

The jurisdiction of the Administrative Courts of Appeal under Law No. 22-13 amending and supplementing the Law No. 08-09 containing the Code of Civil and Administrative Procedures

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• **Abstract:**

The present study deals with the jurisdiction of the administrative courts of appeal under Law 22-13 amending and supplementing the Law 08-09 that contains the Civil and Administrative Procedures Law, through revealing the qualitative jurisdiction starting with dedicating the administrative courts of appeal second degree to litigation in the administrative matter, as well as its role as a judicial body adjudicating a dispute Jurisdiction between administrative courts. In addition to the role that has been developed regarding the Administrative Court of Appeal at the level of Algeria as a first instance with regard to claims to annul, interpret and assess the legality of administrative decisions issued by central administrative authorities, national public bodies and national professional organizations, and the extent to which the previous terms of reference affect the specific jurisdiction of the State Council as an authority that evaluates the work of administrative courts of appeal, administrative courts, and other parties adjudicating administrative matters, as well as its regional jurisdiction through its number and administrative courts within its jurisdiction

Keywords:

Administrative Courts of Appeal, Qualitative jurisdiction, regional jurisdiction, litigation at two levels, state council

• Introduction

The Algerian constitution adopted the system of judicial duality according to the constitutional amendment of 1996¹, and the Council of the State was established as the highest administrative judicial body, and administrative courts were established at the local level. They were entrusted with general jurisdiction to adjudicate administrative disputes whenever the state, the district, the municipality, or one of the public institutions of an administrative nature is a party to the dispute. and the Council of State is assigned by Organic Law 98-01, in addition to its competence as a cassation body. It has the competence on the jurisdiction of the final first instance in cases of annulment, interpretation, and assessment of the legality of administrative decisions issued by the central administrative authorities, national public bodies, and organizations The national professional, and the competence to adjudicate appeals in judgments and orders issued in the first instance by administrative courts

According to the foregoing, the rules of qualitative jurisdiction in the administrative matter affected the role of the State Council as a court of law in terms of origin, which imposed the need to reconsider the rules of the qualitative jurisdiction of the administrative judicial authorities on the one hand, and the inevitability of developing administrative judicial bodies as a second degree for litigation in the administrative matter

The Algerian constitutional institution, according to the constitutional amendment 2020² finally announces the establishment of administrative courts of appeal according to the text of the Article 179 thereof, as a second degree of litigation in the administrative matter, and the course was completed with the issuance of Law 13-22³ amending and supplementing Law 08-09⁴ which includes the Civil and Administrative Procedures Law, which stipulates the jurisdiction of the administrative courts of appeal within Part (chapter) One bis in Articles 900 bis to 900 bis 9.

In addition to emphasizing that the administrative courts of appeal embody the legal principle of litigation on two levels, they have been entrusted with other judicial jurisdictions. Recently the Council of the State used to exercise the role of the appellate judicial body and the role of the primary judicial body, as well as its competence to adjudicate conflicts of jurisdiction between administrative courts, so the question and the problematic arises in this area about: **How did the jurisdiction of the administrative courts of appeal affect the jurisdiction of the Council of the State under Law 13-22 ?**

To investigate this question, the descriptive and analytical approaches were relied upon in order to present the new developments in the scope of the jurisdiction of the administrative courts of

1 - التعديل الدستوري 1996، الصادر بموجب الرسوم الرئاسي 438-96 الممضي في 7 ديسمبر 1996، يتعلق بإصدار نص تعديل الدستور،، المصادق عليه في استفتاء 28 نوفمبر 1996.

الجريدة الرسمية عدد: 76، المؤرخة في 08 ديسمبر 1996.

2 - التعديل الدستوري 2020، الصادر بموجب المرسوم الرئاسي 442-20 المؤرخ في 30 ديسمبر 2020 يتعلق بإصدار التعديل الدستوري، المصادق عليه في استفتاء 01 نوفمبر 2020، الجريدة الرسمية عدد: 82، المؤرخة 30 ديسمبر 2020.

