

People's Democratic Republic of Algeria ~~1989 (reinst. 1996, rev. 2008)~~

Draft revision of the Constitution

The effective constitution text with the proposed amendments

Amendments and additions will be shown in track changes format

28 December 2015

Preamble

Share

The Algerian people is a free people, decided to remain free. Its history is dates back thousands of years in a long chain of battles which have made Algeria forever a country of freedom and dignity. Placed in the heart of the great moments which the Mediterranean has known in the course of its history, Algeria has found in its sons, from the time of the Numidian Kingdom and the epic of Islam to the colonial wars, its heralds of liberty, unity and progress at the same time as the builders of democratic and prosperous states in the periods of grandeur and of peace.

November 1, 1954 was one of the crowns of its destiny, the result of its long resistance to the aggressions directed against its culture, its values and the fundamental components of its identity which are its Islam, Arab-ness and Amazighité, each of which the state seeks to promote and develop; the first of November solidly anchored the battles waged in the glorious past of the Nation.

United in the national movement afterwards in the breast of the National Liberation Front, the Algerian people has spilled its blood in order to assume its collective destiny in the liberty and recovered cultural identity and to endow itself with authentically popular institutions.

Crowning the people's-war by an independence paid for with the sacrifices of its best children, the Algerian people, under the leadership of the National Liberation Front and the National Liberation Army restores finally, in all its fullness, a modern and sovereign State.

Its faith in the collective choices has permitted its people to achieve decisive victories, marked by the recovery of national riches and the construction of a State for its exclusive service, exercising its powers in all independence and security against external pressure.

However, the Algerian people faced a real national tragedy which exposed the survival of the nation to risk. But thanks to its solid faith and commitment to its unity, the Algerian people decided to implement, with full sovereignty, and is determined to maintain a national peace and reconciliation policy that has given its fruits.

The people is determined to keep Algeria away from sedition, violence and all sorts of extremism, through the consolidation of its spiritual and civilized values, which call for dialogue, reconciliation and fraternity, while respecting the Constitution and the laws of the Republic.

Having always fought for freedom and democracy and while sticking to its national sovereignty and independence, the people intends, by this Constitution, to endow itself with institutions based on the participation of citizens in the conduct of public affairs and which realize social justice, equality and liberty of each and all, within the framework of a democratic republican state.

In approving this Constitution, the work of its own genius, reflection of its aspirations, fruit of its determination and product of profound social mutations, the people expresses and consecrates more solemnly than ever the primacy of law.

The Constitution is, above all, It is the fundamental law which guarantees the rights and the individual and collective liberties, protects the rule of free choice of the people and confers legitimacy on the exercise of powers. ~~It helps to assure the juridical protection and the control of action by the public powers in a society in which legality reigns and permits the development of man in all dimensions and establishes the democratic transition of government through free and fair elections.~~

The Constitution shall assure the separation of powers, independence of the judiciary, juridical protection and the control over the work of public authorities in a society in which legality reigns and permits the development of man in all dimensions.

The Algerian people shall remain sticking to its alternatives in order to reduce social inequalities, eliminate regional disparities and work to build a productive and competitive economy within the framework of sustainable development and protection of environment.

The youth shall be at the heart of national commitment to overcoming the economic, social and cultural challenges, and will remain supporting future generations, the main beneficiary of this commitment.

Strong in its spiritual values, deeply ingrained, and its traditions of solidarity and justice, the people is confident of its capacities to work fully for the cultural, social and economic progress of the world, today and tomorrow.

Algeria, land of Islam, integral part of the Great Maghreb Arab country, Mediterranean and African, is honored by the radiance of its Revolution of November 1 and the respect which the country has sought to achieve and preserve by reason of its commitment to all the just causes of the world.

The pride of the people, its sacrifices, its sense of responsibilities, its ancestral attachment to liberty and social justice are the best guarantees of the respect for the principles of this Constitution which it adopts and passes on to future generations, the worthy inheritors of the pioneers and the builders of a free society.

This preamble shall be an integral part of this Constitution.

TITLE I. THE GENERAL PRINCIPLES GOVERNING THE ALGERIAN SOCIETY

CHAPTER I. ALGERIA

Share

Article 1

Share

Algeria shall be a Democratic and People's Republic. It shall be one and indivisible.

Article 2

Share

Islam shall be the religion of the State.

Article 3

Share

Arabic shall be the national and official language.

Arabic shall remain the official language of the state.

A supreme council of Arabic language shall be created at the office of the President of the Republic.

The Supreme Council of the Arabic language shall, in particular, work on the prosperity of the Arabic language, mainstreaming its use in scientific and technological fields and encouraging translation into Arabic for this purpose.

Article 3bis

Share

Tamazight is also a national and official language.

The State shall work for its promotion and its development in all its linguistic varieties in use throughout the national territory.

An Algerian academy of Tamazight language shall be created at the office of the President of the Republic.

The Academy shall be based on the experts work and shall ensure the necessary requirements to promote the Tamazight language in order to be established as an official language at a later stage.

The implementation instructions of this Article shall be defined by virtue of an organic law.

Article 4

Share

The capital of the Republic shall be Algiers.

Article 5

Share

The national emblem and the national anthem are achievements of the Revolution of November 1, 1954. They shall be unalterable.

These two symbols of the Revolution, having become those of the Republic, shall have the following characteristics:

1. ~~1.~~ The national emblem shall be green and white with a star and a crescent moon placed at the centre.
2. ~~2.~~ The national anthem shall be “Quassaman” with all its verses.

The seal of the state shall be defined in a law.

CHAPTER II. THE PEOPLE

Share

Article 6

Share

The people shall be the source of all authority. National sovereignty shall vest exclusively in the people.

Article 7

Share

The constituent power shall belong to the people.

The people shall exercise its sovereignty also through the institutions which it shall establish.

The people shall exercise its sovereignty also by means of the referendum and through elected representatives.

The President of the Republic may have direct recourse to the expression of the will of the people.

Article 8

Share

The people shall establish institutions which have as their objective:

- the safeguarding and the consolidation of national sovereignty and independence;
- the safeguarding and consolidation of national identity and national unity;
- the protection of fundamental rights and the social and cultural development of the Nation;
- the suppression and promotion of social justice;
- the elimination of man-by-man, regional disparities;
- encourage the development of an economy that values all natural, human and scientific capabilities of the nation;
- the protection of the national economy against all forms of embezzlement ~~or~~, misappropriation, bribery, illegal trade, abuse, hoarding or illegal confiscation.

Article 9

Share

The institutions shall not indulge in:

- feudal, regionalist and nepotistic ic practices;
- the establishments of relations of exploitation and bonds of dependency;
- practices contrary to Islamic morals and the values of the November Revolution.

Article 10

Share

The people shall choose their representatives freely.

The representation of the people shall have no other limits than those specified in the Constitution and the electoral law.

CHAPTER III. THE STATE

Share

Article 11

Share

The State derives its legitimacy and its existence from the will of the people. Its motto shall be: "By the People and for the People."

It shall be at the exclusive service of the People.

Article 12

[Share](#)

The sovereignty of the State shall extend to its territory, its air space and its waters.

The State shall also exercise its sovereign right established by international law over each of its different zones of maritime space which belong to it.

Article 13

[Share](#)

In no case may it abandon or alienate a part of the national territory.

Article 14

[Share](#)

The State shall be founded on the principles of democratic organization, [separation of powers](#) and social justice.

The elected assembly shall constitute the framework within which the will of the people and the control of the action of the public powers shall be exercised.

[The democratic state shall promote participation at the local communities levels.](#)

Article 15

[Share](#)

The territorial communities are the commune and the wilaya. The commune is the basic community.

Article 16

[Share](#)

The elected assembly shall constitute the basis of decentralization and the place for participation of the citizens in the conduct of public affairs.

Article 17

Share

Public property shall be an asset of the national community.

It shall encompass the subsoil, the mines and quarries, the sources of natural energy, the mineral, natural and living resources of the different zones, the national maritime zone, the waters and the forests.

In addition, it shall be established with respect to railroad, maritime and air transports, the posts and telecommunications, as well as all other assets specified by an Act of Parliament.

Article 1817 (bis)

Share

The state shall ensure the rationalized utilization and maintenance of natural resources for the benefit of future generations.

The state shall protect the farmers' lands.

The state shall also protect the public property related to water.

The modalities of implementing this Article shall be defined by the law.

Article 18

The national domain shall be defined by Act of Parliament.

It shall comprise the public and private domains of the State, the wilaya and the commune.

The management of the national domain shall be carried out in conformity with ~~statute~~the law.

Article 19

Share

The organization of external trade shall fall within the competence of the State.

An Act of Parliament shall determine the conditions of the exercise and control of foreign trade.

Article 20

Share

Expropriation cannot be undertaken except within the framework of an Act of Parliament.

It shall give rise to ~~prior~~, just and equitable compensation.

Article 21

Share

The functions and assignments in State service institutions shall not constitute a source of enrichment or a means to serve private interests.

Each person appointed in a higher position in the state or elected to a local council, or elected or appointed to a national council or national commission shall have to declare their possessions at the beginning of the job or custody and by its end.

The modalities of implementing this Article shall be defined by the law.

Article 22

Share

The abuse of authority shall be punished by ~~statute~~the law.

Article 23

Share

The impartiality of the administration shall be guaranteed by ~~statute~~the law.

Article 24

Share

The State shall be responsible for the security of persons and possessions. It shall ensure the protection abroad of every citizen.

