

Guarantees of electoral integrity in presidential elections as an indicator of good governance: A Study in Algerian Law and Islamic Political Jurisprudence

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Abstract:

This study aims to identify the main guarantees of the integrity of the presidential electoral process as an indicator of good governance within the Algerian legal system and Islamic political jurisprudence. Algerian electoral legislation has established important guarantees that contribute to transparency and integrity, including: supervision by the Constitutional Court, monitoring of the electoral process by the candidates themselves, and supervision by the Independent National Authority. Furthermore, when examining the Islamic political system, there are many tangible guarantees for the integrity of the electoral process, notably: the system of allegiance (bay'ah) and the role of the people of resolution and contract (ahl al-hall wa al-'aqd) in ensuring integrity and transparency.

Keywords:

Introduction

Good governance is based on several theoretical, legal and practical principles. One of the most important of these principles is the regular holding of free and fair elections. The integrity of the electoral process - whether presidential, legislative or local - leads to the election of competent and trustworthy individuals, which is the essence of good governance.

Legislative systems, including that of Algeria, have established various criteria and guarantees to ensure the integrity of the electoral process through substantial

reforms of the electoral law, in particular Decree No. 21/01 on the organic law of elections, which introduced several new guarantees that will be addressed in this research paper.

Section One: Guarantees of the integrity of the presidential election in Algerian constitutional law

Subsection One: Guarantees preceding the presidential election process

The integrity of the electoral process is inextricably linked to the choice of the electoral system, the drawing up of electoral lists and the issue of ballot papers.

Article One: Choice of electoral system - Direct elections in Algeria and the role of the Ahl al-Hall wa al-‘Aqd

The presidential election process is based on the principle of direct, universal and secret suffrage. The Islamic political system, on the other hand, uses an indirect method of voting, in which representatives known as the Ahl al-Hall wa al-‘Aqd are first elected, and these representatives then play a role in choosing the head of state, prior to the approval of the people.

Section One: The electoral system in Algeria

All Algerian constitutions have stipulated that the electoral system is direct¹ and secret². One criticism of this system is that it opens participation to the illiterate and those with a low level of political and electoral awareness³. Illiteracy hinders the general public’s understanding of issues related to public affairs⁴.

Section Two: Indirect Voting and the Role of Ahl al-Hall wa al-‘Aqd

First - The Constitutional Definition of Indirect Voting

Indirect voting means that the role of the electorate is limited to electing representatives, who then have the task of choosing the head of state from among the candidates. Indirect voting takes place at more than one level, often in two or more stages⁵.

Second - Indirect election in the Islamic political system

In the Islamic political system, the caliph is elected according to the methods used to appoint the righteous caliphs in three stages:

1. First stage: The community elects representatives or agents on its behalf, called Ahl al-Hall wa al-‘Aqd.
2. Second stage: These representatives choose the ruler and swear a special allegiance (bay’ah).
3. Third stage: The community then gives a general pledge of allegiance (bay’ah) to this Imam.

First stage: The election of the Ahl al-Hall wa al-‘Aqd by the community

The Ahl al-Hall wa al-‘Aqd is an institution elected by the community. This election, as Dr Abdul Karim Zidan points out, is an implicit election. He states: “... however, we find in ancient historical precedents that this community gathered and elected a group from among themselves and gave them the status of Ahl al-Hall wa al-‘Aqd. Nevertheless, the absence of historical precedents does not mean that those who were called the Ahl al-Hall wa al-‘Aqd did not represent the community or that they were not considered to be its representatives. Agency, as is well known, can be established explicitly or implicitly. The agency of the Ahl al-Hall wa al-‘Aqd over the community during the early Islamic period - the era of the righteous caliphs - was implicit”⁶.

Second stage: The Election of the Caliph by the Ahl al-Hall wa al-‘Aqd

The Ahl al-Hall wa al-‘Aqd - implicitly elected by the community - are the ones who choose the Imam for the Muslims and swear the minor allegiance (bay’ah) to him. Al-Mawardi states: “When the Ahl al-Hall wa al-‘Aqd assemble to choose, they examine the conditions of the candidates for leadership among them and present for the pledge the one who possesses the most virtue and the most complete qualifications, someone whose followers are obedient and do not hesitate to pledge allegiance to him. If they find someone in the group whom their diligence leads them to choose, they present him with the choice. If he accepts, they pledge allegiance to him, and by their pledge the Imamate is established. It then becomes obligatory for the entire community to accept his pledge and submit to his authority. If they refuse the Imamate and do not accept it, they are not compelled to do so, because it is a matter of consent and choice, free from coercion or force. They would turn to another deserving candidate”⁷.