3 - القانون 13-22 الممضي في 12 جويلية 2023، المعدل والمتمم للقانون 09-08 والمتضمن قانون الإجراءات المدنية والإدارية، الجريدة الرسمية عدد: 48، المؤرخة في 17 جويلية 2022.

4 - القانون 09-08 الممضي في 25 فيفري 2008، يتضمن قانون الإجراءات المدنية والإدارية، الجريدة الرسمية عدد: 21، المؤرخة في 23 أبريل 2008.

appeal, and then to show the impact of this on the competence of the State Council compared to the jurisdiction of the latter under Law 08-09 . The study is divided as following:

The first axis: the background to the establishment of administrative courts of appeal ;

The second axis: the qualitative jurisdiction of the administrative courts of appeal ;

Third axis: the territorial jurisdiction of the administrative courts of appeal.

The first axis: the background to the establishment of administrative courts of appeal

The amendment of the Algerian constitution in 2020 announced the principle of litigation on two levels in the administrative matter, as stated in the text of Article 179/02 thereof: “ ...the Council of State represents the body that evaluates the work of administrative courts of appeal, administrative courts, and other adjudicating bodies in administrative matters ... ”. According to the above, the constitution announced the judicial authorities that are considered a second degree for litigation in the administrative matter, represented by : Administrative Courts of Appeal

However, it should not be understood that most of what was issued by the administrative courts since their inception is not subject to appeal, on the contrary, the rulings issued by the administrative courts of first instance were subject to appeal before the Council of the State.

The problem that occurred in the period before 2020 is that the State Council is not considered in principle a degree of litigation, as it constitutes the top of the administrative judiciary hierarchy, and its mission is to evaluate the work of the lower administrative judicial authorities, as well as to ensure respect for the law and the unification of jurisprudence in administrative matter. In spite of that the State Council exercised the role of the subject court (the competency court). ; It adjudicated, as a first and last degree, in cases of annulment, interpretation, and examining the legality of decisions by the central administrative authorities, national public bodies, and national professional organizations

Practically speaking, , the follower of the decisions issued by the Algerian State Council since its establishment in 1998 notes that the decisions within the scope of its role as an appellate body took the majority of the total decisions issued by it, which made the State Council move away from exercising its original role within the scope of its competence as a cassation body

The problem in this context is much deeper, referring to the text of Article 02/152 of the Constitutional Amendment of 1996, we find that it stipulated the following: “ ...a State Council shall be established as a body that assesses the work of **the administrative judicial authorities ...**”

It turns out that when the constitutional founder adopted the system of judicial duality, and established the Council of State to be the highest judicial body in the hierarchy of the administrative judiciary, and assigned to it the same jurisdiction that the Supreme Court exercises at the level of the hierarchy of the ordinary judiciary , considering it a body that evaluates the

work of the **administrative judicial bodies** , he mentioned the term " Administrative Judicial Authorities " without specifying; As he did with the judicial authorities that belong to the hierarchy of the administrative judiciary, Article 152/01 stipulates : “ The Supreme Court represents the body evaluating the work of **judicial councils and courts** ... ”, and this raised the question at the time regarding the administrative judicial bodies. Will primary administrative courts be established only at the grassroots level, or as well as administrative courts of appeal as a second degree?

This question was answered by Law 98-02¹ related to administrative courts, as well as Organic Law 98-01² related to the State Council. One type of judicial authorities was established, namely the administrative courts . Which was assigned the jurisdiction of the general jurisdiction in administrative disputes, and then this was confirmed by Law 08-09, which includes the Code of Civil and Administrative Procedures.

In addition to the foregoing, we can note that the constitutional founder within the scope of Article 152/02 of the 1996 Constitutional Amendment was not decisive in the matter of these administrative judicial bodies, and it is understood that there was no accurate and sure choice and direction regarding the administrative judicial bodies that would be established.

