing and Distribution, Amman. 2012,p24.

⁵--Al-Maani, Ayman Odeh ,**Local Administration**, 2nd Edition, Wael Publishing and Distribution, Amman 2013,p25.

⁶- Al-Taamnah, Muhammad Mahmoud, Samir Abdel-Wahhab ,**Local Governance in the Arab World and Development Trends**, Arab Development Organization 2005,p,p11-12.

⁷-Ibid, p05.

⁸- Al-Maani, Ibid, p29.

⁹- Al-Taamnah, Ibid, p05.

¹⁰- Al-Khalailiya, Ibid, p55.

¹¹-<http://ndi.org>,**local governance**, viewed in :30/03/2019,at 18h.

¹²-Abdel-Fattah, Muhammad Abdullah ,**Theoretical Foundations of Social Institutions Management, Applied Models**, Modern University Office, Alexandria.2004,p335

¹³- Al-Khalailiya, Ibid, p55.

¹⁴-Al-Rifai, Mamdouh Abdel Aziz, Muhammad Salem, **Local Government Administration**, Ain Al-Shams University, faculty of Commerce 2009,p335.

¹⁵- Al-Mibyadeen, Ibid, p20.

¹⁶-Study of Local Governance Indicators, Department of Studies and Policy Evaluation, Policy Directorate, Policy Department, Public Institution for Housing and Urban Development, 2015,06.

¹⁷-Constitution of the People's Democratic Republic of Algeria 1996, Article 14, Article 15, Article 16.

¹⁸- Al-Mibyadeen, Ibid, p20.

¹⁹-Abdel-Fattah, Ibid, p335.

²⁰-Al-Taamnah, Ibid, p09.

²¹-Al-Maani, Ibid, p18.

²²-Abd Al-Razzaq, Samaili Yassin :**Local Administration and Development Requirements. Note for introduction to Neil Master's degree, specializing in Public Administration Law**, Faculty of Law and Political Science, Al-Arabi Bin Mahidi University, Umm El-Bouaghi 2012-2013,p16.

²³-Available at: association de recherches et des études de l'union du magred, 02Mars2013, viewed in :30/09/2019,at 16h.

²⁴-Mamdouh, Khaled , **Municipalities and Localities in Light of the New Roles of Government**, Arab Development Organization, Cairo.2009,p27.

²⁵- Al-Khalailiya, Ibid, p,p56-57.

²⁶-Al-Rifai, Ibid, p05.

²⁷-Asghir, Baali, Ibid, p15.

²⁸-Ibid, p,p10-11.

²⁹- Ibid, p,p12-13.

³⁰- Ibid, p20.

³¹- Ibid, p,p36-37.

³²- Ibid, p,p39-40.

³³- Ibid, p,44-45.

³⁴-<https://www.facebook.com/sisousamm/posts/1971042583173094/> view in: 03/20/2020, 22.30h.

³⁵-Tachema, Boumediene **“Good governance and the problem of building the capacities of local administration in Algeria”**, Al-Tawasul magazine, Issue 26. - The message of the National Assembly. Local Bodies in Algeria From the Process of Establishing People's Democracy to the Organizational Development Strategy. Parliamentary Thought Journal, Issue 26 2010,p38.

³⁶- Ibid, p39.

³⁷-Al khaldi, Ibid, p,p 233-234.

³⁸-parliamentarythought journal, 2010, p16.

³⁹-Hisham, Abdel Karim.**New Media and Mechanisms to Achieve Democracy Quality in Transitional Societies, Comparing Participatory Democracy.** Al Mafiker Magazine, Faculty of Law and Political Sciences. Biskra University 2015, p139 .

⁴⁰-Al-Wardi, Ibrahim , **The Legal System for Electoral Crimes - A Comparative Study -, 1st Edition**, Dar Al Fikr University, Alexandria 2008, p172.

⁴¹-Al-Zoghbi, Khaled Samara, **Formation of Local Councils and Its Impact on Their Adequacy in Local Administration Systems - A Comparative Study - United Kingdom, France, Yugoslavia, Egypt**, Library of Culture for Publishing and Distribution, Jordan.1993, p70.

⁴²-Cherayet, Ibid, p42.

⁴³-Ismail, Muhammad Muhammad , **Democracy and the Role of Active Forces in Various Political Arenas**, Modern University Office, Alexandria 2010,p264.

⁴⁴-Al-Sharkawy, **Souad Political Systems in the Contemporary World**, 1st Edition, Dar Al-Nahda Al-Arabiya, Egypt 2013,p137.

⁴⁵- Ismail, Ibid, p416.