Article ~~25~~24 (bis)

Share

The State shall protect the rights and interests of citizens abroad, while respecting the international law and the agreements concluded with the host

countries as well as the national legislation of the countries of the host countries.

The State shall ensure the preservation of the identity of the citizens living abroad, strengthen their ties with the nation and mobilize their contributions to the development of their country of origin.

Article 25

The consolidation and the development of the potential for the defense of the Nation shall have its organizational focus in the National People's Army.

The National People's Army shall have the permanent mission to safeguard national independence and the defense of national sovereignty.

It is charged to ensure the defense of the unity and territorial integrity of the country, as well as the protection of the territory, its air space and the different zones of its maritime zone.

Article 26

Share

Algeria shall not resort to war to attack the legitimate sovereignty and the liberty of other peoples.

It shall endeavor to settle international differences by peaceful means.

Article 27

Share

Algeria shall extend its solidarity to all peoples who are fighting for political and economic liberation, for the right of self-determination and against all racial discrimination.

Article 28

Share

Algeria shall work for the reinforcement of international cooperation and for the development of amicable relations between the states on the basis of equality, mutual interest and noninterference in internal affairs. It recognizes the principles and objectives of the Charter of the United Nations.

CHAPTER IV. ~~CONCERNING~~ THE RIGHTS AND LIBERTIES

Share

Article 29

Share

The citizens shall be equal before the law without any discrimination on the basis of birth, race, gender, opinion or any other personal or social condition or circumstances.

Article 30

Share

Algerian citizenship shall be defined in an Act of Parliament.

The conditions for the acquisition, retention, loss and revocation of Algerian citizenship shall be determined by ~~statute~~the law.

Article 31

Share

The institutions shall seek to ensure the equality of rights and duties of all citizens in suppressing the obstacles which obstruct the development of the human personality and impede the effective participation of all in the political, economic, social and cultural life.

Article 31bis

Share

The State shall work for the promotion of political rights of women by increasing their chances of access to representation in elected assemblies.

The modalities of application of this Article shall be determined by an Institutional Act.

Article ~~32~~31 (bis 2)

Share

The State shall work to promote gender equity in the labor market.

The State shall encourage the promotion of women in senior posts in public agencies and departments and at the level of institutions.

Article 31 (bis 3)

The youth are a lively force in building the homeland.

The State shall ensure the provision of all requirements needed for developing and enhancing the youth capacities.

Article 32

The fundamental liberties and the rights of man and of the citizen shall be guaranteed.

They shall constitute the common heritage of all Algerians, who have the task of transmitting it from generation to generation in its integrity and inviolability.

Article 33

Share

The individual and collective defense of the fundamental Rights of Man and of individual and collective liberties shall be guaranteed.

Article 34

Share

The State shall guarantee the inviolability of the human person.

Any form of physical or moral violence or infringement of dignity shall be prohibited.

Cruel, inhuman or degrading treatment shall be suppressed by the law.

Article 35

Share

The infringements of rights and liberties as well as any physical or moral attacks on the integrity of the human person shall be punished by statutethe law.

Article 36

Share

The freedom of conscience and the freedom of opinion shall be inviolable.

The free exercise of worship shall be guaranteed under the respect of law.

Article 37

Share

The freedom of investment and commerce ~~and of industry~~ shall be guaranteed. ~~It~~ and shall be exercised within the ~~statutory~~ framework of the law.

The State shall improve the business environment, encourage without discrimination the development of enterprises to the benefit of national economic development.

The State shall ensure the protection of the market. The law shall protect the consumer rights.

The law shall prohibit any monopoly and/or unfair competition.

Article 38

Share

The freedom of intellectual, artistic and scientific creativity shall be guaranteed to the citizen.

The rights of authorship shall be protected by ~~statute~~ the law.

The seizure of any publication, recording or other means of communication and information may only be carried out on the basis of a judicial warrant.

Academic and research freedoms shall be guaranteed and exercised within the framework of the law.

The State shall promote and value scientific research to support the sustainable development of the nation.

Article 38 (bis)

The citizens' right to culture shall be guaranteed.

The State shall protect and maintain the national, tangible and intangible cultural heritage.

Article 39

Share

The private life and the honor of the citizen shall be inviolable and protected by ~~statute~~the law.

The secrecy of correspondence and private communications, in all their forms, shall be guaranteed.

These rights may not be compromised without a justified order by the judiciary. The law shall punish the violation of this provision.

The protection of natural persons while processing personal data is a fundamental right guaranteed by the law and its violation is punishable.

Article 40

Share

The State shall guarantee the inviolability of the domicile.

No search can be made, except on the basis of a ~~statute~~law and in conformity with its provisions.

A search may only be carried out on the basis of a warrant from the competent judicial authority.

Article 41

Share

The freedoms of expression, association and assembly shall be guaranteed to the citizen.

Article 41 (bis)

Freedom of peaceful demonstration shall be guaranteed to citizens within the framework of the law which shall establish how this right can be exercised.

Article 41 (bis 2)

Freedom of printed and audio-visual press and through the media networks shall be guaranteed and may not be restricted by any form of prior control.

This freedom may not be used to prejudice other citizens' dignity, rights and liberties.

Unrestricted publication of information, ideas, pictures and opinions shall be guaranteed within the framework of the law with the respect of the nation's principles and religious, ethical and cultural values.

Press offenses may not be subject to liberty deprivation punishments.

Article 41 (bis 3)

Acquisition and transfer of information, documents and statistics shall be guaranteed to the citizens.

Exercising this right may not prejudice the others' private life, their rights, legal contractual interests, and national security requirements.

The law shall establish the modalities of exercising this right.

Article 42

Share

The right to establish political parties shall be recognized and guaranteed.

However, this right may not be invoked in order to undermine fundamental liberties, the values and main elements of national identity, national unity, the security and integrity of the national territory, the independence of the country and the sovereignty of the people or the democratic and republican character of the State.

In accordance with the provisions of the present Constitution political parties may not be founded on a religious, linguistic, racial, sexual, corporatist or regional basis.

Political parties may not have recourse to party political propaganda using the elements referred to in the previous paragraph.

Any submission of political parties, under whatever form, to foreign interests or parties shall be forbidden.

No political party may resort to violence or constraint, of whatever nature or form.

Other obligations and duties shall be determined by ~~statute~~an organic law.

Article 42 (bis)

Accredited political parties shall indiscriminately benefit, while respecting the provisions of Article 42 above, from the following rights in particular:

- Freedom of opinion, expression and association;
- Time span in the state media proportionate to its representation at the national level;
- Public funding, where appropriate, linked to their representation in the parliament, as established by the law;
- Exercising power at the local and national levels through democratic transfer of power within the framework of this Constitution

The law shall establish the manner in which these provisions are implemented.

Article 43

Share

The right to form associations shall be guaranteed by ~~statute~~the law.

The State shall encourage the flourishing of the associative movement.

~~Statute shall determine the~~The conditions and ~~the~~ modalities pertaining to the creation of associations shall be determined by an organic law.

Article 44

Share

Every citizen enjoying all civil and political rights shall have the right to choose freely the place of residence and to move about on the national territory.

The right of entry and exit from the national territory shall be guaranteed.

These rights may only be restricted for a limited time and by virtue of a justified decision by the judiciary.

Article 45

Share

Every person shall be presumed ~~to be~~ innocent until he or she has been found guilty by a regular court ~~in accordance with all~~ through a due process ensuring the necessary guarantees required by statute for his/her defense.

Article 45 (bis)

Needy persons shall have the right to legal assistance. The law shall define the conditions of applying this provision.

Article 46

Share

No one may be considered guilty except by virtue of a ~~statute~~ law duly promulgated before the commission of the incriminating act.

Article 47

Share

No one may be pursued, arrested or detained except ~~in~~ under the ~~cases~~ conditions determined by statute and in accordance with the forms prescribed by it.

Temporary detention is an exceptional measure and its causes, duration and renewal terms shall be determined by the law.

The law shall punish the acts and exercises of arbitrary detention.

Article 48

Share

In the case of a criminal investigation detention shall be subject to judicial control and may not exceed forty-eight hours.

The person detained shall have the right to get in touch with his family immediately.

The person detained shall be notified of their right to seek legal assistance. The judge may limit the exercise of this right under exceptional circumstances to be stated by the law.

An extension of the detention may take place only exceptionally and in accordance with the conditions specified by ~~statute~~the law.

At the end of the detention a medical examination shall be performed on the detained person if the latter so requests; in any case he or she has to be informed of this right.

Medical examination shall be obligatory for the minors.

The law shall define the modalities of implementing this article.

Article 49

Share

Judicial error shall give rise to compensation by the State.

The statute shall determine the conditions and modalities of the compensation.

Article 50

Share

Every citizen meeting the legal requirements shall have the right to vote and to be elected.

Article 51

Share

Equal access to functions and employment in the State shall be guaranteed to all citizens, without conditions other than those established by ~~statute~~the law.

Enjoying the Algerian nationality exclusively shall be a precondition to assume senior responsibilities in the state and political positions.

Article 52

Share

Private property shall be guaranteed.

The right of inheritance shall be guaranteed.

The holdings of the religious (wakf) and other foundations shall be recognized. Their use for the established purposes shall be protected by ~~statute~~the law.

Article 53

Share

The right to education shall be guaranteed. ~~Instruction~~

Public education shall be free within the conditions fixed by ~~statute~~the law.

Primary education shall be compulsory.

The State shall organize the national educational system.