In view of the difficulties encountered in embodying the adoption of the dual judicial system in reality, and the delay in the installation of administrative courts for more than ten years , it was confirmed that the Algerian state was unable to establish two degrees of litigation in the administrative matter at the time, and for this reason the State Council was assigned the role of the appellate body with regard to preliminary rulings issued by the courts. Administrative, although this role had no constitutional basis.

The competence of the State Council as an appellate body was justified by the judges of the State Council because it was not possible to consider the cassation appeal against the decisions issued by the State Council as an appeals body . v. Directorate of Education for the state of Batna “and since it is unreasonable and illogical for the State Council to decide on the cassation appeal filed before it against a decision issued by it , since it is legally established that the cassation appeal is before a judicial authority that is superior to the one that issued the decision in question . . . ”.

This approach was emphasized in several decisions loyal to the State Council . Thus, the consideration of appeals by the State Council has prevented it from being considered as a cassation body . Whatever the justifications, the main role that was supposed to be played by the Council of State has been executed and transformed from a court of law into a matter-of-fact court.

¹- القانون 02-98 الممضي في 30 ماي 1998، يتعلق بالمحاكم الإدارية، الجريدة الرسمية عدد: 37 ، المؤرخة في 01 جوان 1998، (ملغى).

²- القانون العضوي 01-98 الممضي في 30 ماي 1998، يتعلق باختصاصات مجلس الدولة وتنظيمه وعمله، الجريدة الرسمية عدد: 37 ، المؤرخة في 01 جوان 1998، المعدل والمتمم بموجب القانون العضوي 11-22 الممضي في 09 جوان 2022، والمتعلق بتنظيم مجلس الدولة وسيره واختصاصاته، الجريدة الرسمية عدد: 41، المؤرخة في 16 جوان 2022.

The second axis: the qualitative jurisdiction of the administrative courts of appeal

Qualitative jurisdiction refers to the type of appeals that a specific judicial authority has jurisdiction to adjudicate, according to what is determined by the law. The qualitative jurisdiction of the administrative courts of appeal is considered part of public order, according to what was stated in the text of Article 900 bis 4 within Law 13-22, and it is up to the judge to raise it on his own in the anyone familiar with Law 13-22 notes that the Administrative Courts of Appeal have been given the jurisdiction to adjudicate appeals against judgments and orders issued by administrative courts in the first instance, while the Administrative Court of Appeal at the level of Algiers - without the five administrative courts of appeal - has jurisdiction: adjudicating in the first instance cases in cases of annulment, interpretation and assessment of the legality of administrative decisions issued by the central administrative authorities and national public bodies and national professional organizations, and assigned to the administrative courts of appeal - in addition to the above - the competence to settle the conflict of jurisdiction between two administrative courts belonging to the same regional jurisdiction of the Administrative Court of Appeal

1. Administrative Courts of Appeal as a second degree of litigation

Given the backgrounds that preceded the establishment of administrative courts of appeal, and the repercussions produced by practice ; There has been an urgent need to rehabilitate the State Council as a cassation body in the first place, and this can only be achieved by establishing administrative judicial bodies that exercise the role of the second degree for litigation in administrative matter

The constitutional amendment of 2020 announced the establishment of administrative courts of appeal, so that they would be a second degree for litigation in administrative matters. That is : “ The institutions and bodies whose legal system has been amended or canceled in this constitution shall continue to perform their duties until they are replaced by new institutions within a **maximum period of one year** from the date of publication of this constitution in the Official Gazette.”

Although the administrative courts of appeal were stipulated among a number of laws before the amendment of the Civil and Administrative Procedures Law, which led some to consider that these laws formed a legislative basis for the administrative courts of appeal similar to Order 21-01¹ related to the election system. When it stipulated that rulings issued by administrative courts in the electoral matter could be appealed under Articles 9/129, 183/5, 186/5 thereof, as well as Law 22-07² which includes the judicial division within Article 2 of it³ We see

¹ -الأمر 01-21 الممضي في 10 مارس 2021، يتضمن القانون العضوي المتعلق بنظام الانتخابات، الجريدة الرسمية عدد: 17، المؤرخة في 10 مارس 2021.