Stage Three: The pledge of all Muslims to the leader chosen by the Ahl al-Hall wa al-‘Aqd

Al-Ghazali stresses the importance of this stage: “If only Umar had pledged allegiance to him-Abu Bakr-and all the others had remained in opposition, sharing equally without distinguishing between majority and minority, the Imamate would not have been established. The conditions for the initial establishment are the presence of strength and the orientation of hearts towards support, with outward appearances and inner convictions corresponding to the pledge. The purpose for which we seek the Imam is to unite differing opinions in a context of conflicting desires. Strength can only be established with the agreement of the majority of respected individuals in every era”⁸.

Article Two: Preparation of Electoral Rolls and Issue of Ballot Papers

The establishment of the principle of secret and direct elections is not sufficient in itself to ensure the integrity of the electoral process. It requires another condition, which is the regulation of the process of registration in electoral lists and the issuance of ballot papers. Manipulation of this condition can significantly and effectively alter the election results in favour of a particular candidate.

The Algerian legislator has therefore introduced a system to regulate this condition, but the question remains: how effective is it in practice?

First point: the system of registration on the list

Since the electoral list serves as a means of social integration, its main function is to ensure that the objective conditions required by the legislator for exercising the right to vote are met and that there are no disqualifications. It is therefore a means of preventing fraud by controlling registration, thus avoiding problems of non-registration or inaccuracy⁹.

Paragraph Two: Verification of electoral rolls

The electoral rolls shall be permanent and shall be reviewed during the last quarter of each year. They may also be reviewed exceptionally if necessary¹⁰.

The preparation and revision of the electoral lists in each commune shall be carried out under the supervision of an administrative committee composed of

1. A judge appointed by the president of the relevant Judicial Council, who acts as chairman.
2. The President of the Municipal People’s Council as a member.

3. A representative of the Governor as a member¹¹.

The legislator has granted both voters and officially accredited representatives of political parties and independent candidates the right to have access to the electoral lists and to obtain a copy of these lists in order to verify their accuracy, prevent disruptions and allow for challenges to their validity¹². This legal provision for parties and independent candidates acts as a form of oversight over the activities of the management committee responsible for drawing up and maintaining the lists. This supervision plays a crucial role in the effectiveness of the electoral process, as it controls the electoral body in a formal manner, with the aim of preventing the executive authority from using the electoral list as a means of manipulating elections and falsifying their results¹³.

However, one criticism of the registration system in the electoral lists is the strong intervention of administrative (municipal) officials, who are often supporters of the ruling party, which compromises the integrity of the registration process. It has been observed in several elections that there are duplicate names, as well as names of deceased voters. “It would therefore be preferable for registration on the lists to be carried out by special committees completely free from partisan influences”¹⁴.

Subsection Two: Simultaneous and subsequent guarantees of the electoral process

Article One: Integrity of the Electoral Campaign

Paragraph One: The electoral campaign: Its organisation and integrity in Algerian constitutional law

The electoral campaign is “an effective tool for understanding the personality and the programme of the candidate, which he explains directly to the public¹⁵. It is a medial means for the candidate to express his ideas and programmes within the framework of the law, far from coercion and violence”.

Algeria’s electoral law regulates the electoral campaign well and ensures its integrity. It is monitored by the Independent National Authority for the Supervision of Presidential Elections, which ensures equality between candidates in the media and in other areas. The electoral campaign is subject to a number of rules that help to guarantee the integrity of the elections, particularly as regards the financing and organisation of the campaign.

First: Rules on campaign financing

Money plays an important role in the conduct of elections, and the disparity in the financial status of candidates may lead to a violation of the principle of equal opportunities, since the wealthy candidate may be closer to power than the candidate who lacks resources. Therefore, the legislator resorted to regulating campaign financing by setting a maximum limit on candidates' expenses and clarifying the sources of campaign financing in order to ensure transparency and integrity of elections:

Sources of campaign funding

According to Article 87 of Decree No. 21/1, the financing of the electoral campaign may come from the following sources

1. Contributions from political parties, consisting of membership fees and income from party activities.
2. Personal contributions by the candidate
3. Contributions in cash or in kind from citizens as natural persons.
4. Possible support from the state for young candidates.
5. The possibility for the State to reimburse part of the campaign expenses¹⁶.