The State shall protect equal access to schooling and professional training.

Article 54

Share

All citizens shall have the right to ~~the protection of their health~~healthcare.

The State shall ensure the prevention from and ~~the~~ fight against epidemic and endemic illnesses.

The State shall ensure the provision of treatment for indigent persons.

Article 54 (bis)

The State shall encourage the construction of houses.

The State shall facilitate the access of disadvantaged groups to housing.

Article 54 (bis 2)

Citizens shall have the right to a healthy environment.

The State shall work to maintain the environment.

The law shall define the environment protection duties of natural and legal persons.

Article 55

Share

All citizens shall have the right to work.

The right to protection, security and hygiene at work shall be guaranteed by ~~statute~~the law.

The right to rest shall be guaranteed. Statute shall determine the modalities of its exercise.

The law shall guarantee the worker's right to social security.

Employment of children under the age of 16 is punishable by law.

The State shall promote apprenticeship and develop policies to assist in the creation of jobs.

Article 56

Share

The right to establish trade unions shall be recognized for all citizens.

Article 57

Share

The right to strike shall be recognized. It shall be exercised within the framework established by ~~statute~~the law.

The law may prohibit or restrict the exercise of the right to strike in the fields of national defense and security, or for services and public activities which are of vital interest to the community.

Article 58

Share

The family shall enjoy the protection of the State and of the society.

The family, the society and the State shall protect the rights of the child.

The State shall care for abandoned children or those of of unknown parentage.

The law prohibits violence against children.

The State shall facilitate the access of vulnerable people with special needs to the rights granted for all citizens, and their integration in social life.

The State shall protect the family and the elderly people.

The law defines the conditions and modalities of implementing these provisions.

Article 59

Share

The living conditions of the citizens who cannot yet work or can no longer or never again work shall be guaranteed.

CHAPTER V. THE DUTIES

Share

Article 60

Share

~~No one is excused as a result of ignorance~~ Ignorance of the law is no excuse.

Every person is under a duty to respect the Constitution and to conform to the laws of the Republic.

Article 61

Share

Every citizen has the duty to protect and safeguard the independence of the country, its sovereignty and the integrity of its national territory, as well as all the attributes of the State.

Treason, espionage, defection to the enemy, as well as all infractions committed against the security of the State shall be punished with all the rigor of the law.

Article 62

Share

Every citizen must loyally discharge his obligations toward the national community.

The dedication of the citizen to his fatherland and the obligation to contribute to its defense shall be sacred and permanent duties.

The State shall guarantee respect for the symbols of the Revolution, the memory of the chauhada and the dignity of their rightful claimants and of the moudjahidine.

Moreover, the State shall work for the promotion of the writing of history and its teaching to the younger generations.

Article 63

Share

All rights which a person enjoys shall be exercised in a manner which is respectful of the rights conferred by the Constitution on others, and in particular of the right to honor, to the intimacy and the protection of the family, of youth and childhood.

Article 64

Share

All citizens shall be equal with respect to taxation. Everyone must participate in the financing of public expenditure according to his or her abilities.

No tax may be levied except by virtue of a statutelaw.

No tax, contribution, excise or right of any kind may be levied with retroactive effect.

Article 65

Share

~~Statute shall uphold the rights of parents~~Any fraudulent act with regard to equality between the educationcitizens and protection of their childrenthe legal persons shall be considered as well as violation against the dutyinterests of the nation and shall be punished by the law.

The law shall punish tax evasion and smuggling of capitals.

Article 65

Parents shall have to educate their children subject to pursuit and children shall have to ~~aid and assist~~ do good to their parents and help to them.

Article 66

Share

Every citizen has the duty to protect public property and the interests of the national community and to respect the property of others.

Article 67

Share

Every foreigner who resides legally on the national territory shall enjoy for his person and his goods the protection of the law.

Article 68

Share

No one may be extradited except on the basis and application of an Extradition Act.

Article 69

Share

In no case may a political refugee who is lawfully claiming the right of asylum be handed over or extradited.

TITLE II. THE ORGANIZATION OF THE POWERS

CHAPTER I. THE EXECUTIVE POWER

Share

Article 70

Share

The President of the Republic, Head of the State, shall embody the unity of the Nation.

He shall be the guarantor of the Constitution.

He shall embody the State both within the country and abroad.

He ~~shall~~may appeal directly to the Nation.

Article 71

Share

The President of the Republic shall be elected by universal, direct and secret suffrage.

He shall be elected by an absolute majority of votes cast.

The other modalities of the presidential elections shall be determined by ~~statute~~an organic law.

Article 72

Share

The President of the Republic shall exercise the supreme authority of the State within the limits established by the Constitution.

Article 73

Share

To be eligible for the Presidency of the Republic, a candidate must:

- not have a foreign nationality
- have solely the native Algerian citizenship and prove that his/her parents have the native Algerian citizenship;
- be of Muslim faith;
- be at least forty (40) years old on election day;
- enjoy all civil and political rights;
- ~~testify to prove that his/her spouse has only~~ the native Algerian nationality ~~of;~~
- prove to be a permanent resident in Algeria only for at least ten years prior to submitting the ~~spouse;~~ candidacy;

- provide proof of his participation in the Revolution of November 1, 1954 if he was born before July 1942;
- provide proof of the non-involvement of his parents in hostile acts against the Revolution of November 1, 1954 if he was born after July 1942;
- produce a public declaration of his mobile and immobile property in Algeria as well as abroad; and
- fulfill other conditions as specified by statutean organic law.

Article 74

Share

The presidential term shall be five years.

The President of the Republic may be re-elected for once.

Article 75

Share

The President of the Republic shall take an oath before the people and in the presence of all the high officials of the Nation in the week following his election.

He shall assume his office upon taking the oath.

Article 76

Share

The President of the Republic shall take the following oath:

In the name of God, most benevolent, ever merciful

"Faithful to the supreme sacrifices and the memory of our revered martyrs and the ideals of the eternal November Revolution, I swear by God All Mighty to respect and glorify the Islamic religion, to defend the Constitution, to work tirelessly for the continuity of the State, to work to insure the necessary conditions for the normal functioning of the institutions and the Constitutional system, and to strive to strengthen the democratic path, to respect the free choice of the people, as well as the institutions and laws of the Republic, to preserve the integrity of the national territory, the unity of the people and the nation, to protect the fundamental rights of man

and citizen, to work relentlessly for the development and the prosperity of the people, and to pursue with all my strength the realization of the great ideals of justice, liberty and peace in the world."

and God is my witness.

Article 77

Share

In addition to the powers expressly conferred upon him by this Constitution, the President of the Republic shall enjoy the following powers and prerogatives:

1. ~~1.~~ He shall be the Commander-in-Chief of all the armed forces of the Republic.
2. ~~2.~~ He shall be responsible for National Defense.
3. ~~3.~~ He shall determine and conduct the foreign policy of the nation.
4. ~~4.~~ He shall chair the Council of Ministers.
5. ~~5.~~ He shall appoint the Prime Minister and after consulting the parliamentary majority and shall put an end to his functions.
- ~~6. 6. Subject to the provisions of Article 87 of the Constitution, the President of the Republic may delegate part of his powers to the Prime Minister so as to allow him to chair the meetings of the Government.~~
- ~~7. 7. He may appoint one or several Deputy Prime Ministers to assist the Prime Minister in the exercise of his functions and shall terminate their functions.~~
- ~~8. 6.~~ 8. He shall sign the presidential decrees.
- ~~9. 7.~~ 9. He shall have the right to grant pardons, and to reduce or to commute sentences.
- ~~10. 8.~~ 10. He may refer any question of national importance to the people by way of referendum.
- ~~11. 9.~~ 11. He shall conclude and ratify international treaties.
- ~~12. 10.~~ 12. He shall confer decorations, distinctions and honorary titles of the State.

Article 78

Share

The President of the Republic shall appoint:

1. ~~1.~~ to posts and commissions (as) specified by the Constitution;
2. ~~2.~~ to civilian and military posts of the State;

3. ~~3.~~to other posts determined by the Council of Ministers;
4. ~~4.~~the President of the Conseil d'Etat;
5. ~~5.~~the Secretary General of the Government;
6. ~~6.~~the Governor of the Bank of Algeria;
7. ~~7.~~the judges and prosecutors;
8. ~~8.~~those responsible for the security organs; and
9. ~~9.~~the walis.

The President shall appoint and recall the ambassadors and the special envoys of the Republic abroad.

Article 79

Share

The President of the Republic shall appoint the members of the Government after consultation with the Prime Minister.

The Prime Minister shall ~~implement the program of the President of the Republic and shall~~ coordinate the government work.

The government shall develop a action of the Government to this effect plan and discuss it during the council of ministers' meeting.

Article 80

Share

The Prime Minister shall submit ~~his~~the government action plan for approval to the People's National Assembly, which shall open a general debate to this end.

The Prime Minister may amend the action plan in the light of this debate, in agreement with the President of the Republic.

The Prime Minister shall ~~submit~~make a presentation about the government action plan to the Council of the Nation ~~a statement on his action plan~~ as it has been approved by the People's National Assembly.

The Council of the Nation may adopt a resolution.

Article 81

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In case of non-approval of ~~his~~[the government](#) action plan by the People's National Assembly, the Prime Minister shall tender the resignation of his government to the President of the Republic.

The President of the Republic shall appoint a new Prime Minister under the same procedure.

Article 82

[Share](#)

If the approval of the People's National Assembly is not obtained on a new effort, the People's National Assembly shall be dissolved without further consideration.