² - القانون 07-22 الممضي في 05 ماي 2022، يتضمن التقسيم القضائي، الجريدة الرسمية عدد: 32، المؤرخة في 14 ماي 2022.

³ - فاطمة الزهراء الفاسي، المحاكم الإدارية للاستئناف في الجزائر - الأسس والآثار- مجلة الدراسات القانونية المقارنة، المجلد 09، العدد 01، 2023، ص

that Ordinance 21-01 subjecting administrative courts to appeal came incidentally within the scope of electoral disputes, just as Law 22-07, which includes judicial division, stipulated within Article 08 of it the creation of 06 administrative courts of appeal specifying their locations, and Law 22-13 was the first A law that includes a precise definition of its qualitative jurisdiction, making it the law that constitutes the legislative basis for the administrative courts of appeal

Accordingly, the Administrative Courts of Appeal were among the most important stations within Law 22-13, amending and supplementing Law 08-09, which includes the Civil and Administrative Procedures Law, and articles 900 bis to 900 bis 9 were allocated to them. In addition to other separate articles and perhaps their main competence is what they stipulated the Article 900 bis / 01:

“The Administrative Court of Appeal is competent to decide on appeals against judgments and orders issued by administrative courts...”

From the foregoing, it is clear that the administrative courts of appeal are basically intended to be the second degree of litigation at the level of the administrative judiciary hierarchy, as judgments and orders issued in the first instance by the administrative courts are appealed. Thus, matters will return to normal, and the principle of litigation on two levels will be embodied in the administrative matter, and the burden will be reduced on the State Council until it devotes itself to performing its duties as a court of law

In addition to the role to be played by the administrative courts of appeal as a second degree of litigation in the administrative matter; Where the appeal has the effect of transferring the dispute according to what was stated in the text of Article 900 bis 2 within Law 22-13, according to the same article, the appeal is a stop to the implementation of the ruling; As for the transferring effect of the dispute, it is the main result of the practice of appealing by appeal, according to which the same dispute that was decided by the Administrative Court is re-presented before the Administrative Court of Appeal to re-adjudicate it in turn

What is new within the scope of Article 900 bis 2, which was added by Law 22-13, is the effect of stopping the execution of the sentence. Article 908 of Law 08-09 stipulated that “ **An appeal to the State Council has no stopping effect**”

This means that the rulings and verdicts issued by the administrative courts in the first instance were subject to execution, and appeal against them by appeal does not stop their implementation, and the opposition is considered the only way of appeal that has an effect suspending implementation within the scope of judgments in absentia according to Article 955 of Law 08-09, and as a result, the executive nature of the preliminary rulings was different. The general principles that make the verdict subject to review under appeal enforceable with the results it yields, and the person with the capacity and interest, if he wanted to avoid the results of the implementation of the primary judgment, had to request a stay of its implementation before the

State Council , so that the latter could decide on it by acceptance or rejection (Articles 913- 914). As a result: the two previous articles are repealed by virtue of Article 14 of Law 22-13

The legislator did well when he enshrined this approach that responds to the legal logic, by making the appeal a stand for the execution of the ruling ; As a result, judicial rulings within the scope of the administrative article became enforceable when they became final, whether by the issuance of the final ruling by the Administrative Court of Appeal as a general rule or by the Council of State - in the field in which the role of the appellate body is exercised - or by missing the deadlines for appeal without exercising it by those with capacity and interest

As for the appointment of the heads of the administrative courts of appeal, as well as the governors of the state and the beginning of their actual exercise of their competencies, on June 02, 2022, the heads and governors of the state were appointed to the administrative courts of appeal at the level of the headquarters of the State Council