Second: Rules relating to the organisation of the electoral campaign

The electoral campaign is subject to a number of rules that contribute to ensuring the integrity of the elections.

1. Duration of the electoral campaign: It lasts twenty-one days and ends two days before the election date. In the event of a second round, the electoral campaign lasts twelve days and ends two days before the election date¹⁷.

2. Equal access to the media for candidates: Article 175(2) states: "Each candidate for legislative or presidential elections shall have a fair opportunity to present his programme to the electorate in the television and radio media...". This article establishes a fair distribution of time between candidates in relation to the use of television and radio.

3. Prohibition of the use of public resources for election campaigns:¹⁸

During the electoral campaign, candidates are forbidden to:

- Using property or resources belonging to public legal entities, private entities, institutions or public bodies.
- Use places of worship, primary or secondary schools, universities, vocational training centres or any other public or private educational establishment for campaign purposes.

Paragraph Two: Campaigning in the Context of Islam

Islam prohibits election campaigning if it contradicts principles and fundamentals, but permits it if it does not violate these principles.

First: The case of the election campaign ban¹⁹

This is basically based on the legal rule: “Whatever leads to what is forbidden is itself forbidden”. There is no doubt that many prohibitions occur during election campaigns:

1. Slandering innocent people: Islam forbids slander.
2. Mentioning the faults and shortcomings of individuals.
3. Waste of money.

That is why Maududi forbade election campaigns, saying: “It is forbidden for two, three, or four of his disciples to run for a single position and conduct campaigns that would make honour weep and the forehead of Islamic dignity sweat. They hold meetings to praise themselves and denigrate others, use newspapers for their propaganda, and lure voters with shameful tricks and tempt them with money. Their vehicles travel day and night to humiliate people, and among them the most successful are those who lie the most... and the most deceitful and fraudulent among them, as well as those who waste money excessively. These are the cursed methods of diabolical democracy. If someone were to do this in an Islamic state, his case would be brought to court and he would be severely punished²⁰.”

Second: The case of permissibility

This is true if the election campaign is free from prohibitions. If the campaign is conducted in a way that does not contradict Islamic rules, then it is permissible. It is important to present the candidate and his programmes so that voters understand who they are voting for, since voting is a testimony and a Muslim cannot testify

about someone he does not know. In this regard, the candidate should present his ideas and work plan without going beyond them²¹.

During the era of the rightly guided Caliphate, we find that Umar, before pledging allegiance to Abu Bakr, worked to introduce him by saying: “You are our leader and the best among us and the most beloved of the Messenger of Allah, peace be upon him²². He highlighted Abu Bakr’s virtues and said: “Do you not know that the Messenger of Allah, peace be upon him, ordered Abu Bakr to lead the prayer for the people? Who among you would dare to precede Abu Bakr²³?” They replied: “We seek Allah’s protection from overtaking Abu Bakr.” He reminded them of his position during the migration.

Article Two: Independence of Bodies Supervising the Electoral Process

Free and fair elections can only take place with the presence of bodies that monitor and supervise the electoral process from start to finish, especially if these bodies are organised, neutral and independent. In the Algerian political system, monitoring has historically been subject to the dominance of a single party and the administration, which has undermined its relevance and effectiveness. With the advent of a multi-party system in Algeria, the need arose to establish more effective and credible oversight mechanisms. Thus, since the first presidential elections in 1995, national political committees have been set up to monitor elections, and international supervision has been sought in some electoral contests.

The Constitution, and subsequently the Electoral Code, aim to provide mechanisms to help ensure the integrity of the electoral process by broadening the scope of oversight. The bodies empowered to oversee the process include:

1. The Constitutional Court.
2. Monitoring of the electoral process by the candidates themselves.
3. The Independent National Electoral Commission.

All of this is designed to achieve a real and effective change in the presidency of the state.

..First: The Constitutional Court

One of the most important institutional guarantees for the integrity of the electoral process is the supervision of the Constitutional Court, which plays a role in two phases: the candidacy phase and the post-election phase.