The existing Government shall remain in office to conduct current affairs until the election of a new People's National Assembly which must take place within a maximum interval of three (3) months.

Article 83

[Share](#)

The Prime Minister shall implement and coordinate the program adopted by the People's National Assembly.

Article 84

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The Government shall [have to](#) submit annually to the People's National Assembly a declaration of general policy.

The declaration shall form the basis for a debate on the action of the Government.

The debate can be concluded by a resolution or may result in a motion of censure in conformity with the provisions of Articles 135, 136 and 137.

The Prime Minister may ask the People's National Assembly for a vote of confidence. If the motion of confidence is not voted, the Prime Minister shall tender the resignation of his Government.

In that case the President of the Republic may, before the acceptance of the resignation, make use of the provisions of Article 129 below.

The Government may also submit to the Council of the Nation a declaration of general policy.

Article 85

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In addition to the powers expressly conferred by other provisions of the Constitution, the Prime Minister shall exercise the following competences:

1. ~~1.~~ He shall assign the competences among the members of the Government in accordance with the constitutional provisions.
2. ~~2.~~ He shall supervise the execution of the laws and the regulations.

2. ~~3.~~ (bis) chair the government meetings.

2.3. He shall sign the executive decrees, ~~after approval by the President of the Republic.~~

3.4. ~~4.~~ He shall appoint the employees of the State, without prejudice to the provisions of Article 77 and 78 above.

4.5. ~~5.~~ He shall supervise the good functioning of the public administration.

Article 86

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The Prime Minister may tender the resignation of his Government to the President of the Republic.

Article 87

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The President of the Republic may not under any circumstances delegate the power to appoint the Prime Minister, the members of the Government, as well as the Presidents and members of the constitutional institutions for which no other mode of designation is specified by the Constitution.

Nor may he delegate his power to have recourse to referendum, to dissolve the People's National Assembly and to order fresh legislative elections, or to

implement the provisions specified in Articles 77, 78, 91, 93 to 95, 97, 124, 126, 127 and 128 of the Constitution.

Article 88

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Whenever the President of the Republic, because of serious and enduring illness, finds himself in a total incapacity to exercise his functions, the Constitutional Council shall meet as of right and, after having verified by all appropriate means that the incapacity indeed exists, shall propose to the Parliament by unanimity to declare a state of incapacity.

The Parliament shall declare the state of incapacity of the President of the Republic in a joint session of both chambers by a two-thirds (2/3) majority of its members, and shall appoint the President of the Council of the Nation for a maximum period of forty-five (45) days as interim Head of State, who shall exercise his powers in accordance with the provisions of Article 90 of the Constitution.

If the incapacity continues beyond the period of forty-five (45) days, it shall proceed to a declaration of vacancy caused by legally mandated resignation according to the procedure stipulated in the paragraphs below and the provisions of the following paragraphs of this Article.

In case of resignation or death of the President of the Republic, the Constitutional Council shall meet as of right and declare the definitive vacancy of the Presidency of the Republic.

It shall communicate immediately the act of the declaration of definitive vacancy to the Parliament which meets as of right.

The President of the Council of the Nation shall assume the duties of Head of State for a maximum period of ~~sixty (60)~~ninety (90) days, during which presidential elections shall be organized.

The Head of State so designated cannot be a candidate for the Presidency of the Republic.

In case of coincidence of the resignation or the death of the President of the Republic with a vacancy in the Presidency of the Council of the Nation, for whatever cause, the Constitutional Council shall meet as of right and declare

by unanimity a definitive vacancy of the Presidency of the Republic and the incapacity of the President of the Council of the Nation.

In that case, the President of the Constitutional Council shall assume the duties of the Head of State on the conditions specified in the preceding paragraphs of the present Article and Article 90 of the Constitution. He cannot be a candidate for the Presidency of the Republic.

Article 89

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When If candidacy for presidential elections obtains approval from the Constitutional Council, it may not be rescinded except in serious cases, legally decided by the Constitutional Council, or in case of demise of the concerned candidate.

In case one of the candidates taking part in withdraws from the second round of the presidential elections dies, retires, or is incapacitated for any other reason, the acting President of the Republic or, the person who assumes the function electoral process shall continue without considering that withdrawal.

If any of the Head of State shall remain in office until the proclamation of election of the President of the Republic.

In that case second round candidates passes away or faces a lawful impediment, the Constitutional Council shall prolong the period announce the need to repeat all electoral processes. In such an eventuality, the Council shall extend the timeframes for the organization of the holding new elections up to within a maximum period of sixty (60) days.

In applying the provisions of this Article, the incumbent President of the Republic, or whoever serves as head of state, shall remain in office until the elected president takes oath.

An Institutional Act organic law shall determine be issued to regulate the conditions and modalities for implementing the present manners through which these provisions are applied.

Article 90

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The Government in office at the time of the temporary incapacity, the death or the resignation of the President of the Republic cannot be dismissed from office or reshuffled before the new President of the Republic assumes his functions.

In a situation when the Prime Minister in office at the time is a candidate for the Presidency of the Republic he must resign as of right. The function of the Prime Minister shall be assumed by another member of the Government designated by the Head of State.

During the periods of forty-five (45) days and the sixty (60) days referred to in Articles 88 and 89, no application can be made of the provisions in paragraphs 9 and 10 of Article 77 and in Articles 79, 124, 129, 136, 137, 174, 176 and 177 of the Constitution.

During the same periods, Articles 91, 93, 94, 95 and 97 of the Constitution cannot be applied without the approval of the Parliament meeting in joint session, the Constitutional Council and the High Council of Security having been previously consulted.

Article 91

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In case of compelling necessity the President of the Republic, after having convened the High Council of Security and having consulted with the President of the People's National Assembly, the President of the ~~Council of the Nation~~ People's National Assembly, the Prime Minister and the President of the Constitutional Council, shall decree the state of urgency or state of siege for a specified period and take all necessary measures for the restoration of the previous situation.

The state of urgency or the state of siege can only be prolonged after approval by the Parliament meeting in joint session.

Article 92

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The organization of the state of urgency and the state of siege is determined by an Institutional Act.

Article 93

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Whenever the country is threatened by an imminent danger to its institutions, its independence or its territorial integrity, the President of the Republic shall decree the state of emergency.

Such a measure shall only be taken after consultation with the President of the Council of the Nation, the President of the People's National Assembly, ~~the President of the Council of the Nation~~ and the Constitutional Council and after hearing the High Council of Security and the Council of Ministers.

The state of emergency empowers the President of the Republic to take exceptional measures which are necessary for the safeguarding of the independence of the Nation and the institutions of the Republic.

The Parliament shall meet as of right.

The state of emergency shall be terminated in accordance with the same forms and procedures which have governed its proclamation.

Article 94

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The President of the Republic shall decree the general mobilization in the Council of Ministers after having heard the High Council of Security and having consulted with the President of the Council of the Nation and the President of the People's National Assembly ~~and the President of the Council of the Nation~~.

Article 95

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The President of the Republic, after having convened the Council of Ministers, having heard the High Council of Security, and having consulted with the President of the Council of the Nation and the President of the People's National Assembly ~~and the President of the Council of the Nation~~, shall declare war in case of an effective or imminent aggression in conformity with the relevant provisions of the Charter of the United Nations.

The Parliament shall sit as of right.

The President of the Republic shall inform the Nation by a message.

Article 96

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During the state of war the Constitution shall be suspended and the President of the Republic shall assume all powers.

When the term of the President of the Republic ends, it shall be extended as of right until the end of the war.

In case of the resignation or death of the President of the Republic or any other incapacity the President of the Council of the Nation shall assume in his role as Head of State in the same conditions as the President of the Republic all the powers required by the state of war.

In case of a coincidence of the vacancy in the Presidency of the Republic with a vacancy in the Presidency of the Council of the Nation, the President of the Constitutional Council shall assume the responsibilities of Head of the State in the conditions stated above.

Article 97

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The President of the Republic shall sign the armistice accords and the treaties of peace.

He shall obtain the advice of the Constitutional Council on the accords.

He shall submit them immediately for the express approval of each of the Houses of Parliament.

CHAPTER II. THE LEGISLATIVE POWER

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Article 98

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The legislative power shall be exercised by a Parliament composed of two chambers, the People's National Assembly and the Council of the Nation.

The Parliament shall prepare and adopt the legislation autonomously.

Article 99

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The Parliament shall control the action of the government in the conditions specified by Articles 80, 84, 133 and 134 of the Constitution.

The control referred to in Articles 135 and 137 of the Constitution shall be exercised by the People's National Assembly.

Article ~~100~~99 (bis)

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The parliamentary opposition shall have such rights that will enable them to participate actively in parliamentary and political life, notably:

1. freedom of opinion, expression and assembly;
2. benefit from the subsidies granted to the elected parliament members;
3. actual participation in the legislative activities;
4. actual participation in monitoring the government performance;
5. adequate representation in the Parliament two chambers;
6. notify the Constitutional Council, in accordance with the provisions of Article 166 (paragraphs 2 and 3) of the Constitution, regarding the laws voted by the Parliament;
7. participate in the parliamentary diplomacy.

Each of the parliament two chambers shall allocate a monthly session to discuss the agenda provided by any parliamentary group(s) of the opposition.

The rules of procedure of each parliament chamber shall define the modalities of implementing this article.

Article 100

Within the framework of its constitutional powers the Parliament must remain faithful to the mandate of the people and remain in constant touch with their aspirations.