On this context, the President of the State Council delivered a speech in which she emphasized the keenness of the Minister of Justice to implement the instructions of the President of the Republic, especially those related to the embodiment of litigation on two levels and the establishment of administrative courts of appeal to complete the hierarchy of the administrative judiciary, similar to the ordinary judiciary, which allows the State Council to exercise and regain its constitutional powers. Completely, within the framework of evaluating the work of the administrative judicial bodies, and in order to ensure that the administration is closer to the citizen, six administrative courts of appeal have been installed in each of the following: Algeria, Tamanrasset, Oran, Constantine, Ouargla and Bechar

With regard to the actual beginning of the practice of administrative courts of appeal for their role as a second degree of litigation in administrative matters, it was somewhat delayed , as the Council of State issued a statement announcing that the registration of appeals against judgments and orders issued by administrative courts affiliated to the Administrative Court of Appeal of Algiers will start from 11/04/ 2023 instead of the State Council, as for the Administrative Court of Appeal in Constantine , as well as the Administrative Court of Appeal in Oran, it will start from April 16 , 2023 , and as for the Administrative Court of Appeal in Bechar, it was set on 04/19/2023

Regarding the administrative courts of appeal at the level of each of the districts of Tamanrasset and Ouargla, any announcement has been made today about the beginning of their exercise of their competencies, which makes the State Council continue in a transitional capacity to adjudicate appeals in judgments issued by administrative courts that fall within the scope of its jurisdiction. It is clear that the beginning of the administrative courts of appeal in the actual exercise of their jurisdiction, in which priority was taken into account in view of the specificity of their territorial extension and the extent of the abundance and importance of the disputes filed until the announcement of the registration of the appeal before the administrative courts of appeal for each of Ouargla and Tamanrasset.

2. The Administrative Court of Appeal in Algiers as a first instance for litigation

If the Administrative Courts of Appeal are considered a second part in the hierarchy of administrative judiciary as previously referred to Law No. 22-13 amending Law No. 08-09 that includes the Code of Civil and Administrative Procedures singled out the Administrative Court of Appeal at the capital level for another role, and assigned it jurisdiction, for example. Exclusivity compared to the other five administrative courts of appeal, according to Article 900 bis / 3, which states : “ ...the Administrative Court of Appeal of Algeria is competent to adjudicate, as a **first instance**, cases of annulment, interpretation, and assessment of the legality of administrative decisions issued by central administrative authorities, national public bodies, and national professional organizations”.

The first observation in this regard is that the legislator wanted the State Council to recover its original role as a court of law and embodied this approach by assigning lawsuits for annulment, interpretation and assessment of the legality of administrative decisions issued by central administrative authorities, national public bodies and national professional organizations to the jurisdiction of the Administrative Court of Appeal at the capital level, but as a first instance and by granting the jurisdiction that the Council of State used to exercise as a first and last degree before amending the Civil and Administrative Procedure Code to the Administrative Court of Appeal in Algeria, it still exercises the role of the trial court in its regard. The fact that the decisions issued by the Administrative Court of Appeal in Algeria within the scope of this jurisdiction are subject to appeal by appealing before the Council of State, and this is confirmed by Article 902 after its amendment under Law 22-13.

From the above, we can point out two important issues:

The first : With regard to the primary jurisdiction of the Administrative Court of Appeal in Algeria, the same problem that occurred before the 2022 amendment is still present, represented in assigning a judicial jurisdiction that does not take into account or respond to the qualitative jurisdiction of the judicial body and its specificities. And assessing the legality of administrative decisions issued by the central administrative authorities, national public bodies and national professional organizations, although the Council of State is not a court of subject matter or facts in terms of origin , the same jurisdiction has been reassigned to the Administrative Court of Appeal in Algiers , although it is a second degree of litigation in terms of origin, Its regional jurisdiction extends to a huge number of states, which makes it a destination for a significant number of appeals against all initial judgments and orders issued by administrative courts that belong to its regional jurisdiction, which constitutes tremendous pressure in the scope of its absorption of all these appeals.