1. Pre-electoral phase:

Pursuant to Article 252 of Decree 21-01, the Constitutional Court exercises a number of powers in relation to the decisions on candidacy taken by the Independent Electoral Authority, including

A. Supervision by the Constitutional Court of appeals against the rejection of candidacies for the presidency:

The Independent Electoral Authority may reject a candidacy for the presidency if the candidate does not fulfil the conditions laid down by law. Therefore, the Constitutional Court shall have jurisdiction to consider appeals against decisions of the Independent Electoral Authority on candidacy.

B. Control by the Constitutional Court over the final list of presidential candidates:

The Constitutional Court shall approve the final list of presidential candidates, including the decision on appeals, within a maximum of seven days from the date of the last decision of the Independent Authority²⁴.

C. Supervision by the Constitutional Court of the verification of serious impediments or the death of a candidate after the approval of the list of candidates:

Article 252 of Decree No. 20-1 gives the Constitutional Court the power to verify serious impediments or the death of a candidate after it has approved the list of candidates for the presidential elections and published it in the Official Journal of the People's Democratic Republic of Algeria. In such cases, the election date is postponed for a maximum of 15 days.

2. Post-election supervision by the Constitutional Court

The Constitutional Court, in accordance with Articles 259 and 260 of Decree 20-01, exercises supervision over the post-electoral processes, including

- Reviewing the appeals it receives regarding the final results of presidential and legislative elections and referendums, and announcing the final results of all these operations.

- Examination of appeals relating to the decisions of the Committee for the Supervision of the Financing of Election Campaigns.

Second: Monitoring of the electoral process by candidates or their representatives

In order to ensure the real integrity of the elections, the Algerian legislator has granted representatives of political parties and independent candidates the right to monitor the electoral process. Their role includes the following:

1. They have the right to access the electoral lists²⁵ and to obtain a copy of them²⁶.
2. They have the right to be present during voting and counting²⁷.
3. They have the right to participate in the formation of the National Political Committee for the Monitoring of the Elections, with one representative from each political party and one representative for all independent candidates²⁸.

However, in all elections it is observed that it is often impossible for party representatives to be present in all polling stations, especially for parties that do not have a broad popular base or are limited to a specific geographical area. On the other hand, representatives of the ruling party are often present in most polling stations.

Third: The Independent National Electoral Commission

The Independent National Electoral Authority is an independent institution that performs its functions impartially and enjoys legal personality as well as administrative and financial independence.

It is noteworthy that the 2016 constitutional reform established an independent high authority for the supervision of elections. According to Organic Law 16/11 on the Independent High Authority for Monitoring Elections, this body is primarily responsible for supervising, investigating and gathering information on the electoral process, from the call for voters to the announcement of the preliminary election results, as well as issuing observations and reports on the process²⁹.

An important and new aspect of the Organic Law relating to the Independent National Electoral Authority is the strict conditions for membership, which serve to ensure greater independence and neutrality of each member of the Authority. This in turn guarantees the integrity and transparency of the elections. Members

may not hold high state positions, have political affiliations or have a criminal record.

Similarly, in the Organic Law on the Independent High Authority (Law No. 11-16, Article 7), the legislator set strict conditions for membership, stipulating that members must be voters, not elected officials, not convicted of crimes, not affiliated to a political party and not holding high positions in the State. However, in the conditions for membership of the Independent Authority, the legislator has been even stricter, emphasising the need for competence, integrity, experience and neutrality - attributes that are essential for the effective and transparent conduct of elections.

In addition, it is advisable for members to have legal knowledge and to be familiar with the provisions of the Constitution and the law relating to the Authority and the electoral system. This knowledge will help prevent mistakes that could disrupt the electoral process and undermine the integrity of the whole exercise. The strictness of these conditions is particularly evident in the requirement of neutrality, which includes not having been involved in political activities during the previous five years - a condition that was not included in the membership requirements of the previous High Authority, where the condition was more general, stating that members should not belong to any political party³⁰.

Section Four: Guarantees of the integrity of the presidential electoral process in the Islamic political system

We have just seen the influence of the executive on the electoral system in Algeria. Returning to the Islamic political system, we find many real guarantees of the integrity of the electoral process, which can be summarised as follows:

Article One: The Pledge (Bay'ah) Ensures Integrity

Ibn Khaldun describes the covenant of allegiance as follows: “When they pledged allegiance to the prince and made his covenant, they would put their hands in his and confirm the covenant, similar to the act of a seller and a buyer - thus the pledge became a handshake”³¹.