Article ~~101~~100 (bis)

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Members of the Parliament or of the Council of the Nation shall be fully dedicated to exercising their duty.

The rules of procedure of the People's National Assembly and the Council of the Nation shall include provisions on the necessity of involving their members in the activities of respective committees and in the plenary sessions, under the penalties applied in case of absence.

Article 100 (bis2)

Members of the People's National Assembly and the Council of the Nation, who are affiliated to a political party and who voluntarily change their party affiliation according to which they have been elected, shall be deprived of their electoral jurisdiction by the force of the law.

The Constitutional Council shall announce the vacancy of the seat after intimation by the speaker of the respective House, and the law shall establish the manner in which the vacant seat will be filled.

The parliament member who has resigned from his party or dismissed from it shall maintain his duty as an unaffiliated parliament member.

Article 101

The members of the People's National Assembly shall be elected by universal, direct and secret suffrage.

Two-thirds (2/3) of the members of the Council of the Nation shall be elected by indirect and secret suffrage, two seats for each Wilaya, from among ~~and by~~ the members of the Communal People's Assemblies and by the Wilaya People's Assembly of the Wilaya Assemblies.

One-third (1/3) of the members of the Council of the Nation shall be designated by the President of the Republic from among the ~~personalities and national elites in the scientific, cultural, professional, economic and social fields~~ national personalities of competence.

~~The number of the members of the Council of the Nation shall be half, at the most, of the members of the People's National Assembly.~~

~~The modalities of the application of paragraph 2 above shall be determined by statute.~~

Article 102

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The People's National Assembly shall be elected for a term of five (5) years.

The mandate of the Council of the Nation shall be fixed at six (6) years.

The membership of the Council of the Nation shall be renewable by one-half (1/2) every three (3) years.

The mandate of the Parliament cannot be extended save in exceptionally serious circumstances which disturb the normal election process.

Such a situation is determined by a decision of a joint session of the chambers of Parliament convened upon proposal of the President of the Republic and in consultation with the Constitutional Council.

Article 103

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The modalities of the election of the deputies and those relative to the election or designation of the members of the Council of the Nation, the conditions of eligibility ~~and~~, the terms of disqualifications and of incompatibilities applying to them and the parliamentary system of compensation shall be determined by Institutional Act.

Article 104

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The validation of the mandates of the deputies and that of the members of the Council of the Nation shall fall within the competence of the respective chamber.

Article 105

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The mandate of the deputy and of the member of the Council of the Nation shall be national. It shall be renewable and incompatible with any other mandate or function.

Article 106

[Share](#)

The deputy or the member of the Council of the Nation who does not fulfill or no longer fulfills the conditions of eligibility shall forfeit his mandate.

This forfeiture shall be decided in each case by the People's National Assembly or the Council of the Nation by a majority of its members.

Article 107

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The deputy or the member of the Council of the Nation shall be responsible to his peers who can revoke his mandate if he commits an act unworthy of his mission.

The rules of procedure of each chamber shall establish the conditions in which a deputy or a member of the Council of the Nation may be excluded. The exclusion shall be declared in each case by a majority of the members of the People's National Assembly or the Council of the Nation without prejudice to other sanctions under the general law.

Article 108

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The conditions in which the Parliament accepts the resignation of one of its members shall be established by Institutional Act.

Article 109

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Parliamentary immunity shall be granted to the deputies and to the members of the Council of the Nation during their time in Parliament.

They may not be prosecuted or arrested, or in general be the object of any civil or criminal proceedings or pressures on account of the opinions expressed, the speeches delivered or the votes cast in the exercise of their mandate.

Article 110

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A deputy or a member of the Council of the Nation may not be prosecuted for a crime or an offense unless he waives his parliamentary immunity or the

prosecution is authorized, depending on the case, by either the People's National Assembly or the Council of the Nation, which shall decide by a majority of its members on the lifting of the parliamentary immunity of its member.

Article 111

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If caught in the act of committing an offense or a crime the deputy or member of the Council of the Nation may be arrested. The bureau of the People's National Assembly or the Council of the Nation must be informed immediately.

The competent bureau may demand the suspension of the prosecution and the release of the deputy or the member of the Council of the Nation; in this case the procedure provided for in Article 110 above shall apply.

Article 112

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An Institutional Act shall determine the conditions of replacement of a deputy or a member of the Council of the Nation in case of vacancy of his seat.

Article 113

Share

The legislature shall meet as of right on the fifteenth day following the declaration of the ~~People's National Assembly~~results by the Constitutional Council, under the presidency of its oldest member assisted by the two youngest ~~deputies~~members.

It shall proceed to the election of its bureau and the constitution of its commissions.

The above provisions shall apply to the Council of the Nation.

Article 114

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The President of the People's National Assembly shall be elected for the term of the legislature.

The President of the Council of the Nation shall be elected after every partial renewal of the membership of the Council.

Article 115

Share

The organization and the functioning of the People's National Assembly and of the Council of the Nation, as well as the working relations between the chambers of the Parliament and the Government, shall be determined by Institutional Actan organic law.

The law shall define the budget of the two chambers ~~as well as the allowances of the deputies and the members of the Council of the Nation shall be determined by statute~~.

The People's National Assembly and the Council of the Nation shall draft and adopt their rules of procedure.

Article 116

Share

The meetings of the Parliament shall be public. A record of its proceedings shall be kept and be made available to the public in the conditions established by Institutional Act.

The People's National Assembly and the Council of the Nation may meet in closed session upon the request of their presidents, the majority of their members present, or the Prime Minister.

Article 117

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The People's National Assembly and the Council of the Nation shall establish permanent commissions within the framework of their rules of procedure.

Each permanent commission of the two chambers may create temporary media missions to address specific issues or situations.

The rules of procedures of each chamber shall specify the provisions regulating the work of the media missions.

Article 118

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The Parliament shall ~~meet in two~~ each year hold one ordinary sessions ~~each year,~~ each session with a minimum duration of ~~four~~ (ten (10)) months that will start the second working day of September.

The Prime Minister may request the extension of the ordinary session in order to finish the study of a specific issue on the agenda.

The Parliament may meet in extraordinary session on the initiative of the President of the Republic.

It may also be summoned by the President of the Republic on the request of the Prime Minister or the request of two-thirds (2/3) of the members of the People's National Assembly.

The closing of the extraordinary session shall take place when the Parliament has completed the agenda for which it was summoned.

Article 119

Share

~~Both the~~ The Prime Minister ~~and,~~ the deputies and the members of the Council of the nation shall all have the right to initiate legislation.

In order to be admissible, ~~B~~ bills must be introduced by twenty (20) deputies ~~or twenty (20) members of the Council of the Nation in the issues stipulated in Article 119(bis).~~

Bills shall be submitted to the Council of Ministers after the advice of the Conseil d'Etat and then be transmitted by the Prime Minister to the bureau of the People's National Assembly or to the bureau of the Council of the Nation, depending on the situation.

Article 119 (bis)

The draft laws related to the local regulations, regional development and regional division shall be deposited with the office of the Council of the Nation.

Except for the cases stated in the aforementioned paragraph, all other draft laws shall be deposited with the People's National Assembly.

Article 120

Share

~~In order to be adopted~~Taking into consideration the case stated in the provisions of the first paragraph of Article 119(bis), each Government Bill draft or Private Members' Bill proposed law must be the object of deliberation successively subject to deliberations by the People's National Assembly and the Council of the Nation. ~~Government Bills and Private Members' Bills shall be debated, respectively, pending ratification thereof.~~

~~Discussion of draft laws by the People's National Assembly in the form in which they have been tabled before it. The and the Council of the Nation must be focused on the text presented by the Prime Minister, or the text that has been endorsed by the Council of the Nation in respect of the issues mentioned in Article 119(bis).~~

~~The government shall present to any of the two Houses the text voted by the other House.~~

~~Each house shall debated~~discuss and endorse the text which has been voted by the other House.

In all cases, the Council of the Nation shall endorse the text voted by the People's National Assembly ~~and shall adopt it by a majority of three-fourths (3/4) of its present members, in respect of the ordinary draft laws or by absolute majority in respect of organic draft laws.~~

~~In case of disagreement an arising dispute~~ between the two chambers ~~Houses, the Prime Minister shall call for a meeting of a joint committee, comprised of equal members from the two chambers, shall be convened at the request of the Prime Minister either House, to propose a text on the disputed provisions still under debate.~~

~~This text. The committee shall be submitted to the two chambers for approval by the Government; no amendment shall be admissible, except with the consent of the Government~~finish its deliberations within a maximum period of fifteen (15) days.

~~In case of the persistence of the disagreement the text~~The government shall present the proposed text to the two Houses for endorsement, and no amended shall be done to it without the government approval.

In case the dispute between the two Houses persists, the government may request the People's National Assembly to give its final decision thereon. In this case, the

People's National Assembly shall accept the text prepared by the committee with equal members, and should that fail, the last text voted upon would be adopted.

The text shall be withdrawn, in case the government fails to notify the People's National Assembly, pursuant to the previous paragraph.

The Parliament shall adopt the Finance Bill within a period of seventy-five (75) days, counting from the date of submission in conformity with the preceding paragraphs.

In case of non-adoption within the specified period, the President of the Republic shall promulgate the Government Bill by way of ordinance.

The other procedures shall be specified by the Institutional Act referred to in Article 115 of the Constitution.