In view of the foregoing, the question arises, why was this jurisdiction not granted to the Administrative Court (elementary) at the capital level ? And if the latter is unable to adjudicate the huge number of appeals that are expected to be filed before it, why not create other administrative courts of first instance, at least at the level of the capital, given the presence of

central administrative authorities, national public bodies, and national professional organizations in their geographical scope?

It is inconceivable that the judges of the administrative courts of first instance are unable to adjudicate cases that focus on administrative decisions, regardless of the authority issuing them, as long as the only decisive factor in the exercise of their jurisdiction is the application of the law only.

Second : With regard to the extent of the possibility of cassation before the State Council, the positive that this amendment achieved is the possibility of appealing judicial decisions issued by the Administrative Court of Appeal in Algeria before the State Council, but the problem is that the State Council will remain a subject judge within the scope of this jurisdiction and will be of a second degree. As an appeal, he will inevitably reject the appeal in cassation in the judicial decisions that he will issue as an appeal, and thus the litigant will be deprived of his right to appeal in cassation. Central, national public bodies and national professional organizations are under the jurisdiction of the Administrative Court of First Instance in Algeria or any other administrative court of first instance that is created at the level of the capital - by analogy with the courts of first instance within the scope of the ordinary judiciary - this problem will be resolved, and the appellant can exercise his right to judicial appeal, whether according to the methods of appeal Ordinary or extraordinary, in addition to the stability that this will achieve in the scope of the qualitative jurisdiction of each judicial authority, taking into account its specificity and type within the hierarchy of the administrative judiciary.

3. Administrative Courts of Appeal as a decisive part in the conflict of jurisdiction

Conflict in jurisdiction between administrative courts is expected to happen, and Article 808 of Law 08-09 stipulates that the State Council is competent to settle jurisdictional conflicts between two administrative courts, while the resolution of jurisdictional conflicts between an administrative court and the State Council reverts to the jurisdiction of the latter with all its chambers. Taken together, and with the issuance of Law 13-22, the competence of the State Council in the field of conflict of jurisdiction was relatively reduced at the level of the same judicial hierarchy, as Article 808/1 within Law 13-22 stated : “ The settlement of jurisdictional conflicts is between two administrative courts affiliated to the jurisdiction of the same administrative court.” To appeal to the chief of the latter...”

This means that the conflict of jurisdiction between two administrative courts belonging to the regional jurisdiction of the same administrative court of appeal devolves on the president of this administrative court of appeal, after it was previously within the jurisdiction of the State Council. Given that they are of the same judicial degree, which excludes the conflict of jurisdiction to be qualitative.

As stipulated in Article 808 in its second paragraph: “ Resolving a conflict of jurisdiction between two administrative courts under the jurisdiction of two administrative courts of appeal

shall be transferred to the President of the State Council... ..” It is noted in this context that the conflict of jurisdiction is between two administrative courts of first instance, but the source of the dispute is between the first and second paragraphs, that in the second case, the conflict of jurisdiction is between two administrative courts under the jurisdiction of two administrative courts of appeal.

Here the question arises about the feasibility of entrusting the issue of adjudicating the conflict of jurisdiction to the President of the State Council?, as long as the same issue can be decided by the President of the Administrative Court of Appeal, and accordingly we see that it is possible to assign the decision in the conflict of jurisdiction to the President of one of the two Administrative Courts of Appeal by adopting a specific criterion, based on an example of the president of the Administrative Court of Appeal that is geographically closest to the headquarters of the two conflicting administrative courts of first instance, and this is within the framework of easing the burden on the State Council, as it is competent in its role in adjudicating the conflict of jurisdiction within the scope of what is stipulated in Article 808 in its third and fourth paragraphs.