As for the nature and formula of the pledge according to Al-Mawardi, it states: “We pledge allegiance to you with a pledge of consent to establish justice and fulfil the duties of leadership”³². This does not necessarily require a handshake; it is sufficient for the agreement to be expressed verbally: “We willingly pledge

allegiance to you to establish justice and fulfil the duties of leadership according to the Book of Allah and the Sunnah of His Messenger”. There is no need for physical contact; verbal affirmation is sufficient³³.

The person who takes the pledge from Muslims is the imam in the capital of the Islamic state, either verbally or by shaking hands. In remote areas, however, he may take the pledge himself or appoint someone to do so on his behalf. The Prophet Muhammad (peace be upon him) took the pledge himself and sometimes appointed others to do so, as when he took the pledge of women³⁴.

Thus, as we have seen, the pledge system is a unique mechanism for ensuring integrity. Those who are close to the Imam take the pledge in public, either verbally or by handshake, while those who are more distant may send a representative or simply express their consent to the Imam who has taken the pledge.

Article Two: The Role of People of Authority and Contract in Ensuring Integrity

One of the tasks assigned to the People of Authority and Covenant is the evaluation of those who may be qualified to hold this position. Those deemed suitable for leadership are pledged allegiance to according to the Book of Allah and the Sunnah of His Prophet (peace be upon him). This group elects the Imam on behalf of the entire community³⁵. “The selection process is straightforward because it takes place among a limited group, all at a certain level, not subject to influence or temptation, and not concerned with appearances or propaganda. Moreover, each member of this group often tries to avoid this position, preferring his brother, believing in his goodness and showing humility. As a matter of principle, no authority seeker should be appointed... Thus, there is no conflict or disagreement; rather, the selection process runs smoothly”³⁶.

The opinion that is closest to realising the principle of consultation (shura), establishing justice and ensuring integrity, and the one that is most appropriate to our circumstances, is that the people of authority and treaty in each region should participate in the selection of the candidate. They should form a general council of the mujtahid, which should convene immediately after the death, deposition or incapacitation of the caliph, to nominate the most suitable person for the position of leader, according to the opinion of the majority, and then seek the opinion of the people on the matter³⁷.

Article Three: Prohibition of Fraud in Islamic Law

Fraud, or the manipulation of elections, is explicitly prohibited in Islam, with consensus and ample evidence to support this. These include the verse from Allah:

“Woe to those who give less [than is due], who, when they take a measure from people, demand the full measure, but when they give to them by measure or by weight, they cause loss.³⁸” (Quran, 83:1-3)

The meaning of “give less” here refers to “deceit in measuring and weighing, either by increasing what is due from people or by decreasing what they owe”³⁹. The relevance of this to fraud is clear: a fraudulent act undoubtedly increases the votes in favour of one’s own candidacy or decreases the votes for an opponent, thus committing a fraudulent act. Since deception is a form of fraud, ballot stuffing is covered by this prohibition⁴⁰.

The verse threatens such people with woe, and woe is a valley in hell. How can anyone who understands and acts upon this verse resort to deceit?

Secondly, Allah says:

“Verily, Allah commands you to give what is due to those to whom it is due, and when you judge between people, to judge with justice⁴¹”. (Quran, 4:58)

The implication of this verse is that it commands the delivery of trusts to their rightful owners and prohibits the betrayal of trusts. Electoral fraud is a betrayal of trust.

Thirdly, all hadiths that prohibit cheating in transactions, such as the hadith reported in Sahih Muslim: Whoever deceives us is not one of us⁴². This hadith prohibits all forms of deception, and fraud is a form of deception.

Article Four: The Role of the Institution of Hisbah in Ensuring Integrity

Hisbah is an Islamic system defined by Al-Mawardi as “commanding what is good when it is abandoned and forbidding what is wrong when it is practised⁴³”.