Article 121

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Any Bill which aims at or has the effect of decreasing public revenue or increasing public expenditure shall be inadmissible unless it is accompanied by measures which seek to increase the revenue of the State or to achieve savings at least equal in size on other items of public expenditure.

Article 122

Share

The Parliament shall legislate on the subject matters assigned to it by the Constitution as well as the following fields:

1. ~~1.~~ The fundamental rights and duties of persons, particularly the system of public liberties, the safeguarding of individual liberties, and the obligations of citizens;
2. ~~2.~~ The general rules pertaining to personal status and family law and particularly to marriage, divorce, filiation, legal capacity and inheritance;
3. ~~3.~~ The conditions of the establishment of persons;
4. ~~4.~~ Basic legislation concerning nationality;
5. ~~5.~~ General rules pertaining to the condition of foreigners;
6. ~~6.~~ Rules concerning judicial organization and the creation of new categories of courts;

7. ~~7.~~ General rules of criminal law and criminal procedure and particularly the determination of crimes and misdemeanors, the institution of the corresponding penalties of any kind, amnesty, extradition and the penitentiary regime;
8. ~~8.~~ The general rules of civil procedure and the execution of judgments;
9. ~~9.~~ The system of civil and commercial obligations and property;
10. ~~10.~~ The territorial division of the country;
- ~~11.~~ ~~11.~~ ~~The adoption of the national plan;~~
- ~~12.~~ ~~11.~~ ~~12.~~ The vote ~~of~~ on the State budget;
- ~~13.~~ ~~12.~~ ~~13.~~ The introduction of the base and rates of taxes, contributions, duties and fees of every kind;
- ~~14.~~ ~~13.~~ ~~14.~~ The customs system;
- ~~15.~~ ~~14.~~ ~~15.~~ The general regulations concerning the issuing of money, the banking regime, credit and insurance;
- ~~16.~~ ~~15.~~ ~~16.~~ General rules relating to education and scientific research;
- ~~17.~~ ~~16.~~ ~~17.~~ General rules relating to public health and the population;
- ~~18.~~ ~~17.~~ ~~18.~~ General rules relating to the right to work, social security, and the exercise of the right to establish trade unions;
- ~~19.~~ ~~18.~~ ~~19.~~ General rules relating to the environment, the standard of life and ~~land management~~ urban development;
- ~~20.~~ ~~19.~~ ~~20.~~ General rules relating to the protection of the fauna and flora;
- ~~21.~~ ~~20.~~ ~~21.~~ The protection and safeguarding of the cultural and historic heritage;
- ~~22.~~ ~~21.~~ ~~22.~~ The general system of forests and pasture lands;
- ~~23.~~ ~~22.~~ ~~23.~~ The general system of water ~~system~~;
- ~~24.~~ ~~23.~~ ~~24.~~ The general system of mines and hydrocarbons;
- ~~25.~~ ~~24.~~ ~~25.~~ ~~Real~~ The System of real estate;
- ~~26.~~ ~~25.~~ ~~26.~~ The fundamental guarantees accorded to public ~~officials~~ servants and the general statute of ~~Public Service~~ public service;
- ~~27.~~ ~~26.~~ ~~27.~~ The general rules related to ~~National Defense~~ national defense and the use of the ~~Armed Forces~~ armed forces by civil authorities;
- ~~28.~~ ~~27.~~ ~~28.~~ The rules governing the transfer of property from the public to the private sector;
- ~~29.~~ ~~28.~~ ~~29.~~ The setting up of categories of legal entities;
- ~~30.~~ ~~29.~~ ~~30.~~ The creation of decorations, distinctions and honorific titles of the State.

Article 123

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In addition to the matters reserved by the Constitution for regulation by Institutional Act the following matters shall be subject to regulation by Institutional Act:

- the organization and functioning of the public authorities;
- the electoral system;
- the Political Parties Act;
- the Information Act;
- the status of judges and prosecutors and the judicial organization;
- the framework legislation concerning the Finance Bills;
- ~~the National Security Act.~~

The Institutional Act shall be adopted by absolute majority of the deputies and ~~three quarters (3/4)~~ of the members of the Council of the Nation.

It shall be submitted for review of its conformity to the Constitutional Council before its promulgation.

Article 124

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In case of the non-functioning of the People's National Assembly or ~~in the periods between~~ during parliamentary ~~sessions~~ vacations, the President of the Republic may legislate by ordinance in urgent issues after consultations with the Conseil d'Etat.

The President of the Republic shall submit the texts adopted by him to the approval of each of the chambers of Parliament at their next session.

Ordinances not adopted by the Parliament shall be void.

In case of a state of emergency defined in Article 93 of the Constitution, the President of the Republic may legislate by ordinances.

The ordinances shall be adopted in the Council of Ministers.

Article 125

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Matters other than those reserved to statutory legislation shall fall within the regulatory power of the President of the Republic.

The implementation of the laws shall be a matter for the regulatory power of the Prime Minister.

Article 126

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The Act of Parliament shall be promulgated by the President of the Republic within thirty (30) days counted from the date of its transmittal.

However, when an Act has been submitted to the Constitutional Council before its promulgation by one of the authorities referred to in Article 166 below, this time limit shall be suspended until the Constitutional Council gives its ruling in the conditions specified in Article 167 below.

Article 127

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The President of the Republic may ask for the re-opening of the parliamentary debate on an Act voted by Parliament within thirty (30) days following its adoption.

In that case, a majority of two-thirds (2/3) of the members of the People's National Assembly [and of the Council of the Nation](#) shall be required for the adoption of the Act.

Article 128

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The President of the Republic can direct a message to the Parliament.

Article 129

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After consulting the President of the People's National Assembly, the President of the Council of the Nation, [the President of the Constitutional Council](#) and the Prime Minister, the President of the Republic can decide on the dissolution of the People's National Assembly or on anticipated legislative elections.

In both cases legislative elections must take place within a maximum limit of three (3) months.

Article 130

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Upon request of the President of the Republic or one of the Presidents of one of the two chambers, the Parliament may initiate a debate on foreign policy.

This debate can be concluded with a resolution of the Parliament meeting in joint session of the two chambers, which shall be communicated to the President of the Republic.

Article 131

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Armistice accords, treaties of peace, of alliances and union, treaties relating to the borders of the State ~~as well as~~, treaties concerning the status of person and those ~~which involve~~involving expenditures not foreseen in the budget of the State as well as bilateral and multilateral agreements related to free trade areas and to associations and economic integration shall be ratified by the President of the Republic after explicit approval by each of the two chambers of Parliament.

Article 132

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The treaties ratified by the President of the Republic in the conditions specified by the Constitution shall prevail over Acts of Parliament.

Article 133

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The members of Parliament can ask the Government to explain its action on matters of current concern.

The commissions of Parliament may hear the members of the Government.

Article 134

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The members of Parliament may address orally or in written form any question to any member of the Government.

The written question must receive a reply in ~~the same form~~ writing within a maximum period of thirty (30) days.

~~The~~ In the case of oral questions ~~shall require,~~ a response shall be in ~~the a~~ maximum period of thirty (30) days.

The People's National Assembly and the Council of the Nation shall, respectively, hold a weekly session devoted to the government answers to the oral questions by the deputies and members of the Council of the Nation.

If one of the two chambers believes that the oral or written response by the member of the Government justifies it, a debate shall be opened in the conditions specified in the rules of procedure of the People's National Assembly and the Council of the Nation.

The questions and answers are published in accordance with the same conditions as the records of the parliamentary debates.

Article 135

Share

On the occasion of the debate on the general policy declaration, the People's National Assembly can hold the Government to account by voting a motion of censure.

Such a motion is not admissible unless it is signed by at least a seventh (1/7) of the number of deputies.

Article 136

Share

The motion of censure must be approved by a majority vote of two-thirds (2/3) of the deputies. The vote may only take place three (3) days after the tabling of the motion of censure.

Article 137

Share

When the motion of censure is approved by the People's National Assembly, the Prime Minister must tender the resignation of his government to the President of the Republic.

CHAPTER III. THE JUDICIAL POWER

[Share](#)

Article 138

[Share](#)

The judicial authority shall be independent. It shall be exercised within the framework of the law.

The President of the Republic shall guarantee the independence of the Judiciary.

Article 139

[Share](#)

The judicial authority shall protect society and the liberties. It shall guarantee to all and everyone the protection of their fundamental rights.

Article 140

[Share](#)

Justice shall be founded on the principles of legality and equality.

It shall be equal for all and accessible to all, and shall find its expression in respect of the law.

Article 141

[Share](#)

Justice shall be rendered in the name of the people.

Article 142

[Share](#)

Criminal sanctions shall conform to the principles of legality and personal responsibility.

The law shall guarantee the litigation in two levels in the case of criminal cases and shall define the implementation modalities thereof.

Article 143

Share

The judiciary shall rule on appeals brought against unlawful measures of the administrative authorities.

Article 144

Share

Judicial decisions shall give reasons and shall be pronounced in public session.

The judicial orders shall be justified.

Article 145

Share

All competent organs of the State are required to ensure at all times and in every place and in every circumstance the execution of judicial decisions.

The law shall punish any person hindering the implementation of a court ruling.

Article 146

Share

Justice shall be rendered by the judges. They can be assisted by people's assessors under conditions specified by ~~statute~~the law.

Article 147

Share

The judge shall obey only the law.

Article 148

Share

The judge shall be protected against all forms of pressures, interventions or maneuver of any nature that could be harmful to the accomplishment of his mission or to the respect for his free judgment.