It is worth noting that Law 22-13 followed the same approach as what was prevalent under Law 08-09, as it did not address the various procedures and deadlines related to the case of conflict of jurisdiction within the hierarchy of the administrative judiciary, i.e. between the administrative judicial authorities¹, which makes the issue of conflict of jurisdiction Between the administrative judiciary is vague and ambiguous under the Civil and Administrative Procedures Law, and the problem arises at the practical level about how to deal with it realistically.

Third axis : the territorial jurisdiction of the administrative courts of appeal

By regional jurisdiction, we mean the competence of a specific judicial authority to adjudicate appeals filed before it within the geographical scope specified for it by law. Regional jurisdiction within the scope of administrative courts of appeal is characterized by the fact that it is part of public order, as stipulated in Article 900 bis 4 within Law 22-13.

The administrative judicial division was stipulated in accordance with Law 07-22 of May 05 , 2022, which includes the judicial division, as it was stated in the text of Article 08 of it, “ Six (6) administrative courts of appeal located in Algeria, Oran, Constantine , Ouargla , Tamanrasset and Bechar.

From the foregoing, it is noted that the legislator tried to distribute the administrative courts of appeal at the level of the major states, taking into account their distribution at the level of geographical space in a way that ensures bringing justice closer to the citizen, in contrast to what was prevalent when appeals in matters issued by administrative courts were within the jurisdiction of the State Council.

¹ - رشيد خلوفي، قانون المنازعات الإدارية، الجزء الأول: تنظيم واختصاص القضاء الإداري، الطبعة الثانية، ديوان المطبوعات الجامعية، الجزائر 2013، ص 251.

As for the jurisdictional circuits of the Administrative Courts of Appeal, Law 22-07, pursuant to Article 10 of it, referred them to regulation, and Executive Decree 22-435¹ of December 11, 2022 was issued specifying the regional jurisdictional chambers of the Administrative Courts of Appeal and Administrative Courts. In addition to increasing the number of administrative courts to 58, according to Article 03 thereof, the first appendix includes the regional jurisdiction circuits of administrative courts as follows :

- **Administrative Court of Appeal in Algiers:** The administrative courts of the jurisdiction of each of Algiers, Blida, Bouira, Tizi Ouzou, djelfa Medea , Msila, Boumerdes Tipaza, Ain Defla.
- **Administrative Court of Appeal in Oran :** The administrative courts of its jurisdiction are represented in Oran, Tlemcen, Tiaret, Saida, Sidi Bel Abbes, Mostaganem, Mascara, El Bayad, Tissemsilt, Ain Témouchent, Relizan, et Chlef .
- **Administrative Court of Appeal in Constantine :** The administrative courts affiliated to their jurisdiction are represented by Constantine , Oum El Bouaghi, Batna, Béjaia, Setif, Skikda, Annaba, Guelma, Bordj Bou Arreridj, El Tarf, Souk Ahras, Mila, Tébessa, and Khenchla.
- **Administrative Court of Appeal in Ouargla :** The administrative courts of the jurisdiction of Ouargla, Ghardaia, Laghouat, El Oued, Biskra, Oulad Djellal, Illizi, Touggourt, Djanet, El M'Ghair, and El Menia.
- **Administrative Court of Appeal in Tamanrasset:** : The administrative courts of its jurisdiction are represented by Tamanrasset, In Salah, and In Guezzam.
- **Administrative Court of Appeal in Bechar:** The administrative courts of the jurisdiction of each of Bechar, Adrar, Tindouf, Naama, Timimoun, Bordj Badji Mokhtar, and Beni Abbas.