Allah says:

“And let there arise from you a people who invite to all that is good, and enjoin what is right, and forbid what is wrong; and such will be the successful ones⁴⁴. (Quran, 3:104)

Allah informs us of the duty of the community to enjoin what is right and forbid what is wrong. Islam has established this principle as a system of law with multiple applications, so that disregarding it is not only a religious violation, but also undermines the vitality of the Islamic community and the effectiveness of the individual Muslim. It establishes the role of the community as a guide, the Islamic collective as a guardian, and the individual Muslim as personally responsible before Allah for fulfilling his religious, moral, and social duties, thus becoming a special control mechanism⁴⁵.

Therefore, each individual has a responsibility to monitor the electoral process based on the duty to enjoin what is right and forbid what is wrong. Each person is responsible as an individual, bound to his Creator in servitude to Allah, which should be reflected in his observance of the commandments and prohibitions. Their responsibility is personal, as no soul bears the burden of another, and they are responsible as members of society to uphold Islamic legitimacy - a duty that is commensurate with their ability, as Allah does not burden a soul beyond its ability.

Conclusion

In conclusion, the researchers came to the following conclusions:

First: The electoral process in the Algerian political system has significant guarantees that contribute to achieving integrity. However, the intervention of the administration - which is often biased towards the ruling party - reduces the level of integrity and affects the ability of other parties to assume the presidency. The political reality in Algeria is that the National Liberation Front has remained in power since independence, despite the fact that most presidential candidates are independents, albeit mainly supported by the National Liberation Front. As a result, the laws remain without practical application.

Secondly, the electoral system in the Algerian political system differs from that in the Islamic political system, as all constitutions stipulate that the voting method should be direct and secret. In contrast, the Islamic voting system is indirect and public. The community implicitly elects the people of authority and contract, and this group then elects the head of state.

Third, the pledge (Bay'ah) is a unique system that ensures integrity; those close to the leadership pledge either verbally or by handshake in public, while those

further away can send a representative or simply express their consent to the pledged Imam.

Fourth, the process of electing a president in Islam is supported by strong guarantees of integrity, particularly through the role of the overseers (muhtasib) and the impact of moral and ethical considerations on the psyche of both voters and candidates - a factor often lacking in secular systems.

Footnotes:

- 1- Direct Election: This is when the voter directly appoints the candidate without delegating someone else for that purpose. Ali Youssef Al-Shukri, previous reference, p. 222.
- 2- Secret Ballot: This refers to casting a vote without anyone knowing the position taken in the voting. Electoral Systems, Electoral and Legal Studies Department at the Beirut Research and Information Center, 1st edition, Al-Halabi Legal Publications, Beirut, Lebanon, 2005, p. 106.
- 3- Atif Al-Banna, Political Systems, 2nd edition, Arab Thought House, Cairo, Egypt, 1984, p. 373.
- 4- Asim Ahmed Ajliya and Mohammed Refaat Abdel Wahab, Political Systems, University Press Publications, Alexandria, Egypt, 1992, p. 284.
- 5- Abdel Hamid Metwally, Constitutional Law and Political Systems, 1963, p. 511.
- 6- Abdul Karim Zidan, The Individual and the State in Islamic Law, 5th edition, Al-Risalah Foundation, Beirut, Lebanon, 1990, p. 34.
- 7- Al-Mawardi, The Rules of Governance, Dar Al-Kutub Al-Ilmiyyah, Beirut, Lebanon, p. 7
- 8- Al-Ghazali, The Scandals of the Batiniyya, Ministry of Culture, Egypt, pp. 159-160.
- 9- Abdul Mo'min Abdel Wahab, The Electoral System in the Algerian Constitutional Experience, Master's Thesis, Mentouri University, Faculty of Law, Constantine, Algeria, 2006-2007, p. 30.
- 10- Article 16 of the organic law concerning the electoral system.
- 11- Article 19 of the organic law concerning the electoral system.
- 12- This became possible by virtue of Article 04 of Organic Law 04-01 issued on February 7, 2004, Official Journal of the People's Democratic Republic of Algeria, No. 09, issued on February 11, 2004. This new article was directly applied in the 2004 presidential elections, where the government provided the electoral lists to candidates in the form of CDs to facilitate the verification process.
- 13- Abdul Mo'min Abdel Wahab, previous reference, p. 30.
- 14- Hani Ali Al-Tahrawi, Political Systems and Constitutional Law, 1st edition, Dar Al-Thaqafa, Amman, Jordan, 2007, p. 235.
- 15- Mahfoud Lachib, The Constitutional Experience in Algeria, Modern Printing House for Arts, 2001, p. 57.
- 16-
- 17- Article 172 of the organic law concerning the electoral system.
- 18- Articles 179 and 180 of the organic law concerning the electoral system.
- 19- In this regard, Abdul Karim Zidan states, "While candidacy is permissible at present due to necessity, those who nominate themselves should not engage in what is known as electoral campaigning, which includes self-praise and denigration of others."
- 20- See: Abdul Karim Zidan, previous reference, pp. 54-55.
- 21- Abu Al-A'la Al-Mawdudi, Theory of Islam and Its Guidance in Politics, Law, and Constitution, 1st edition, Dar Al-Fikr, Damascus, Syria, 1964, p. 60.
- 22- Abdul Karim Zidan, previous reference, p. 55.
- 23- Ibn Hajar, Fath Al-Bari, Book of the Virtues of the Companions of the Prophet (peace be upon him), Chapter on the Prophet's Statement: "If I were to take a close friend," Hadith No. 3668, Vol. 7, p. 24.
- 24- Narrated by Al-Nasa'i, see: (Al-Nasa'i, Al-Sunan Al-Kubra, edited by Hassan Abdul Moneim Shalabi, 1st edition, Al-Risalah Foundation, Beirut, Lebanon, 2001, Vol. 2, p. 74). This hadith was authenticated by Al-Albani (Sahih Sunan Al-Nasa'i, 1st edition, Al-Ma'arif, Riyadh, Saudi Arabia, n.d., Vol. 1, p. 168)