Interference with the course of justice is totally prohibited.

The judge must avoid all circumstances that might affect free judgment.

Judges may not be moved as per the conditions set out in the Basic Law on the Judiciary.

An organic law shall define the modalities of implementing this article.

Article 149

Share

A judge or prosecutor shall be accountable to the High Council of the Judiciary in the forms specified by ~~statute~~the law for the manner in which he performs his mission.

Article 150

Share

The law shall protect the parties to judicial proceedings against any abuse or misconduct by the judge.

Article 151

Share

The right to defense shall be recognized.

In criminal matters it shall be guaranteed.

Article 151 (bis)

Lawyers shall benefit from the legal guarantees that ensure them protection against all forms of pressure and enable them to practice their profession freely in the framework of the law.

Article 152

Share

The Supreme Court shall be the organ which regulates the activity of the courts and tribunals.

A Conseil d'Etat shall be established as a regulatory body of the activity of the administrative courts.

The Supreme Court and the Conseil d'Etat shall ensure the uniform development of jurisprudence throughout the country and shall oversee the respect for the law.

~~The Tribunal des Conflits~~ of Conflicts shall ~~be established in order to~~ determine the conflicts of jurisdiction between the ~~Supreme Court~~ ordinary justice bodies and ~~the Conseil d'Etat~~ administrative justice bodies.

Article 153

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The organization, the functioning and the other functions of the Supreme Court, the Conseil d'Etat and the Tribunal des Conflits shall be determined by Institutional Act.

Article 154

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The High Council of the Judiciary shall be chaired by the President of the Republic.

Article 155

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The High Council of the Judiciary decides, in the conditions determined by statute, the appointments, the transfers, and the promotion of judges and prosecutors.

It shall oversee the respect for the provisions on the status of the judiciary and the observance of discipline by judges and prosecutors under the chairmanship of the first President of the Supreme Court.

Article 156

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The High Council of the Judiciary shall provide a consultative opinion to the President of the Republic prior to the exercise of the right of pardon.

Article 157

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The composition, the functioning and the other attributions of the High Council of the Judiciary shall be determined by Institutional Act.

The Supreme Council of Justice shall have administrative and financial autonomy, and the organic law shall determine the modalities of implementation thereof.

Article 158

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A High Court of State shall be established to review the acts which can be qualified as high treason of the President of the Republic and the crimes and misdemeanors of the Prime Minister which are committed in the exercise of their functions.

The composition, the organization and the functioning of the High Court of State, as well as the applicable procedures, shall be established by Institutional Act.

TITLE III. ~~CONCERNING THE~~ CONTROL, MONITORING OF ELECTIONS AND CONSULTING INSTITUTIONS ~~OF CONTROL~~ ~~AND CONSULTATION~~

CHAPTER I. CONTROL

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Article 159

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The elected assemblies shall assume the control function in its popular dimension.

Article 160

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The Government shall give an account to each chamber of the Parliament on the use of budgetary credits which it has voted for each budgetary period. The budgetary period shall be closed, as far as the Parliament is concerned,

by the vote of each chamber of an Act settling the accounts for the budgetary period under consideration.

Article 161

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Each of the two chambers may, at any time, establish within the framework of its powers a commission of inquiry on any matter of general interest.

Commissions of inquiry may not be created on matters that are under a judicial procedure.

Article 162

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The institutions and organs of control shall have the task of verifying the conformity of legislative and executive action(s) with the Constitution and of verifying the conditions of the use and management of material resources and public funds.

Article 163

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AThe Constitutional Council ~~shall be~~ is an autonomous body established to monitor the observance of the Constitution.

The Constitutional Council shall monitor, ~~among other matters,~~ the propriety of referendum operations, of the election of the President of the Republic and of legislative elections. ~~It shall announce the results of these proceedings.~~

It shall decide on the appeals received about the provisional results of the presidential and legislative elections and shall announce the final results of all processes set forth in the preceding paragraph.

The Constitutional Council shall enjoy administrative and financial autonomy.

Article 164

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The Constitutional Council shall consist of ~~nine (9)~~twelve (12) members: ~~three (3)~~four (4) of them including the President and Vice President of the Council shall be appointed by the President of the Republic, two (2) shall be elected by the People's National Assembly, two (2) shall be elected by the Council of the Nation, ~~one (1)~~two (2) shall be elected by the Supreme Court, and ~~one (1)~~two (2) shall be elected by the Conseil d'Etat.

In the case of a tie vote among the members of the Constitutional Council, the party containing the Council President shall win.

As soon as they are elected or designated, the members of the Council shall cease any other mandate, function, task or mission or any other private activity or occupation.

The President of the Republic shall appoint the President and Vice President of the Constitutional Council for a single ~~six~~eight-year term. The ~~other~~ members of the Constitutional Council shall serve a single term of ~~six (6)~~six (8) years; ~~the~~ membership of the Council shall be renewed by one-half (1/2) every ~~three (3)~~four (4) years.

Members of the Constitutional Council must be directly sworn in before the President of the Republic, based on the following text:

"I swear by Almighty God to perform my duties honestly and impartially, and to keep the confidentiality of the deliberations and abstain from taking any public stance vis-à-vis any issue that falls within the jurisdiction of the Constitutional Council."

Article 164 (bis)

The elected and/or appointed members of the Constitutional Council shall:

- Have completed forty (40) years on the day of their appointment or election.
- Have at least fifteen (15) years of professional life in the field of higher education in juridical science, judiciary, or law at the supreme court, state council, or a senior government post.

Article 164 (bis 2)

During their term in office, the President, Vice-president and members of the Constitutional Council shall enjoy judicial immunity in respect of criminal matters.

They may not be prosecuted or reprimanded for committing a crime or an offense except through an explicit waiver by the person concerned or an authorization by the Constitutional Council.

Article 165

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Aside from the other functions which are expressly conferred on it by other provisions of the Constitution, the Constitutional Council shall, through providing an opinion, rule on the constitutionality of treaties, statutes and regulations, ~~either by an opinion if these are not yet subject to execution or by a decision in the opposite case.~~

Upon request by the President of the Republic, the Constitutional Council shall issue a binding opinion on the constitutionality of Institutional Acts after their adoption by Parliament.

The Constitutional Council shall also rule in the same form as specified in the preceding paragraph on the conformity of the rules of procedure of each chamber of Parliament with the Constitution.

Article 166

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A matter may be submitted to the Constitutional Council by the President of the Republic, the President of the People's National Assembly ~~or~~, the President of the Council of the Nation or the Prime Minister.

It may also be notified by fifty (50) deputies of thirty (30) members of the Council of the Nation.

Exercising notification as specified in the past two paragraphs may not be extended to include non-constitutionality referred to in Article 166(bis) below.

They must also not be prosecuted or reprimanded for committing a crime or an offense except through an explicit waiver by the person concerned or an authorization by the Constitutional Council.

Article 166: The Constitutional Council shall be notified by the President of the Republic, People's National Assembly, Council of the Nation, or the Prime Minister.

It may also be notified by fifty (50) representatives or thirty (30) members of the Council of the Nation.

Exercising notification stated in the previous two paragraphs must not be extended to include non-constitutionality referred to in Article 166 bis below.

Article 166 (bis)

The Constitutional Council may be notified to claim non-constitutionality in accordance with a referral by the Supreme Court or Conseil d'Etat, when one of the parties involved in the trial claims before a judicial authority that the legal provision on which the disputed case depends violates the rights and liberties guaranteed by the Constitution.

The conditions and manners of implementing this paragraph shall be determined by an organic law.

Article 167

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The Constitutional Council shall deliberate in a closed session and give its opinion ~~or decision~~ within ~~twenty (20)~~thirty (30) days after a matter has beenfrom the notification date. In case of emergency, and upon a request by the President of the Republic, this delay may be reduced to ten (10) days.

When the Constitutional Council is notified based on Article 166(bis), its decision shall be issued within four (4) months from the notification date. This delay may be extended for once and for a maximum period of four (4) months, based on a justified decision by the Council and the decision shall be communicated to the concerned judicial bodies who submitted ~~to~~ itthe notification.

The Constitutional Council shall establish its rules of procedure.

Article 168

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When the Constitutional Council rules that a treaty, accord or convention is unconstitutional, it shall not be ratified.

Article 169

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When the Constitutional Council rules that a ~~statutory~~legislative or regulatory provision is unconstitutional, it ceases to be effective from the day of the decision of the Council.

If a legislative provision is deemed unconstitutional based on Article 166(bis), this provision shall be repealed as of the day specified in the decision of the Constitutional Council.

The opinions and decisions of the Constitutional Council shall be final and binding to all public authorities and administrative and judicial authorities.

Article 170

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~~A~~The Court of Accounts shall ~~be established which~~enjoy autonomy and shall be in charge of the ex post control of the finances of the State, the territorial communities and public law entities as well as of state-owned business capitals.

The Court of Accounts shall contribute to improving the good governance and transparency in managing the public finances.

The Court of Accounts shall prepare ~~a~~an annual report which it shall address to the President of the Republic, the President of the Council of the Nation, the President of the People's National Assembly and the Prime Minister.

Statute shall determine the competences, organization and functioning ~~of the Court of Accounts~~ and the sanctioning of its investigations of the Court of Accounts and also its relationship with the other monitoring and inspection structures in the State.

CHAPTER ONE (BIS): ELECTIONS MONITORING

Article 170 (bis)

Public authorities in charge of organizing the elections are required to adhere to integrity and transparency.