From the foregoing , and regardless of the results of the administrative division which affected the judicial division in terms of the generalization of judicial councils to all districts according to what was stipulated in Article 03 of Law 07-22 that includes the judicial division, as well as the generalization of administrative courts to all states according to Article 03 of Executive Decree 22 -435 specified for the regional jurisdiction of the administrative courts of appeal and administrative courts. It is noted that the legislator established 06 administrative courts of appeal, which is a reasonable number under the current circumstances. It is a frequent approach in establishing judicial authorities in all countries of the world. For example, within the scope of the administrative judiciary in Algeria, 31 administrative courts were established at the beginning, then their number was increased to 48 courts, and then they were circulated to all districts in line with the last administrative division, bringing their number to 58 administrative courts.

¹ - المرسوم التنفيذي 22-435 ماضي في 11 ديسمبر 2022، يحدد دوائر الاختصاص الإقليمي للمحاكم الإدارية للإستئناف والمحاكم الإدارية، الجريدة الرسمية عدد: 84 ، المؤرخة في 14 ديسمبر 2022.

It is natural for the beginning to be with a certain number that is acceptable and reasonable, and responds to the capabilities that the state can embody, since the establishment of new judicial bodies requires the availability of the human side of judges and assistants, as well as the material side of headquarters, equipment and financial funds . It is expected that their number will gradually increase if the necessary capabilities are available.

We can say that this step towards the establishment of administrative courts of appeal, regardless of their number, is considered a positive step in the scope of reducing the burden on the State Council and bringing justice closer to the citizen, and it is expected that their number will gradually increase in the future as required by legal logic and practical reality.

• **Conclusion**

At the end of this study, we found that the establishment of administrative courts of appeal under the constitutional amendment 2020, which was supplemented by Law 22-07 that includes the judicial division, as well as Law 22-13 amending and supplementing Law 08-09 that includes the Code of Civil and Administrative Procedures , according to which many advantages have been achieved , the most important are worth to mention:

-Embodying the principle of litigation on two levels at the level of the administrative judiciary hierarchy, through the creation of judicial bodies that are considered a second level for litigation in administrative matters.

-The establishment of administrative courts of appeal had a great impact on the rights of litigants to practice ordinary and extraordinary methods of appeal , unlike what was prevalent where the jurisdiction of the State Council was to adjudicate the dispute, whether as a first or last degree, or as a second degree, preventing it from being reconsidered as a body of appeal and cassation. within the scope of the first jurisdiction, and as an impediment to its reconsideration as a cassation body within the scope of the second jurisdiction, which deprives the litigant from exercising his right to appeal.

-Rehabilitation of the State Council in the scope of its exercise of its basic role represented in evaluating the work of administrative courts of appeal, administrative courts and other parties adjudicating administrative matters, as well as ensuring the application of the law, and ensuring the unification of jurisprudence, through:

- Assigning the final preliminary jurisdiction that it used to exercise to the Administrative Court of Appeal at the level of Algiers.
- Assigning the jurisdiction that it used to exercise as an appellate body to the six administrative courts of appeal.

- Reducing the State Council in the scope of assigning jurisdiction to adjudicate a conflict of jurisdiction between two administrative courts affiliated with the regional jurisdiction of the same Administrative Court of Appeal.

- Despite the previous positives, there are some shortcomings that we believe , if they are remedied, the goal of completing the administrative judiciary pyramid will be achieved , so we suggest :

-Amending the text of Article 900 bis in its third paragraph in a manner through which : Assigning jurisdiction to adjudicate cases Cancellation, interpretation and assessment of the legality of administrative decisions issued by central administrative authorities, national public bodies and national professional organizations , to the Administrative Court of First Instance in Algiers or the creation of other administrative courts of first instance within the jurisdiction of Algiers responding to the volume of appeals expected to be filed before them, so that the rulings issued are within the scope of these lawsuits. It is subject to appeal by appeal, as well as appeal by cassation.

-Amendment of the text of Article 808 in its second paragraph in the scope of assigning the resolution of a conflict of jurisdiction between two administrative courts of first instance belonging to two administrative courts of appeal to the president of one of these latter by adopting a specific standard, and we suggest that the administrative court of appeal be the closest distance to the headquarters of the two conflicting courts of first instance.