- ²⁵- Ibn Hajar, Fath Al-Bari, Book of Judicial Rulings, Chapter on Succession, Hadith No. 7219, Vol. 13, p. 218.
- ²⁶- Article 252 of Order No. 20/1.
- ²⁷- See Article 21 of the organic law concerning the electoral system.
- ²⁸- See: Article 04 of Organic Law 04-01 issued on February 7, 2004.
- ²⁹- See: Article 45 of the organic law concerning the electoral system.
- ³⁰- See: Presidential Decree No. 97-57 dated Shawwal 27, 1417, corresponding to March 6, 1997, concerning the National Committee for Monitoring Legislative Elections.
- ³¹- Omar Zarqat, Journal of Judicial Jurisprudence, Vol. 13, No. 02, 2021, University of Biskra, p. 952.
- ³²- Thamer Khalidi, The Independent National Electoral Authority in Algerian Legislation, Research Journal for Legal and Political Studies, University of M'sila, Vol. 5, No. 2, 2020, p. 779.
- ³³- Ibn Khaldun, previous reference, Vol. 1, p. 261.
- ³⁴- Al-Mawardi, previous reference, p. 8.
- ³⁵- Mohammed bin Ibrahim bin Jama'a, Liberation of Rulings in the Governance of the People of Islam, Dar Al-Thaqafa, Qatar, 1998, p. 15.
- ³⁶- It has been narrated that the Prophet (peace be upon him) instructed Umar ibn Al-Khattab to take the pledge from women during the year of the Conquest, and among the women was Hind bint Utbah (may Allah be pleased with her). The Prophet (peace be upon him) said to Umar, "Pledge allegiance to them and seek forgiveness for them from Allah," and so Umar (may Allah be pleased with him) did.
- ³⁷- See: Al-Tabari, previous reference, Vol. 22, p. 597.
- ³⁸- Muhammad Shakir, Caliphate and Leadership, 1st edition, Islamic Office, Beirut, Lebanon, 1992, p. 91.
- ³⁹- Surah Al-Mutaffifin, verses 1 and 2.
- ⁴⁰- Ibn Kathir, previous reference, vol. 14, p. 280.
- ⁴¹- USurah An-Nisa, verse 58.
- ⁴²- Reported by Muslim, Book of Faith, chapter on the Prophet's statement: "He who deceives us is not one of us." See: (Al-Nawawi, Sahih Muslim with Al-Nawawi's Commentary, previous reference, Vol. 2, p. 108).
- ⁴³- The Rules of Government, previous reference, p. 315.
- ⁴⁴- Surah Al-Imran, verse 104.
- ⁴⁵- Mohammad Kamal Al-Din Imam, The Principles of Hisbah in Islam, 1st edition, Al-Israa Foundation, Egypt, 1986, p. 20.