In this capacity, the electoral list must be placed at the disposal of candidates in each election.

The organic law related to the electoral system shall determine the manner in which this provision shall be implemented.

Article 170 (bis 2)

An independent high elections committee shall be created.

The Commission shall be chaired by a national personality appointed by the President of the Republic, after consulting the political parties.

The High Elections Committee shall have a permanent committee and shall deploy its other members immediately after calling the Electoral College.

The High Elections Committee shall consist of an equal number of:

- Judges proposed by the Supreme Judicial Council, and appointed by the President of the Republic; and
- Independent professionals, chosen from amongst the civil society, and appointed by the President of the Republic.

The High Elections Committee shall oversee the transparency and integrity of the presidential, legislative and local elections, since the call of the Electoral College until declaring the provisional results of the elections.

The HEC permanent committee shall in particular:

- Supervise the management reviews of the electoral lists.
- Develop recommendations to improve the legislative and regulatory provisions that govern the electoral processes.
- Organize a training course in civil formation to support the political parties on elections supervision and writing of appeals.

An organic law shall determine the manner of implementing this Article.

CHAPTER II. THE CONSULTATIVE INSTITUTIONS

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Article 171

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A High Islamic Council shall be established under the auspices of the President of the Republic in order to: encourage and promote ijtehad; to provide its opinion on the matters submitted to it with regard to the religious rules; to present a periodic report of its activity to the President of the Republic.

Article 172

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The High Islamic Council shall be composed of fifteen (15) members, including the President, who shall be selected by the President of the Republic from among the national elites in the different sciences.

Article 173

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A High Council of Security shall be established under the chairmanship of the President of the Republic. This body shall have the task of providing advice to the President on all questions relating to national security.

The modalities of the organization and functioning of the High Council of Security shall be determined by the President of the Republic.

Article 173-1

A national human rights council shall be established, textually referred to as "the Council" and shall be deposited with the President of the Republic, as protector of the Constitution.

The Council shall enjoy administrative and financial autonomy.

Article 173-2

The Council shall be responsible for supervision, early warning, and evaluation in the field of respect of human rights.

Without prejudicing the judicial authority jurisdictions, the Council shall look into all cases of human rights violation, which it examines or are brought into its attention, and shall take appropriate measures in this regard. It shall present the results of its investigations to the concerned administrative authorities, and, where appropriate, to the competent judicial authorities.

The Council shall take immediate action concerned with awareness-raising, media and communication to promote human rights.

It shall also provide opinion, proposals, and recommendations on promotion and protection of human rights.

The Council shall prepare an annual report to be submitted to the President of the Republic, the Parliament, and the Prime Minister. This report must also be published.

The law shall determine the Council's composition, the manner of appointing its members, and the principles governing its organization and progress.

Article 173-3

A youth supreme council shall be established, as a consultative body under the President of the Republic.

The Council shall consist of youth representatives, and representatives from the government and the public institutions in charge of youth affairs.

Article 173-4

The supreme youth council shall present opinions and recommendations regarding the issues related to youth needs and prosperity in the economic, social, and cultural and sports fields.

The Council shall contribute to the promotion of national values, national conscience, civil awareness, and social solidarity within the youth circles.

Article 173-5

A national commission for corruption prevention and control shall be set up. This commission shall be independent under the President of the Republic.

The commission shall enjoy administrative and financial independence.

The independence of this commission shall be guaranteed in particular through the oath taken by its members and staff, and the protection against all forms of pressure, intimidation, threat, insult, and attacks of any nature, which they might face during their performance of duties.

Article 173-6

The commission shall in particular be responsible for proposing a comprehensive anti-corruption policy, dedicated to promoting the principles of the state of right and law, and reflecting integrity, transparency, and responsibility with regard to running public properties and funds and contributing to their enforcement.

The commission shall submit an annual report to the President of the Republic regarding its activities, concerned with corruption prevention and control, as well as the shortcomings it has identifies in this regard, and, where appropriate, the proposed recommendations.

Article 173-7

The National Economic and Social Council, textually referred to as "the Council" and which acts as a framework for dialogue, consultation and proposal in the economic and social fields.

It also acts as a government advisor.

Article 173-8

The Council shall in particular undertake the following tasks:

- Providing a framework for civil society participation in the national consultations about economic and social development policies.
- Ensuring sustainable dialogue and consultation among the economic and social partners.
- Evaluating and studying the issues of national interest in the economic, social, educational, training and higher education fields.
- Presenting proposals and recommendations to the government

Article 173-9

A national council for scientific and technological research shall be set up, and shall be textually referred to as "the Council".

Article 173-10

The Council shall in particular undertake the following tasks:

- Promoting national research in the field of technological and scientific innovation.
- Proposing measures aimed to develop national capabilities in the field of research and development.
- Assessing the effectiveness of the competent national bodies with regard to evaluating the research findings to the benefit of the national economy within the framework of sustainable development.

The Council shall be chaired by a recognized national professional, appointed by the President of the Republic.

The law shall identify the other missions of the Council, its organization and composition.

TITLE IV. ~~CONCERNING~~ CONSTITUTIONAL REVISION

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Article 174

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A constitutional revision shall be undertaken on the initiative of the President of the Republic. It shall be voted in identical terms by the People's National Assembly and the Council of the Nation in the same conditions as a statutory text.

It shall be submitted by referendum to the approval of the people within fifty (50) days of its adoption.

The constitutional revision, approved by the people, shall be promulgated by the President of the Republic.

Article 175

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An Act containing a revision of the Constitution which was rejected by the people shall become inoperative.

It cannot be submitted again to the people during the same legislature.

Article 176

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If according to the reasoned opinion of the Constitutional Council the draft constitutional revision in no way infringes upon the general principles governing the Algerian society, the rights and liberties of man and of the citizen, and does not alter in any manner the fundamental balance of the powers and the institutions, the President of the Republic may directly promulgate the law containing the constitutional revision without submitting it to referendum, if it has been approved by three-quarters (3/4) of the votes of the members of the two chambers of the Parliament.

Article 177

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Three-fourths (3/4) of the members of the two chambers of the Parliament, meeting in joint session, may propose a constitutional revision and present it to the President of the Republic, who may submit it to a referendum.

If its approval is obtained, it shall be promulgated.

Article 178

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None of the following shall be the object of a constitutional amendment:

1. ~~1.~~ the Republican character of the State;
2. ~~2.~~ the democratic order based on a multi-party system;
3. ~~3.~~ the role of Islam as the religion of the State;
4. ~~4.~~ the role of Arabic as the national and official language;
5. ~~5.~~ the fundamental liberties and the rights of man and of the citizen;
6. ~~6.~~ the integrity and unity of the national territory;
7. ~~7.~~ the national emblem and the national anthem as symbols of the Revolution and the Republic.
8. the reelection of the President of the Republic for once only.

TRANSITORY PROVISIONS

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Article 179 (new)

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~~The legislative body ordinary laws which is in place at the time of the promulgation of the present have been changed into organic laws by this Constitution until the end of its mandate and, following the end of its mandate, the President of the Republic until the election of the People's National Assembly shall have authority to legislate through ordinances, including in areas which are now subject to regulation by Institutional Act.~~

Article 180

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~~Pending the establishment of the institutions provided for in the present Constitution:~~

~~the statutes in force which relate to matters now subject to regulation by Institutional Act shall remain in force until, pending their modification amendment or replacement in accordance with the procedures provided for by the Constitution. Constitutional measures.~~

~~the~~ Article 180 (new)

The Constitutional Council ~~is~~ shall keep its present representation in respect of performing its authorized jurisdictions, under the Constitution. The mandate of its present composition shall exercise the powers conferred upon it by the present Constitution until the election of new members from among its midst. Any modifications shall end by the expiry of their respective terms.

Any change or addition shall be effected subject to Article 164 (paragraph 3) of the present Constitution, making use of drawing by lots, in case of need must take place in accordance with the conditions and measures provided for in this Constitution within a maximum period of six (6) months from the issuance date.

- ~~• the elected People's National Assembly shall exercise the totality of legislative powers until the installation of the Council of the Nation. However, the President of the Republic may postpone the promulgation of statutes passed on the initiative of the deputies until their adoption by the Council of the Nation.~~

Article 181

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~~The renewal of one half (1/2) of the members of the Council of the Nation in the course of the first mandate shall take place at the beginning of the third year by the drawing of lots. The replacement of the members of the Council of the Nation selected by the drawing of lots shall take place in the same conditions and following the same procedure which governed their election or appointment.~~

~~However, the drawing of lots shall not apply to the President of the Council of the Nation, who shall exercise the first mandate for six (6) years.~~

Half of the Constitutional Council members, who have been appointed or elected within the framework of this Constitution shall be replaced after the fourth (4th) year of their duty in office, by drawing of lots.

Article 181 (New)

Until all the conditions required to implement the provisions of Article 166 (bis) of the Constitution have been met, and pursuant to actual guarantee thereof, the mechanism stated in this Article shall be put into practice three (3) years from the date of enforcement of these provisions.

Article 181 bis

The Commission in charge of promoting and protecting of human rights shall continue to exercise its jurisdictions until the provisions of Articles 173-1 and 173-2 of the Constitution have been implemented.

Article 181 bis2

The text of endorsed constitutional amendments shall be coordinated and numbered.

Article 182

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The President of the Republic shall promulgate the text of the constitutional ~~revision,~~amendment that has been approved ~~by the people, which,~~ and it shall be executed as the fundamental law of the Republic.